Chapter 220-110 WAC
HYDRAULIC CODE RULES

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-110-090 Channel realignment. [Statutory Authority: RCW 75.08.080. 87-15-086 (Order 87-48), § 220-110-090, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-090, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.

220-110-110 Culvert installation. [Statutory Authority: RCW 75.08.080. 87-15-086 (Order 87-48), § 220-110-110, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-110, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-110, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.

220-110-203 Use of Class I mineral prospecting equipment. [Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-203, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020.

220-110-204 Use of Class II mineral prospecting equipment. [Statutory Authority: RCW 75.20.330. 99-10-048 (Order 99-57), § 220-110-204, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-204, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020.

220-110-205 Use of Class III mineral prospecting equipment. [Statutory Authority: RCW 75.20.330. 99-10-048 (Order 99-57), § 220-110-205, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-205, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020.

220-110-207 Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment. [Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-207, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020.

220-110-208 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only. [Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-208, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091 (2), 77.12.047, and 77.04.020.

220-110-209 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only. [Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-209, filed 12/16/98, effective 1/16/99.] Repealed by 09-02-017 (Order 08-318), filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 77.55.091 (2), 77.12.047, and 77.04.020.

220-110-210 Mineral prospecting (sluicing). [Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-210, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-210, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-210, filed 4/13/83.] Repealed by 99-01-088 (Order 98-252), filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330.

220-110-220 Mineral prospecting (dredging). [Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-220, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-220, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-220, filed 4/13/83.] Repealed by 99-01-088 (Order 98-252), filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330.

220-110-260 Pacific herring spawning beds. [Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047

(Order 84-04), § 220-110-260, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-260, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.

WAC 220-110-010 Purpose. It is the intent of the department to provide protection for all fish life through the development of a statewide system of consistent and predictable rules. The department will coordinate with other local, state, and federal regulatory agencies, and tribal governments, to minimize regulatory duplication. Pursuant to chapter 75.20 RCW, this chapter establishes regulations for the construction of hydraulic project(s) or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, and sets forth procedures for obtaining a hydraulic project approval (HPA). In addition, this chapter incorporates criteria generally used by the department for project review and conditioning HPAs.

The technical provisions in WAC 220-110-040 through 220-110-338 represent common provisions for the protection of fish life for typical projects proposed to the department. Implementation of these provisions is necessary to minimize project specific and cumulative impacts to fish life. These regulations reflect the best available science and practices related to protection of fish life. The department will incorporate new information as it becomes available, and to allow for alternative practices that provide equal or greater protection for fish life.

The technical provisions shall apply to a hydraulic project when included as provisions on the HPA. Each application shall be reviewed on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-010, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-010, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-010, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-010, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-010, filed 4/13/83.]

WAC 220-110-020 Definitions. As used in this chapter, unless the context clearly requires otherwise:

(1) "Abandoning an excavation site" means not working an excavation site for forty-eight hours or longer.

(2) "Aggregate" means a mixture of minerals separable by mechanical or physical means.

(3) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010(10), and that are of value to fish life.

(4) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10.010 (10).

(5) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

(6) "Artificial materials" means clean, inert materials that you use to construct diversion structures for mineral prospecting.

(7) "Bank" means any land surface above the ordinary high water line that adjoins a body of water and contains it except during floods. Bank also includes all land surfaces of islands above the ordinary high water line that adjoin a body of water and that are below the flood elevation of their surrounding body of water.

(8) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(9) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(10) "Bed materials" means naturally occurring material, including, but not limited to, gravel, cobble, rock, rubble, sand, mud and aquatic plants, found in the beds of state waters. Bed materials may be found in deposits or bars above the wetted perimeter of water bodies.

(11) "Biodegradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

(12) "Bioengineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

(13) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants growing on the bottom of a watercourse.

(14) "Boulder" means a stream substrate particle larger than ten inches in diameter.

(15) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

(16) "Classify" means to sort aggregate by hand or through a screen, grizzly, or similar device to remove the larger material and concentrate the remaining aggregate.

(17) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(18) "Complete written application" means any document that serves as application for a written hydraulic project approval under WAC 220-110-030 which is signed and dated by the applicant and authorized agent, if one is acting for the applicant, and contains general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the mean higher high water line in salt water, or waterward of the ordinary high water line in fresh water, complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW.

(19) "Concentrator" means a device used to physically or mechanically separate the valuable mineral content from aggregate.

(20) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

(21) "Crevicing" means removing aggregate from cracks and crevices using hand-held mineral prospecting tools or water pressure.

(22) "Department" means the Washington department of fish and wildlife.

(23) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

(24) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

(25) "Dredging" means removal of bed material using other than hand-held tools.

(26) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.

(27) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

(28) "Entrained" means the entrapment of fish into a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

(29) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

(30) "Eradication": See "control."

(31) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and has identifiable approaches on the banks.

(32) "Excavation site" means the pit, furrow, or hole from which you remove aggregate to process and recover minerals or into which wastewater is discharged to settle out sediments.

(33) "Extreme low tide" means the lowest level reached by a receding tide.

(34) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

(35) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

(36) "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

(37) "Fishway" means any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.

(38) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the Washington department of fish and wildlife.

(39) "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope, comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent scour zone.

(40) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

(41) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the Washington fish and wildlife commission.

(42) "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

(43) "General provisions" means those provisions that are contained in every HPA.

(44) "*Gold and Fish* pamphlet" means a document that details the rules for conducting small-scale and other prospecting and mining activities, and which serves as the hydraulic project approval for certain mineral prospecting and mining activities in Washington state.

(45) "Habitat improvement structures or stream channel improvements" means natural or human-made materials placed in or next to bodies of water to make existing conditions better for fish life. Rock flow deflectors, engineered logjams, and artificial riffles are examples.

