

## SEPA environmental checklist

### A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

2018 Hydraulic Project Approval Program (HPA) Rulemaking, Chapter 220-660 WAC

2. Name of applicant: [\[help\]](#)

Randi Thurston

Washington Department of Fish and Wildlife

3. Address and phone number of applicant and contact person: [\[help\]](#)

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Web site: <http://WDFW.wa.gov>

Other: HPA rulemaking website: <http://wdfw.wa.gov/licensing/hpa/rulemaking/>

4. Date checklist prepared: [\[help\]](#)

January 4, 2018

5. Agency requesting checklist: [\[help\]](#)

Washington Department of Fish and Wildlife

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

CR-102 expected to be filed in January 2018; Possible public hearing date in March or April 2018; Possible adoption in March or April 2018; Effective Date in May or June 2018.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

Yes, WDFW expects to move forward with additional rulemaking in Chapter 220-660 WAC as topic development and staff capacity allow.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

Previous rulemaking for this WAC chapter was conducted in 2014. A Determination of Significance and Environmental Impact Statement were prepared at that time that remain relevant for some sections of this rulemaking activity.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

None

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

None

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

Washington Department of Fish and Wildlife (WDFW) seeks to improve the HPA program in order to routinely deliver regulatory certainty and consistency, improve internal and external efficiencies, ensure transparent decision-making, and improve program effectiveness. These actions will deliver some cost savings for applicants, improve the overall effectiveness of the program, eliminate inconsistencies between the statute and the rules, and enhance a transparent decision making process with our stakeholders and coordinating government entities.

For this action, WDFW plans to amend certain sections in Chapter 220-660 WAC Hydraulic Code Rules. These rules regulate aspects of construction projects in state waters for the protection of fish life.

Procedural actions that WDFW has identified for rulemaking are:

- Consistency with Title 77.55 RCW with respect to the curtailment of application fees:  
Changes to WAC **220-660-050** remove provisions relating to HPA application fees that sunset at the end of 2016 per RCW 77.55.321; these changes simplify permitting by removing the application fee from hydraulic code rules.
- Update the department's mailing address published in WACs **220-660-460** and **470**, which will ensure WDFW receives correspondence mailed to the department.
- Make other essential changes to WACs **220-660-050** and **220-660-300** that clarify language or accommodate administrative changes:
  - Changes are proposed to WAC **220-660-050** that:
    - Allow for digital versions of gold and fish and aquatic plant control and removal pamphlets to be present on-site;
    - Clarify instructions for contacting WDFW staff outside of normal business hours;
    - Clarify procedures and criteria for transferring HPAs.
  - Changes to WAC **220-660-300**:
    - Correct a typographic error in referencing WAC 220-660-050;
    - Correct terminology within mineral prospecting provisions to ensure that fish habitat structures are left undisturbed;
    - Correct captioning for figure 8; and
    - Clarify that embedded wood is to be left undisturbed; and
    - Correct a creek name that has been changed by U.S. Geological Survey.

Other sections and subjects that WDFW has identified for rulemaking include:

- Adopt changes to authorized work times in **WAC 220-660-300(7)**, for the Sultan and Similkameen Rivers.

Adopt emergency rule (WSR 17-14-079) modifying authorized work times under WAC 220-660-300 for the Sultan River as a permanent rule. RCW 34.05.350(2) relating to emergency rules indicates that emergency rules cannot be sequentially filed (i.e. filed for more than one 120-day period) unless the agency is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. Proposing changes to WAC 220-660-300 Sultan River authorized work times is necessary to allow the agency to re-file Sultan River emergency rules. Another emergency rule will be promulgated to extend the change until permanent rules can be adopted.

Changes to WAC 220-660-300 to revise Sultan River authorized work times are necessary to respond to new information about fish presence attributable to restoration of fish passage by Snohomish P.U.D. in a section of the Sultan River, as reflected in emergency rule WSR 17-14-079. These changes improve fish life protection.

