



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: DNS 20-059: MINERAL PROSPECTING HYDRAULIC CODE RULE CHANGES

Description of Proposal:

This proposal is for rule making involving WAC 220-660-030, -050, -300 and -305. The rules are being modified to reflect changes to statute enacted in 2020 under Enhanced Substitute House Bill (ESHB) 1261:

- Hydraulic Project Approval (HPA) permitting for mineral prospecting involving motorized or gravity siphon equipment will all be conducted through standard HPAs. Previously, some of these activities were authorized under the Gold and Fish pamphlet rules.
- Proof of compliance with the federal Clean Water Act will be required as part of a complete permit application for the above activities.
- The department may reject an incomplete application for motorized or gravity siphon aquatic mining if the proposed project location or locations occur where they are prohibited under RCW 90.48.615

In addition, the aquatic invasive species prevention requirements for suction dredge equipment will be expanded to include all motorized or gravity siphon equipment, and the annual suction dredge reporting requirement will be removed.

ESHB 1261 prohibits motorized or gravity siphon aquatic mining or discharge of effluent from such activity to any waters of the state that has been designated under the Endangered Species Act as critical habitat, or would impact critical habitat for salmon, steelhead, or bull trout, including all fresh waters with designated uses of: salmonid spawning, rearing, and migration. This rule making does not directly incorporate the new prohibitions, which are found in Chapter 90.48.6615 RCW. However, the scope of motorized or gravity siphon aquatic mining statewide is considerably reduced, and therefore HPA permitting activity is also anticipated to be reduced.

Proponent/Applicant: Washington State Department of Fish and Wildlife (WDFW)
Contact: Theresa Nation
PO Box 43200
Olympia, WA 98504
(360) 688-4745
Theresa.Nation@dfw.wa.gov

Location of Proposal, including street, if any: The Hydraulic Code rule changes apply statewide.

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law¹ does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us.

We issued this DNS according to state rules.² **We will not act on this proposal for 44 days** from the date we issued the DNS. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 44 days of the date of this letter. The comment period will end at **5:00 pm on January 29, 2021.**

Method of Comment:

The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal.

You can submit your comments any one of the following ways:

- Email to SEPAdesk2@dfw.wa.gov
- Online at the WDFW SEPA website comment link at: <http://wdfw.wa.gov/licenses/environmental/sepa/open-comments>
- Fax to (360) 902-2946
- Mail to the address below.

Responsible Official: Lisa Wood

Position/Title: SEPA/NEPA Coordinator, WDFW Habitat Program, Protection Division

Address: P.O. Box 43200, Olympia, WA 98504-3200

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <https://wdfw.wa.gov/licenses/environmental/sepa/closed-final>. Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.¹

If you have questions about this DNS or the details of the proposal, contact Lisa Wood at the address above or email SEPADesk2@dfw.wa.gov.

DATE OF ISSUE: December 16, 2020

SIGNATURE:



Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 20-059.dns

Individuals who need to receive this information in an alternative format or language, or who need reasonable accommodations to participate in WDFW-sponsored public meetings or other activities may contact Dolores Noyes at (360-902-2349), or TTY 771, or email (dolores.noyes@dfw.wa.gov). For more information https://wdfw.wa.gov/accessibility/reasonable_request.html.