(46) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

(47) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Some examples of hand-held tools are shovels, rakes, hammers, pry bars and cable winches. This definition does not apply to hand-held tools used for mineral prospecting. See "hand-held mineral prospecting tools."

(48) "Hand-held mineral prospecting tools" means:

(a) Tools that you hold by hand and are not powered by internal combustion, hydraulics, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and

(b) Vac-pacs.

(49) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

(50) "High-banker" means a stationary concentrator that you can operate outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. You supply aggregate to the high-banker by means other than suction dredging. This definition excludes rocker boxes. See Figure 1.

Figure 1: Highbanker

(51) "High-banking" means using a high-banker to recover minerals.

(52) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

(a) Type 1-3 waters; or

(b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or

(c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:

(i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;

(ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;

(iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;

(iv) Where road construction or placement of culverts occurs in flowing water;

(v) Where timber is yarded in or across flowing water;

(d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

(53) "Hydraulic project approval" or "HPA" means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) The following printed pamphlet approvals:

(i) A "*Gold and Fish*" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities for mineral prospecting and placer mining; or

(ii) An "*Irrigation and Fish*" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities; or

(iii) An "*Aquatic Plants and Fish*" pamphlet and any supplemental approvals to it issued by the department, which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

(54) "Job site" means the space of ground including and immediately adjacent to the area where work is conducted under the authority of an HPA. For mineral prospecting and placer mining projects, the job site includes the excavation site.

(55) "Joint aquatic resources permit application" or "JARPA" means a form provided by the department and other agencies which an applicant submits when requesting a written HPA for a hydraulic project.

(56) "Lake" means any natural or impounded body of standing freshwater, except impoundments of the Columbia and Snake rivers.

(57) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

(58) "Mean higher high water" or "MHHW," means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the mean lower low water = 0.0 tidal elevation.

(59) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

(60) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical cutters, which only cut aquatic plants.

(61) "Mineral prospect" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

(62) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal (other than the human body) that you use in any aspect of prospecting for or recovering minerals.

(63) "Mini high-banker" means a high-banker with a riffle area of three square feet or less. See Figure 2.

Figure 2: Mini high-banker

(64) "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure 3.

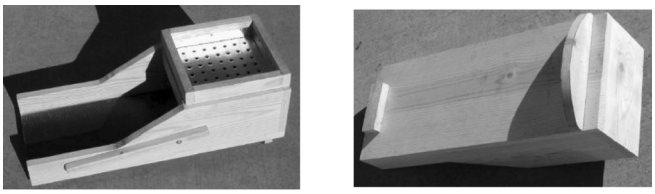

Figure 3: Mini rocker box (top view and bottom view)

(65) "Mining" means the production activity that follows mineral prospecting.

(66) "Mitigation" means actions that shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

(67) "Natural conditions" means those conditions that arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

(68) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

(69) "Ordinary high water line" or "OHWL" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland, provided that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

(70) "Pan" means an open metal or plastic dish that you operate by hand to separate gold or other minerals from aggregate by washing the aggregate. See Figure 4.

Figure 4: Pan

(71) "Panning" means using a pan to wash aggregate.

(72) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(73) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

(74) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

(75) "Power sluice" means "high-banker."

(76) "Power sluice/suction dredge combination" means a machine that can be used as a power sluice, or with minor modifications, as a suction dredge. See Figure 5.

Figure 5: Power sluice/suction dredge combination

(77) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

(78) "Prospecting" means the exploration for minerals and mineral deposits.

(79) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

(80) "Purple loosestrife" means Lythrum salicaria and Lythrum virgatum as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

(81) "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition, and associated gravel mounds. See Figure 6.

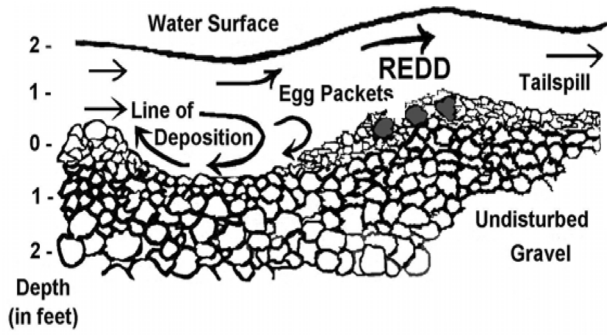

Figure 6: Cross section of a typical redd

(82) "Riffle" means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

(83) "River or stream." See "watercourse."

(84) "Rocker box" means a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that you operate with a rocking motion. See Figure 7.

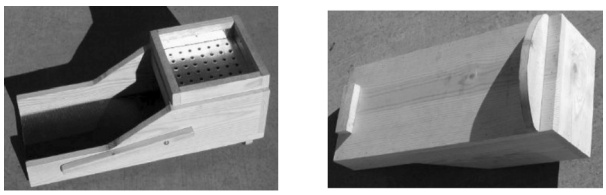

Figure 7: Rocker box (top view and bottom view)

(85) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

(86) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

(87) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(88) "Slope" means:

(a) Any land surface above the frequent scour zone and wetted perimeter that adjoins a body of water. Slope also includes land surfaces of islands above the frequent scour zone that adjoin a body of water; or

(b) A stretch of ground forming a natural or artificial incline.

(89) "Sluice" means a trough equipped with riffles across its bottom, which you use to recover gold and other minerals with the use of flowing water. See Figure 8.

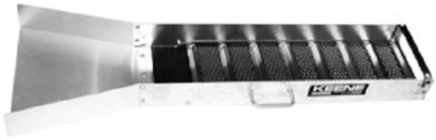

Figure 8: Sluice

(90) "Spartina" means Spartina alterniflora, Spartina anglica, Spartina x townsendii, and Spartina patens as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

(91) "Special provisions" means those conditions that are a part of the HPA, but are site- or project-specific, and are used to supplement or amend the technical provisions.

(92) "Spiral wheel" means a hand-operated or battery powered rotating pan that you use to recover gold and minerals with the use of water. See Figure 9.