Changes to WAC 220-660-300 to revise Similkameen River authorized work times by splitting one river section into two sections, with an expansion in work times of one month in one section.

The following responses are specific to rule change proposals for **WAC 220-660-300(7)** authorized work times for the Sultan and Similkameen Rivers. Environmental impacts listed below occur under existing regulations. The proposed rule changes will provide an overall decrease in impacts.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The HPA program applies statewide. Actions in this rulemaking activity that may have impacts to the environmental elements below occur in the Similkameen River between Enloe Dam and Palmer Creek in Okanogan County and in the Sultan River from the Diversion Dam to Culmback Dam in Snohomish County.

## **B. environmental elements** [\[help\]](#)

### **1. Earth** [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other (See below)

Similkameen River from Enloe Dam to Palmer Creek is generally a broad flat terrain with rolling hills.

Sultan River between the diversion dam and Culmback Dam flows through a steep canyon.

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

Mineral prospecting rules prohibit excavation, collection, or removal of aggregate from an unstable slope, the toe of any slope, or a portion of any slope that delivers, or has the potential to deliver sediment to state waters.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Work sites within the bed of state waters typically are composed of sand, gravel, and rock. Soil composition in upland work sites will vary depending on their location.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

Mineral prospecting rules prohibit excavation, collection, or removal of aggregate from an unstable slope, the toe of any slope, or a portion of any slope that delivers, or has the potential to deliver sediment to state waters.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

Excavations of varying extent will occur at open project sites in order for prospectors to recover placer gold and other minerals. Excavations can be of as little as a few handfuls of stream gravels to the movement of up to 10 cubic yards per hour of aggregate with a 5-inch suction dredge. Fill material will be tailings resulting from processing aggregate collected from the excavation site or other stream gravels collected from the work site within the stream.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Yes. Excavations will disturb the earth at the excavation site. Most excavations under the proposed rules will be within active stream channels, which are inherently unstable and constantly changing. Excavations in areas upland to state waters are allowed under the proposed rules, but are restricted to areas that are stable and not likely to deliver sediment to state waters. However, because excavations disturb the earth, it is possible that erosion could result until the excavation sites stabilize.

About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

None

Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Stream gravels will not be removed permanently from the stream, but will be rearranged within the stream. The proposed rules prohibit disturbance of live, rooted, woody vegetation; disturbance of embedded large woody debris within the wetted perimeter; and, excavation on unstable slopes, the toe of slopes, or any portion of slope that delivers or has the potential to deliver sediment to state waters. Existing rules, in most cases, require filling and leveling pits, holes, and tailing piles before leaving the site.

**2. Air** [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Operation of pumps and other equipment (such as electrical generators) powered by internal combustion engines will result in emissions of minor amounts of exhaust fumes during dredging, highbanking and/or processing of aggregate by other means. Minor amounts of gasoline may be spilled during fueling of these engines resulting in minor gasoline fumes in the immediate vicinity

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

No

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

None

### 3. Water [\[help\]](#)

a. Surface Water:

Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

Proposed rule changes affect Similkameen River from Enloe Dam to Palmer Creek and Sultan River between the diversion dam and Culmback Dam.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

Most excavations occur within or adjacent to state waters.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

Mineral prospecting involving excavation of up to 50 cubic yards can be permitted under SEPA exemption. Excavation involving 50 cubic yards or more require SEPA review prior to HPA permitting.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No change to existing water withdrawal or diversion regulations. Highbanking will require diversion of water. The maximum pump intake hose size is 4 inches so the amount of water withdrawn by a single piece of equipment is limited by that factor. The maximum amount of water possible to withdraw with a single pump is approximately 600 gallons per minute. Proper operation of highbankers requires much less water volume than the equipment's maximum intake. The proposed rules allow the partial diversion of stream flow into sluices, but the diversion structure may not be greater than fifty percent of the wetted perimeter width, and water may not be diverted outside the wetted perimeter.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