Figure 9: Spiral wheel

(93) "Stable slope" means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes.

(94) "Stream-bank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting, including, but not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of banks using rock or woody material, or placement of jetties or groins), gravel removal, or erosion control.

(95) "Suction dredge" means a machine that you use to move submerged aggregate via hydraulic suction. You process the aggregate through an attached sluice box for the recovery of gold and other minerals. See Figure 10.

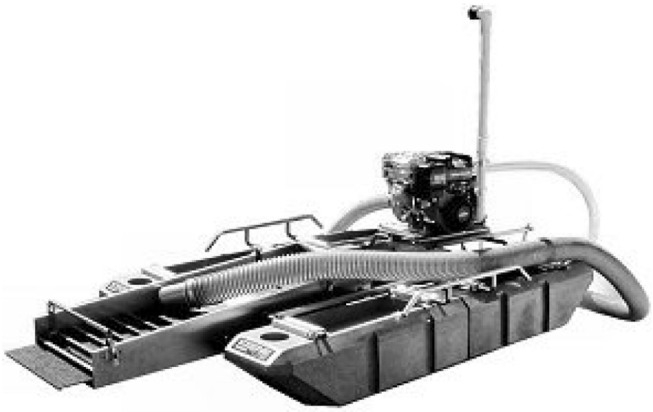

Figure 10: Suction dredge

(96) "Suction dredging" means using a suction dredge for the recovery of gold and other minerals.

(97) "Supplemental approval" means a written addendum issued by the department to an *Aquatic Plants and Fish*

pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or for any additional authorization by the department when required by the pamphlet HPA. See "hydraulic project approval."

(98) "Tailings" means the waste material that remains after you process aggregate for minerals.

(99) "Technical provisions" means those conditions that are a part of the HPA and apply to most projects of that nature.

(100) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

(101) "Toe of the slope" means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

(102) "Unstable slope" means a slope with visible evidence of slumping, sloughing or other movement. Evidence of unstable slopes includes landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically not present on unstable slopes.

(103) "Vac-pac" means a motorized, portable vacuum used for prospecting. See Figure 11.

Figure 11: Vac pac

(104) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

(105) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(106) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

(107) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

(108) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations.

(109) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

(110) "Wetted perimeter" means the areas of a watercourse covered with flowing or nonflowing water.

(111) "Woody vegetation" means perennial trees and shrubs having stiff stems and bark. Woody vegetation does not include grasses, forbs, or annual plants.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-020, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-020, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-020, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-020, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-020, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-020, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-020, filed 4/13/83.]

WAC 220-110-030 Hydraulic project approvals—Procedures. (1) A person shall obtain an HPA before conducting a hydraulic project.

(2) Receipt by the department of any one of the following documents constitutes an application for a written HPA:

(a) A joint aquatic resources permit application (JARPA) submitted to the department;

(b) A forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or

(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(3) You shall request a written HPA by submitting a complete written application to the department. You shall request a pamphlet HPA by following the procedures in WAC 220-110-031. Your application for a written HPA shall contain general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the MHHW line in salt water, or waterward of the OHWL in fresh water, complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW. You and your authorized agent, if one is acting for you, must sign and date the application.

(4) The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application. The department shall strive to issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

(a) The site is physically inaccessible for inspection;

(b) You or your authorized agent, if one is acting for you, remains unavailable or unable to arrange for a timely field evaluation of the proposed project after ten working days of the department's receipt of the application;

(c) You or your authorized agent, if one is acting for you, requests a delay;

(d) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161 (3)(b); or

(e) The department is reviewing the application as part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(5) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(6) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property.

(7) The department may issue an expedited written HPA in those instances where normal processing would result in significant hardship for the applicant, or unacceptable environmental damage would occur.

(8) Expedited HPA requests require a complete written application and shall take precedence over other nonemergency applications. These will be issued within fifteen calendar days of receipt of a complete written application. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for expedited written HPAs.

(9) The county legislative authority or the department may declare an emergency or continue an existing declaration of an emergency where there is an immediate threat to life, the public, property, or of environmental degradation. Upon the declaration of an emergency, the department shall grant verbal approval immediately upon request for a stream crossing, or work to remove any obstructions, repair existing obstructions, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow. The verbal approval shall be obtained prior to commencing emergency work and the department must issue a written HPA reflecting the conditions of the verbal approval within thirty days. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for emergency HPAs.

(10) The department may accept written or verbal requests for time extensions, renewals, or alterations of an existing HPA. The request must be processed within forty-five calendar days of receipt of the request. Approvals of such requests shall be in writing. Transfer of an HPA to a new permittee requires written request by the original permittee or their authorized agent, if one is acting for the permittee, and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall include a statement that the new permittee agrees to be bound by the conditions in the HPA. The new permittee shall not conduct any project activities until the department has issued approval.

(11) Each HPA is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

(12) The written HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

(13) The department may grant HPAs for a period of up to five years. Permittees shall demonstrate substantial progress on construction of that portion of the project relating to the HPA within two years of the date of issuance. The following types of HPAs issued under RCW 77.55.021 shall remain in effect without the need for periodic renewal, provided the permittee notifies the department before commencing work each year:

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes; and

(b) Stream-bank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to, history of permit application, approval, or photographs. Periodic floodwaters by themselves do not constitute a problem that requires an HPA.

(14) An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

(15) Protection of fish life shall be the only grounds upon which the department may deny or condition an HPA.

(16) The department may place specific time limitations on project activities in HPAs to protect fish life.

(17) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

(18) The department shall administer this chapter in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11 and 220-100 WAC.

(19) The department may, after consultation with the permittee, modify an HPA due to changed conditions. The modification becomes effective unless appealed as specified in RCW 77.55.021(4) and WAC 220-110-340 and 220-110-350.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-030, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-030, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-030, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-030, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-21-060 (Order 84-176), § 220-110-030, filed 10/15/84; 84-04-047 (Order 84-04), § 220-110-030, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-030, filed 4/13/83.]