Yes, most excavations occur within or adjacent to state waters.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No change to existing waste discharge regulations. Tailings resulting from processing of aggregate will be returned to the location where aggregate was collected, which, in most cases will be state waters. These tailings will not be substantially altered from their condition when excavated with the exception that aggregate may be graded for size and minor quantities of valuable minerals removed. Typically, tailings will be less consolidated than their prior condition, and more susceptible to erosion. Tailings will contain rocks of varying size, settleable and suspended sediment.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Ground water is not withdrawn. Wastewater may be discharged to vicinity earth and soils. The maximum amount of water discharge for the largest pump allowed by the mineral prospecting rules could be as high as 600 gallons per minute per site. Much less than maximum discharge is required for efficient use of highbanker equipment, however, so it is unlikely that such large volumes of water are discharged by individual projects authorized by the rules.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

None

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

Two sources of runoff water are possible for projects conducted under the proposed rules. Storm water runoff may occur during storms, if the ground does not absorb storm precipitation. Projects will not create impervious surfaces, so storm water runoff would be the result of amounts of precipitation greater than the ability of the landscape to absorb it. Projects conducted under the proposed rules are not required to collect, treat, or dispose of storm water runoff. Runoff due to pumped and hand withdrawals of water from state waters is likely for highbanking and rockerbox projects. Quantities could be as high as 600 gallons per minute, but likely much less than this due to requirements of efficient use of highbanker equipment. Proposed rules prohibit visible sediment plumes from entering the wetted perimeter of state waters.



2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Yes. As described above, tailings containing rocks of varying size, settleable and suspended sediment will be discharged to state waters and to upland areas. Minor quantities of gasoline and other petroleum products necessary for operating internal combustion engines could spill and enter ground or surface waters.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

Tailings or visible sediment plumes are prohibited from entering redds or areas where fish life are located. When working outside of the wetted perimeter, visible sediment or muddy water is prohibited from entering the stream. Prospectors are prohibited from excavating, collecting, or removing aggregate from the toe of the slope. There are also prohibitions against excavating, collecting, or removing aggregate from any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone.

All equipment fueling and servicing is required to be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, prospectors must contact the Washington Military Department Emergency Management Division. They must immediately stop their activities, remove equipment from the body of water, and correct the source of the petroleum leak. They may not return equipment to the water until the problem is corrected.

#### 4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

Depends on the location of the prospecting site.

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Vegetation of any quantity can be disturbed under the proposed rules unless it is live, rooted, and woody.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

Unknown. Precise locations for projects that would occur under the proposed rules aren't known at this time.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

The proposed rules require that live, rooted, woody vegetation cannot be disturbed.

- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

Sultan River between Culmback Dam and its confluence with the Skykomish River contains significant presence of the diatom *Didymosphenia* sp. This species is not listed as an aquatic invasive species in state rules.

## 5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

All of the above are present near affected waters, and some will likely be present during projects authorized by these rules. In addition, any other freshwater fish species present in Washington state streams may be present at project locations.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

Currently federally listed fish species that could be either residing in or migrating through waters of the Sultan or Similkameen Rivers include bull trout, steelhead, chinook salmon, coho salmon, sockeye salmon, and green sturgeon.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

Yes. Various runs of fish species use many waters of the state as migration routes. Salmon, steelhead, anadromous and resident cutthroat trout, bull trout, and other species migrate before and during spawning season. Juvenile fish migrate down these same streams on their way to saltwater or other areas of freshwater lakes and streams. Various wildlife use stream corridors for migration routes.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

The hydraulic code is limited to ensuring proper protection of fish life.

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None.

## 6. Energy and Natural Resources [\[help\]](#)



a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

The completed project has no energy needs. Once mining is completed, no structures or equipment are left behind. Motorized rotating pans, vac-pacs, dredges and highbankers are powered by electric motors or internal combustion engines. All equipment is used directly in the collection or processing of aggregate for the discovery or recovery of gold.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

None.

## **7. Environmental Health [\[help\]](#)**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

Yes. Internal combustion engines are used routinely for mineral prospecting. Engines operated without spark arresters could cause fires where dry vegetation is present. Careless use of fuels near hot equipment could be a fire or explosion danger. Fuel spills could occur, but because the equipment authorized by the rules is for small scale or noncommercial purposes, spills likely would be relatively small.

1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

Prospectors report routinely encountering and collecting mercury and lead while conducting their operations.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

None.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

Petroleum products for fueling and servicing transportation and engines for prospecting apparatus could be stored on the site.

4) Describe special emergency services that might be required. [\[help\]](#)

Fire response by municipal, state or federal agencies, depending on location. Hazardous spill response team by state and federal agencies. Medical response/evacuation services, depending on location and severity of injury. Search and rescue, for backcountry sites.

5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

Fueling and servicing must be done so that petroleum products do not get into state waters. Fuel is required to be stored outside of the stream channel, and in the shade when possible. If fuel spills occur, prospectors are required to contact state emergency response authorities and cease activities.

b. Noise [\[help\]](#)

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

None

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Noise from small internal combustion engines and digging with hand tools would result from projects conducted under these proposed rules. Dredges are restricted to operating in daylight hours, but equipment operated outside the wetted perimeter could operate 24 hours a day. Most operations would likely occur during daylight hours only. Most operations last only a few days, although they may last for months or even year-round.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

None, although limiting the hours of operation of equipment within the wetted perimeter has the effect of controlling noise impacts.

**8. Land and Shoreline Use** [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

Various. Much of the land prospectors use is public forest and rangeland managed by various federal or state agencies. The proposed rules govern work in the Sultan River in an area controlled by Snohomish PUD and managed as a water conveyance, and in the Similkameen River in a reach immediately above Enloe Dam that contains a mix of public land ownership and rural residential use.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The proposed rules cover work in the Sultan and Similkameen basins in water flowing through land used for all types of agriculture such as forestry, grazing, and cropland. These streams also supply water for agricultural and domestic uses. Work under the HPA rules does not affect adjacent land use.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No.

c. Describe any structures on the site. [\[help\]](#)

None.

d. Will any structures be demolished? If so, what? [\[help\]](#)

No.

e. What is the current zoning classification of the site? [\[help\]](#)

Sultan River prospecting occurs in lands zones as commercial forest. The Similkameen prospecting site is on land identified as rural or for resource recreational use.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

For the Sultan River, the prospecting area occurs in the national forest or non-federal public or private lands, and is surrounded by commercial forest zone. The stream corridor is designated as priority habitat.

For the Similkameen River, the 2014 draft comprehensive planning map overlay shows this prospecting area as rural or resource recreation designations.

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Sultan River: Designated as *Resource* environment shoreline. This designation is intended for areas within shoreline jurisdiction that are currently utilized or planned for agriculture or commercial forest practices. The intent is to conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use.

Similkameen River prospecting area is in a mix of conservancy, natural, and rural shoreline zones.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

Sultan River: Yes, the prospecting site is designated as a critical area.

Similkameen River: No.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

Sultan River: WDFW estimates that 25 people might be working at the prospecting site at any one time.

Similkameen River: WDFW estimates that 40 people could be working at the prospecting site at any one time.

j. Approximately how many people would the completed project displace? [\[help\]](#)

None

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

None.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

None.

## 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None.

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

None.

## 10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

n/a

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

n/a

Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

n/a

## 11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

A small percentage of projects conducted under the proposed rules will use artificial lighting during the night. These projects are restricted to those operating wholly out of the water. These projects would likely use floodlights to illuminate either an area being excavated or the aggregate processing location. The impact would be minor and localized since most activities are small operations in remote areas.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No.

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

None.

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

None.

## 12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Activities in the Sultan and Similkameen could include but are not limited to fishing, hiking, boating, bird watching, camping, fish watching, hunting, horseback riding, bicycling, motorcycling, and rockhounding.