WAC 220-110-031 Pamphlet hydraulic project approvals—Procedures. (1) In those instances where a pamphlet is the equivalent of a hydraulic project approval (HPA) as defined in WAC 220-110-020(53), a person shall obtain a pamphlet HPA issued by the department, which

identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) You may submit requests for pamphlet HPAs to the department verbally or in writing.

(3) The department may grant exceptions to a pamphlet HPA if you apply for a written HPA as described in WAC 220-110-030, or for supplemental approvals to the *Aquatic Plants and Fish* pamphlet HPA as defined in WAC 220-110-020(53) and 220-110-020(96). Exceptions to a pamphlet HPA shall require written authorization by the department.

(4) You may submit applications for *Aquatic Plants and Fish* pamphlet supplemental approvals verbally or in writing to the department.

(a) Your supplemental approval application shall specify the requested exception or request for additional authorization and shall include your name, address and phone number. You shall sign and date written applications.

(b) The department shall grant or deny a request for a supplemental approval within forty-five calendar days of the receipt of a request for supplemental approval.

(5) Except as provided in WAC 220-110-201, you shall have the pamphlet HPA, and any supplemental approvals to it on the job site when work is being conducted and shall make them immediately available for inspection upon request.

(6) Pamphlet HPAs do not exempt you from obtaining other appropriate permits and following the rules and regulations of local, federal, and other Washington state agencies.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-031, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-031, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-031, filed 6/4/97, effective 7/5/97.]

WAC 220-110-032 Modification of technical provisions. Technical provisions applicable to a specific project may be modified or deleted by the department where any of the following is demonstrated:

(1) The provision has no logical application to a project;

(2) The applicant provides an alternate plan to the provision and demonstrates that it provides equal or greater protection for fish life;

(3) Enforcement of the provision would result in denial and there is adequate mitigation to allow the project and achieve no-net-loss of fish life or productive fish or shellfish habitat;

(4) The modification or deletion of the provision will not contribute to net loss of fish life;

(5) The proposal is part of an approved clean-up action under Model Toxics Control Act; Comprehensive Environmental Response Compensation and Liability Act; or Superfund Amendment and Reauthorization Act; or

(6) The technical provisions conflict with applicable local, state, or federal regulations that provide adequate protection for fish life.

HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the technical provisions, or to implement management prescriptions developed through watershed analysis. The HPA will include all of the technical provisions with which an applicant will be required to comply.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-032, filed 11/14/94, effective 12/15/94.]

WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions. (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the provisions of the department's permit to operate a clam harvesting machine.

(2) An activity conducted solely for the removal or control of spartina does not require an HPA. An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used does not require an HPA. Any other activity conducted solely for the removal or control of aquatic noxious weeds or aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish* pamphlet HPA available from the department or an individual HPA.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

(6) The technical and special provisions of an individual or a pamphlet HPA shall be followed by the permit holder, equipment operator(s), and other individuals conducting the project.

(7) The legislature expressed the intent in RCW 76.09.-030(2) for closer integration of the forest practices and hydraulics permitting processes. Pursuant to chapter 76.09 RCW, the forest practices board has adopted rules that include fish protection measures normally included in hydraulic project approvals for projects in nonfish bearing waters. Based on the fish protection measures contained in chapters 222-16, 222-24 and 222-30 WAC, and fish protection measures contained in the forest practices board manual described in WAC 222-12-090, forest practices, as defined in chapter 76.09 RCW, conducted under an approved forest practices application or notification issued by the department of natural resources, and conducted in or across type Np or Ns waters as defined in WAC 222-16-030 (Type 4 or Type 5 Waters, respectively, as defined in WAC 222-16-031), do not require an HPA.

[Statutory Authority: RCW 77.12.047. 04-23-062 (Order 04-299), § 220-110-035, filed 11/15/04, effective 6/1/05. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-035, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-035, filed 11/14/94, effective 12/15/94.]

WAC 220-110-040 Freshwater technical provisions. WAC 220-110-050 through 220-110-225 set forth technical provisions that shall apply to freshwater hydraulic projects. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions referenced in WAC 220-110-230 through 220-110-330 may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam, where applicable.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-040, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-040, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-040, filed 4/13/83.]

WAC 220-110-050 Bank protection. Bio-engineering is the preferred method of bank protection where practicable. Bank protection projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to bank protection projects:

(1) Bank protection work shall be restricted to work necessary to protect eroding banks.

(2) Bank protection material placement waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the bank, or for installation of mitigation features approved by the department.

(3) The toe shall be designed to protect the integrity of bank protection material.

(4) Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so as not to reenter the water.

(5) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks, including riprap areas, shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(6) Fish habitat components such as logs, stumps, and/or large boulders may be required as part of the bank protection project to mitigate project impacts. These fish habitat components shall be installed according to an approved design to withstand 100-year peak flows.

(7) When rock or other hard materials are approved for bank protection, the following provisions shall apply:

(a) Bank protection material shall be angular rock. The project shall be designed and the rock installed to withstand 100-year peak flows. River gravels shall not be used as exterior armor, except as specifically approved by the department.

(b) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-050, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-050, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-050, filed 4/13/83.]

WAC 220-110-060 Construction of freshwater docks, piers, and floats and the driving or removal of piling. All pier, dock, float, and piling construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to freshwater dock, pier, and float construction projects and the driving or removal of piling:

(1) Excavation for and placement of the footings and foundation shall be landward of the ordinary high water line unless the construction site is separated from state waters by use of an approved dike, cofferdam, or similar structure.

(2) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(3) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not reenter the watercourse.

(4) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(5) Skirting or other structures shall not be constructed around piers, docks, or floats unless specifically approved in the HPA.

(6) Floatation for the structure shall be enclosed and contained, when necessary, to prevent the breakup or loss of the floatation material into the water.

(7) All work operations shall be conducted in such a manner that causes little or no siltation to adjacent areas. If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of a pier, dock, float, or piling project, construction operations shall cease

and the permittee or authorized agent shall immediately contact the department.

(8) Removal of aquatic vegetation shall be limited to that necessary to gain access to construct the project.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-060, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-060, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-060, filed 4/13/83.]

WAC 220-110-070 Water crossing structures. In fish bearing waters, bridges are preferred as water crossing structures by the department in order to ensure free and unimpeded fish passage for adult and juvenile fishes and preserve spawning and rearing habitat. Pier placement waterward of the ordinary high water line shall be avoided, where practicable. Other structures which may be approved, in descending order of preference, include: Temporary culverts, bottomless arch culverts, arch culverts, and round culverts. Corrugated metal culverts are generally preferred over smooth surfaced culverts. Culvert baffles and downstream control weirs are discouraged except to correct fish passage problems at existing structures.

An HPA is required for construction or structural work associated with any bridge structure waterward of or across the ordinary high water line of state waters. An HPA is also required for bridge painting and other maintenance where there is potential for wastage of paint, sandblasting material, sediments, or bridge parts into the water, or where the work, including equipment operation, occurs waterward of the ordinary high water line. Exemptions/5-year permits will be considered if an applicant submits a plan to adhere to practices that meet or exceed the provisions otherwise required by the department.

Water crossing structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water crossing structures:

(1) Bridge construction.

(a) Excavation for and placement of the foundation and superstructure shall be outside the ordinary high water line unless the construction site is separated from waters of the state by use of an approved dike, cofferdam, or similar structure.

(b) The bridge structure or stringers shall be placed in a manner to minimize damage to the bed.

(c) Alteration or disturbance of bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(d) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not enter the watercourse.

(e) The bridge shall be constructed, according to the approved design, to pass the 100-year peak flow with consideration of debris likely to be encountered. Exception shall be granted if applicant provides hydrologic or other information that supports alternative design criteria.

(f) Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Structures containing concrete shall be sufficiently cured prior to contact with water to avoid leaching.

(h) Abutments, piers, piling, sills, approach fills, etc., shall not constrict the flow so as to cause any appreciable increase (not to exceed .2 feet) in backwater elevation (calculated at the 100-year flood) or channel wide scour and shall be aligned to cause the least effect on the hydraulics of the watercourse.

(i) Riprap materials used for structure protection shall be angular rock and the placement shall be installed according to an approved design to withstand the 100-year peak flow.

(2) Temporary culvert installation.

The allowable placement of temporary culverts and time limitations shall be determined by the department, based on the specific fish resources of concern at the proposed location of the culvert.

(a) Where fish passage is a concern, temporary culverts shall be installed according to an approved design to provide adequate fish passage. In these cases, the temporary culvert installation shall meet the fish passage design criteria in Table 1 in subsection (3) of this section.

(b) Where culverts are left in place during the period of September 30 to June 15, the culvert shall be designed to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered.

(c) Where culverts are left in place during the period June 16 to September 30, the culvert shall be designed to maintain structural integrity at a peak flow expected to occur once in 100 years during the season of installation.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert shall be restored to preproject condition following installation of the culvert.

(e) The culvert shall be installed in the dry, or in isolation from stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(f) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Imported fill which will remain in the stream after culvert removal shall consist of clean rounded gravel ranging

in size from one-quarter to three inches in diameter. The use of angular rock may be approved from June 16 to September 30, where rounded rock is unavailable. Angular rock shall be removed from the watercourse and the site restored to preproject conditions upon removal of the temporary culvert.

(h) The culvert and fill shall be removed, and the disturbed bed and bank areas shall be reshaped to preproject configuration. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors need to be considered.

(i) The temporary culvert shall be removed and the approaches shall be blocked to vehicular traffic prior to the expiration of the HPA.

(j) Temporary culverts may not be left in place for more than two years from the date of issuance of the HPA.

(3) Permanent culvert installation.

(a) In fish bearing waters or waters upstream of a fish passage barrier (which can reasonably be expected to be corrected, and if corrected, fish presence would be reestablished), culverts shall be designed and installed so as not to impede fish passage. Culverts shall only be approved for installation in spawning areas where full replacement of impacted habitat is provided by the applicant.

(b) To facilitate fish passage, culverts shall be designed to the following standards:

(i) Culverts may be approved for placement in small streams if placed on a flat gradient with the bottom of the culvert placed below the level of the streambed a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). Footings of bottomless culverts shall be buried sufficiently deep so they will not become exposed by scour within the culvert. The twenty percent placement below the streambed shall be measured at the culvert outlet. The culvert width at the bed, or footing width, shall be equal to or greater than the average width of the bed of the stream.

(ii) Where culvert placement is not feasible as described in (b)(i) of this subsection, the culvert design shall include the elements in (b)(ii)(A) through (E) of this subsection:

(A) Water depth at any location within culverts as installed and without a natural bed shall not be less than that identified in Table 1. The low flow design, to be used to determine the minimum depth of flow in the culvert, is the two-year seven-day low flow discharge for the subject basin or ninety-five percent exceedance flow for migration months of the fish species of concern. Where flow information is unavailable for the drainage in which the project will be conducted, calibrated flows from comparable gauged drainages may be used, or the depth may be determined using the installed no-flow condition.

(B) The high flow design discharge, used to determine maximum velocity in the culvert (see Table 1), is the flow that is not exceeded more than ten percent of the time during the months of adult fish migration. The two-year peak flood flow may be used where stream flow data are unavailable.

(C) The hydraulic drop is the abrupt drop in water surface measured at any point within or at the outlet of a culvert. The maximum hydraulic drop criteria must be satisfied at all flows between the low and high flow design criteria.