Sultan River has designated opportunities for white-water kayaking coordinated through Snohomish PUD. High flows associated with kayaking opportunities can be disruptive to prospecting, so PUD coordination and notice is essential.

Similkameen River rafting is a popular activity in the prospecting area. The river is wide enough to accommodate both activities without conflict.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

Yes. The presence of internal combustion engines in some locations is not compatible with other uses of stream corridors. Some people engage in camping, wildlife viewing, boating and fishing, so they can enjoy the peace and solitude of the natural environment. Conflicts have and will arise among different users. Those pursuing activities for the solitude likely will not return to locations where noisy equipment is being used. Streams may be partially blocked by prospectors and their equipment for varying lengths of time. Overhead lines anchoring dredges may be a navigation hazard to boaters.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

Dredging within the wetted perimeter is restricted to a particular season that varies according to the stream. Competing activities can occur outside these times without conflict.

### **13. Historic and cultural preservation** [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

Unknown. Prospecting sites on the Sultan or Similkameen Rivers might be adjacent to sites listed or proposed for listing on preservation registers. It is up to the prospector to pursue cultural resource concerns with the Washington State Office of Archaeology and Historic Preservation.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

No such sites are identified on county comprehensive plan or shoreline program maps.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

n/a

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

The Gold and Fish pamphlet or individual HPA permit documents refer prospectors to the Department of Archaeology and Historic Preservation, which can inform them of the requirements for protecting sites of archeological or historical significance.

#### 14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Prospecting occurs in rural areas without direct connection to public streets.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

Varies; usually not.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

None.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

No.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

Varies

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

No.

h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

None.

#### 15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

No.



b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)  
n/a

**16. Utilities** [\[help\]](#)

a. Circle utilities currently available at the site: [\[help\]](#)  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

None

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

n/a

**C. Signature** [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: *Randi L. Thurston*

Name of signee Randi Thurston

Position and Agency/Organization Protection Division Manager; Washington Department of Fish and Wildlife, Habitat Program

Date Submitted: 2/5/2018

## D. Supplemental sheet for nonproject actions [\[help\]](#)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Operation of pumps, electrical generators, and other equipment powered by internal combustion engines results in emissions of minor amounts of fumes during dredging, highbanking and processing of aggregate. Minor amounts of gasoline might be spilled during fueling engines resulting in fumes in the vicinity and discharge of fuel to ground or surface waters. Noise is generated by the operation of small engines.

Tailings containing rocks of varying size, settleable and suspended sediment, will be discharged to state waters and to upland areas.

Prospectors report that they routinely encounter mercury in streams during operations. They recover an unknown proportion of that mercury. If not recovered during operations, mercury will be redistributed within streambed sediments as a result of excavation and processing of aggregate.

Proposed measures to avoid or reduce such increases are:

Tailings or visible sediment plumes are prohibited from entering redds or areas where fish life are located. When working outside of the wetted perimeter, visible sediment or muddy water is prohibited from entering the stream. Prospectors are prohibited from excavating, collecting, or removing aggregate from the toe of the slope. There are also prohibitions against excavating, collecting, or removing aggregate from any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone.

All equipment fueling and servicing is required to be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, prospectors must contact the Washington Military Department Emergency Management Division. They must immediately stop their activities, remove equipment from the body of water, and correct the source of the petroleum leak. They may not return equipment to the water until the problem is corrected.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed rules provide that live, rooted, woody vegetation may not be disturbed by project actions. Nonrooted woody and any nonwoody vegetation, including aquatic vegetation, may be disturbed under provisions of the proposed rules. Fish and wildlife may be displaced by the presence of humans and their activities around streams. Fish and wildlife displacement will be temporary; projects conducted under the proposed rules generally are short term (a few days) and in-water work is restricted to daylight hours.