(D) The bottom of the culvert shall be placed below the natural channel grade a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). The downstream bed elevation, used for hydraulic calculations and culvert placement in relation to bed elevation, shall be taken at a point downstream at least four times the average width of the stream (this point need not exceed twenty-five feet from the downstream end of the culvert). The culvert capacity for flood design flow shall be determined by using the remaining capacity of the culvert.

Table 1
Fish Passage Design Criteria for Culvert Installation

Criteria	Adult Trout > 6 in. (150mm)	Adult Pink, Chum Salmon	Adult Chinook, Coho, Sockeye, Steelhead
1. Velocity, Maximum (fps)			
Culvert Length (ft)			
a. 10 - 60	4.0	5.0	6.0
b. 60 - 100	4.0	4.0	5.0
c. 100 - 200	3.0	3.0	4.0
d. > 200	2.0	2.0	3.0
2. Flow Depth Minimum (ft)	0.8	0.8	1.0
3. Hydraulic Drop, Maximum (ft)	0.8	0.8	1.0

(E) Appropriate statistical or hydraulic methods must be applied for the determination of flows in (b)(ii)(A) and (B) of this subsection. These design flow criteria may be modified for specific proposals as necessary to address unusual fish passage requirements, where other approved methods of empirical analysis are provided, or where the fish passage provisions of other special facilities are approved by the department.

(F) Culvert design shall include consideration of flood capacity for current conditions and future changes likely to be encountered within the stream channel, and debris and bedload passage.

(c) Culverts shall be installed according to an approved design to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered. Exception may be granted if the applicant provides justification for a different level or a design that routes that flow past the culvert without jeopardizing the culvert or associated fill.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert and associated fill shall be restored to preproject configuration following installation of the culvert, and the banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings

shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(e) Fill associated with the culvert installation shall be protected from erosion to the 100-year peak flow.

(f) Culverts shall be designed and installed to avoid inlet scouring and shall be designed in a manner to prevent erosion of streambanks downstream of the project.

(g) Where fish passage criteria are required, the culvert facility shall be maintained by the owner(s), such that fish passage design criteria in Table 1 are not exceeded. If the structure becomes a hindrance to fish passage, the owner shall be responsible for obtaining a HPA and providing prompt repair.

(h) The culvert shall be installed in the dry or in isolation from the stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(i) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-070, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-070, filed 4/13/83.]

WAC 220-110-080 Channel change/realignment. Channel changes/realignments are generally discouraged, and shall only be approved where the applicant can demonstrate benefits or lack of adverse impact to fish life. Channel change/realignment projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to channel change and channel realignment projects:

When approved, a channel change may occur provided:

(1) Permanent new channels shall, at a minimum, be similar in length, width, depth, flood plain configuration, and gradient, as the old channel. The new channel shall incorporate fish habitat components, bed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.

(2) During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.

(3) Before water is diverted into a permanent new channel, the applicant shall complete the following actions:

(a) Approved fish habitat components, bed materials and bank protection to prevent erosion shall be in place.

(b) Approved fish habitat components shall be installed according to an approved design to withstand the 100-year peak flows.

(4) All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.

(6) Filling of the old channel shall begin from the upstream closure and the fill material shall be compacted. Water discharging from the fill shall not adversely impact fish life.

(7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.

(8) If fish may be adversely impacted as a result of this project, the permittee will be required to capture and safely move food fish, game fish or other fish life (at the discretion of the department) to the nearest free-flowing water. The permittee may request the department to assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-080, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-080, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-080, filed 4/13/83.]

WAC 220-110-100 Conduit crossing. Conduit crossing projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. An HPA is not required for conduit crossings attached to bridge structures. The following technical provisions shall apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) If the method used is boring or jacking:

(a) Pits shall be isolated from surface water flow;

(b) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(4) If the method used is trench excavation:

(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method;

(b) Plowing, placement, and covering shall occur in a single pass of the equipment;

(c) Disturbance of the bed as a result of the plowing operation shall be limited to the amount necessary to complete the project.

(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.

(6) Excess spoils shall be disposed of so as not to reenter the watercourse.

(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.

(8) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-100, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-100, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-100, filed 4/13/83.]

WAC 220-110-120 Temporary bypass culvert, flume, or channel. Temporary bypass culvert, flume, or channel projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to temporary bypass culvert, flume, or channel projects:

(1) The temporary bypass culvert, flume, or channel shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert, flume, or channel.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert, flume, or channel to prevent backwater from entering the work area.

(4) The culvert, flume, or channel shall be of sufficient size to pass flows and debris for the duration of the project.

(5) For diversion of flow into a temporary channel the relevant provisions of WAC 220-110-080 shall apply.

(6) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

(7) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject conditions.

(8) If fish may be adversely impacted as a result of this project, the permittee shall be required to capture and safely move game and food fish and other fish life, (at the discretion of the department), from the job site to the nearest free-flowing water. The permittee may request the department to assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

(9) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-120, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-120, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-120, filed 4/13/83.]

WAC 220-110-130 Dredging in freshwater areas. Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to dredging projects:

(1) Dredging shall not be conducted in fish spawning areas unless it is designed to create or improve the access or quality of fish spawning areas.

(2) During the dredging of a lake or pond, a boom or similar device may be required to contain floatable materials.

(3) Dredged bed materials shall be disposed of at approved in-water disposal sites or upland so as not to reenter state waters. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or capping of contaminated sediments.

(4) Dredging shall be conducted with dredge types and methods that cause the least adverse impact to fish and shellfish and their habitat.

(5) If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of dredging, operations shall cease immediately and the department shall be immediately contacted.

(6) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(7) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled waterward of the ordinary high water line.

(8) Upon completion of the dredging, the bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-130, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-130, filed 4/13/83.]