Fish could be affected by prospecting and mining activities if unregulated. The proposed rules avoid most impacts and mitigate for those that are unavoidable. Migration of some species could be temporarily delayed by the presence of prospectors in streams. Instream work is limited to daylight hours, allowing fish and wildlife migration at night. Instream prospecting activity, including any production of sediment to streams, is restricted to times when fish are not at the most sensitive stage of life (spawning and egg-to-fry life stages). Current rules provide that if fish life is observed to be in distress, or killed, project operations immediately cease. The project shall immediately notify Washington Department of Fish and Wildlife (WDFW), and Washington Military Department Emergency Management Division of the observation. Work may not resume until WDFW gives approval. WDFW may require additional measures in individual site specific HPA permits to mitigate project impacts.

Downstream impacts of project operations will be avoided by restricting each individual worker to one mineral excavation site at a time, and by requiring a separation of 200 feet between active operations.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Tailings or visible sediment plumes are prohibited from entering redds or areas where fish life are located. When working outside of the wetted perimeter, visible sediment or muddy water is prohibited from entering the stream. Prospectors are prohibited from excavating, collecting, or removing aggregate from the toe of the slope. There are also prohibitions against excavating, collecting, or removing aggregate from any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone.

All equipment fueling and servicing is required to be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, prospectors must contact the Washington Military Department Emergency Management Division. They must immediately stop their activities, remove equipment from the body of water, and correct the source of the petroleum leak. They may not return equipment to the water until the problem is corrected.

3. How would the proposal be likely to deplete energy or natural resources?

Petroleum products will be used during operation of motorized equipment while collecting or processing aggregate, and if a motor vehicle is used to access the work site. Mineral prospecting is directed toward extracting gold and other minerals from the earth. Minerals could be depleted locally unless replenished through natural erosion or other means. Depletion of natural resources that support fish life, such as water, or water quality, will be avoided by the restrictions included in the current Hydraulic Code Rules or by requirements of other permitting agencies.

Proposed measures to protect or conserve energy and natural resources are:

n/a

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Prospecting in the Sultan River and Similkameen River are occurring primarily on lands that are designated for forestry or other conservation or resource use and recreation.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Proposed rule provisions for authorized work times mitigate the impacts of mineral prospecting on fish life in the Sultan and Similkameen Rivers.

The proposed rules cover prospecting directed at discovering and recovering minerals from placer deposits. Surface disturbance of streambeds, and at times adjacent land, is required. The proposed rules limit the extent of disturbance possible by requiring: 1. Much of the work is to be conducted with hand tools. 2. Limits on the daily time period of work. 3. Restricting the number of excavations a single worker may perform at one time. 4. Return of disturbed boulders to approximate original position prior to abandoning the site.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

In some cases, activities allowed through the proposed rules may be in conflict with existing plans issued by other agencies. Nothing in the proposed rules supersedes these plans. Additional actions and permits may be required by other agencies before prospecting operations can begin, and this is clearly stated in the Gold and Fish pamphlet and in every individual HPA permit.

Proposed measures to avoid or reduce shoreline and land use impacts are:

As in 4, above.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

n/a

Proposed measures to reduce or respond to such demand(s) are:

n/a

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Washington Department of Fish and Wildlife is the sole authority regulating hydraulic projects under Chapter 77.55 RCW, and the only agency that regulates hydraulic projects solely for the protection of all fish life. The U.S. Army Corps of Engineers, Washington Department of Ecology, Washington Department of Natural Resources, Washington State Parks, and local governments also regulate certain aspects of hydraulic projects under their own authorities. National Marine Fisheries Service and U.S. Fish and Wildlife Service regulate the “take” of threatened or endangered species listed under the federal Endangered Species Act. Tribes regulate fisheries and certain aspects of construction projects on tribal lands. Each of these entities will be invited to comment on draft rules during the rulemaking process. Their comments and concerns will be carefully considered in rule change decisions.

In addition to the public comment and hearing process, WDFW is conducting additional outreach and coordination with federal and state agencies having an identified interest or regulatory authority for WAC 220-660-300.