WAC 220-110-140 Gravel removal. Gravel removal projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to gravel removal projects:

(1) Gravel removal from a watercourse shall be limited to removal from exposed bars and shall not result in a lowering, over time, of the average channel cross-section profile through the project area or downstream. Additional removal of bed material, including removal from wetted portions of the channel, may be authorized where the project is an integral part of a comprehensive flood control plan approved by the department.

(2) An "excavation line" shall be established. "Excavation line" means a line on the dry bed, at or parallel to the water's edge, the distance from the water's edge to be determined by the department on a site-specific basis. The excavation line may change with water level fluctuations.

(3) An "excavation zone" shall be defined as the area between the "excavation line" and the bank or the center of the bar. The "excavation zone" shall be identified by boundary markers placed by the applicant and approved by the department prior to the commencement of gravel removal.

(4) Excavation shall begin at the excavation line and proceed toward the bank or the center of the bar, perpendicular to the alignment of the watercourse.

(5) Bed material shall not be removed from the water side of the excavation line.

(6) Equipment shall not enter or operate within the wetted perimeter of the watercourse.

(7) Gravel may be removed within the excavation zone from a point beginning at the excavation line and progressing upward toward the bank or the center of the bar on a minimum two percent gradient. It may be necessary to survey the excavation zone upon completion of the gravel removal operation to ensure the two percent gradient is maintained and that no depressions exist. When required the survey shall be made at the applicant's expense.

(8) Preproject and postproject channel cross-section surveys shall be required for gravel removal projects for commercial purposes, and may be required as part of a comprehensive flood control plan approved by the department. The cross-sections shall be referenced vertically to a permanent bench mark and horizontally to a permanent base line, and shall be done perpendicular to the high flow channel every one hundred feet through the project area and at cross-sections upstream and downstream at adjacent channel riffles. The preproject survey information shall be submitted to the department at the time of application for HPA, and the postproject survey shall be submitted to the department within ninety days of completion of removal of gravel or the expiration date of the HPA, whichever occurs first.

(9) At the end of each work day the excavation zone shall not contain pits, or potholes, or depressions that may trap fish as a result of fluctuation in water levels.

(10) Stockpiling of material waterward of the ordinary high water line, after the initial bed disturbance, shall be limited to avoid impacts to fish life. If stockpiling is approved waterward of the ordinary high water line, the material shall be completely removed prior to the onset of fish spawning in the vicinity or the typical onset of increasing stream flows. Timing restrictions shall be determined on a site-specific basis. If the water level rises and makes contact with stockpiles, further operation of equipment or removal of the stockpiles shall not proceed unless authorized under a separate HPA issued by the department.

(11) The upstream end of the gravel bar shall be left undisturbed to maintain watercourse stability waterward of the ordinary high water line.

(12) Large woody material shall be retained waterward of the ordinary high water line and repositioned within the watercourse. Other debris shall be disposed of so as not to reenter the watercourse.

(13) Gravel washing or crushing operations shall not take place waterward of the ordinary high water line.

(14) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to access the excavation zone. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(15) Equipment shall be inspected, cleaned, and maintained to prevent loss of petroleum products waterward of the ordinary high water line.

(16) The department shall be notified at least five working days before the start of actual gravel removal, and upon project completion to allow for compliance inspection.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-140, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-140, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-140, filed 4/13/83.]

WAC 220-110-150 Large woody material removal or repositioning. Large woody material removal or repositioning projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to large woody material removal or repositioning:

(1) Large woody material removal from watercourses shall only be approved where necessary to address safety considerations, or its removal would not diminish the fish habitat quality of the watercourse. The department may approve the repositioning of large woody material within the watercourse to protect life and property or as needed to conduct a hydraulic project. Repositioned large woody material shall be placed or anchored to provide stable, functional fish habitat.

(2) Large woody material removal shall be conducted by equipment stationed on the bank, bridge, or other approved structure.

(3) Unless otherwise authorized, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Yarding corridors or full suspension shall be required to

avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

(4) Where large woody material cannot be suspended above the bed and banks, skid logs or similar methods shall be used to avoid bank damage. Upon completion of the yarding operation, skid logs shall be removed in a manner that avoids damage to streambanks and vegetation, and the bank shall be restored to preproject condition.

(5) Smaller limb and bark debris associated with the large woody material shall be removed and disposed of so as not to reenter the watercourse.

(6) Large woody material embedded in a bank or bed shall be left undisturbed and intact except where authorized for removal.

(7) Large woody material removal or repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

(8) Depressions created in gravel bars shall be filled, smoothed over, and sloped upwards toward the bank on a minimum two percent gradient.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-150, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-150, filed 4/13/83.]

WAC 220-110-160 Felling and yarding of timber. The following technical provisions shall apply to any felling and yarding of timber for which an HPA is required (see WAC 220-110-020). Timber felling and yarding projects requiring an HPA shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

(1) Trees shall not be felled into or across a watercourse, with identifiable bed or banks, except where authorized in special provisions of an HPA.

(2) Trees or logs which enter a watercourse, with identifiable bed or banks, during felling or yarding shall remain where they enter unless parts or all of the trees or logs are specifically authorized to be removed.

(3) Logs transported across a watercourse, with identifiable bed or banks, shall be suspended so no portion of the logs or limbs can enter the watercourse or damage the bed and banks. Yarding corridors or full suspension shall be required to prevent damage to riparian vegetation.

(4) Cable tailholds may be placed over watercourses, with identifiable bed or banks, provided the number of yarding roads is kept to a minimum. When changing roads, the cable shall be moved around or over the riparian vegetation to avoid damage to the vegetation.

(5) If limbs or other small debris enter the watercourse, with identifiable bed or banks, as a result of felling and yarding of timber, they shall be removed concurrently with each change in yarding road or within seventy-two hours after entry into the watercourse and placed outside the 50-year flood plain. Limbs or other small debris shall be removed from dry watercourses prior to the normal onset of high flows. Large woody material which was in place prior to felling and yarding of timber shall not be disturbed.

(6) Precautions shall be taken to minimize the release of sediment to waters downstream from the felling or yarding activity. Sediment control devices, including, but not limited to, straw bales and filter fabric check dams, shall be used as necessary to avoid the release of sediment downstream. Accumulated sediment shall be removed from above check dams prior to their removal. The requirement to provide sediment control may be waived where adequate protection is provided through seasonal restriction of operations.

(7) There shall be no skidding or ground lead yarding or equipment operation within flowing waters in channels with defined bed or banks.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-160, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-160, filed 4/13/83.]

WAC 220-110-170 Outfall structures. Outfall structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to outfall structure projects:

(1) The outfall structure shall be constructed according to an approved design to prevent the entry of fish, except where fish passage could enhance fish life or habitat.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armoring materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Structures containing concrete shall be sufficiently cured prior to contact with water, to avoid leaching.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

[Statutory Authority: RCW 77.12.047. 05-14-001 (Order 05-131), § 220-110-170, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-170, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-170, filed 4/13/83.]

WAC 220-110-180 Pond construction. Pond construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to pond construction projects connected to a watercourse:

(1) Ponds shall not be constructed within the watercourse.

(2) Ponds shall be designed, constructed, and screened to prevent the entry of fish unless the pond will provide beneficial habitat, as determined by the department, in which case free and unrestricted access shall be provided.

(3) Pond return flow shall be located to minimize the length of the bypass reach unless the bypass reach is intended to enhance fish life or habitat.

(4) Pond construction activities involving diversion of state waters shall be dependent upon first obtaining a water right. This requirement does not apply to construction of storm water pond facilities landward of the ordinary high water line.

(5) The work area shall be isolated from the watercourse during construction of the pond, the diversion system, and the return flow system.

(6) Prior to the initial filling, all disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(7) Ponds shall be designed and constructed so the outflow temperature is not harmful to fish life.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-180, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-180, filed 4/13/83.]

WAC 220-110-190 Water diversions. A written HPA is not required for emergency water diversions during emergency fire response. The department shall be notified prior to the diversion, when possible. When prior notification is not possible, the department shall be notified within twenty-four hours of the diversion. The hydraulic code cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, or that will utilize any of the waters of the state in order to divert water pursuant to a water right, requires an HPA. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does not require an HPA. Any hydraulic project activity related to a change in the manner or location of water diversion will require an HPA modification.

Persons who have gravel berm dams as the method of diversion permitted by the department prior to January 1994 shall be allowed to continue to do so consistent with the provisions of an HPA. The department can, however, condition the approval of gravel berms.

Construction or maintenance of fish screens or guards requiring use of equipment requires a written HPA. Installation of suction hoses or cleaning, adjusting, operating, and maintaining existing irrigation or stock water diversion structures including intakes or screens without the use of equipment, may be accomplished without first securing a written HPA. For these activities, compliance with the provisions of the latest edition of the *Irrigation and Fish* pamphlet issued by the department is required. The pamphlet shall be on-site and serve as the HPA. If a fish kill occurs or fish are observed in distress, the project activity shall cease and the department shall be notified immediately.

The following technical provisions shall apply to water diversions:

(1) Gravel berm dams shall be constructed of gravels available on site waterward of the ordinary high water line, or of clean round gravel transported to the site. Bed disturbance shall be limited to the minimum necessary to achieve the provisions of the water right. No dirt from outside the ordinary high water line shall be used to seal the dam and no logs or woody material waterward of the ordinary high water line may be utilized for construction of the dam, unless specifically authorized.

(2) Logs and large woody material may be relocated waterward of the ordinary high water line, if they block water flow into the ditch or inhibit construction.

(3) As long as the applicant or permittee can divert enough water to satisfy the water right, the diversion dam shall be constructed so that it does not hinder upstream and downstream adult and juvenile fish passage. If passage problems develop, department personnel may, after consultation, require modification of the gravel berm dam.

(4) At pump stations, screens and headgate areas, a backhoe or suction dredge may be used to remove accumulated silts and gravel from the pumping sump. Material removed shall be placed so it will not reenter state waters.

(5) Any device used for diverting water from a fish bearing watercourse shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and 77.16.220.

(6) Diversion canals shall be maintained (sediment and debris removal) to provide maximum hydraulic gradient in the diversion canal in order to minimize the need for work within the natural watercourse.

(7) The exercise of project activity associated with diversion of state waters shall be dependent upon first obtaining a water right.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-190, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-190, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-190, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-190, filed 4/13/83.]

WAC 220-110-200 Mineral prospecting. (1) WAC 220-110-201 through 220-110-206 set forth the rules necessary to protect fish life that apply to mineral prospecting and placer mining projects. A copy of the current *Gold and Fish* pamphlet is available from the department, and it contains the rules which you must follow when mineral prospecting under its authority.

(2) Alternatively, you may request exceptions to the *Gold and Fish* pamphlet by applying for an individual written HPA as indicated in WAC 220-110-031. An HPA shall be

denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. The department may apply saltwater provisions to written HPAs for tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

(3) Nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-200, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-200, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-200, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-200, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-200, filed 4/13/83.]

WAC 220-110-201 Mineral prospecting without timing restrictions. You may mineral prospect year-round in all waters of the state, except lakes or salt waters. You must follow the rules listed below, but you do not need to have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting without timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment.

(2) You may not use vehicle-mounted winches. You may use one hand-operated winch to move boulders, or large woody material that is not embedded. You may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

(3) You may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset.

(4) You may not disturb fish life or redds within the bed. If you observe or encounter fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, you must relocate your operations. You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(5) Rules for excavating:

(a) You may excavate only by hand or with hand-held mineral prospecting tools.

(b) You may not excavate, collect, or remove aggregate from within the wetted perimeter. See Figures 1 and 2.

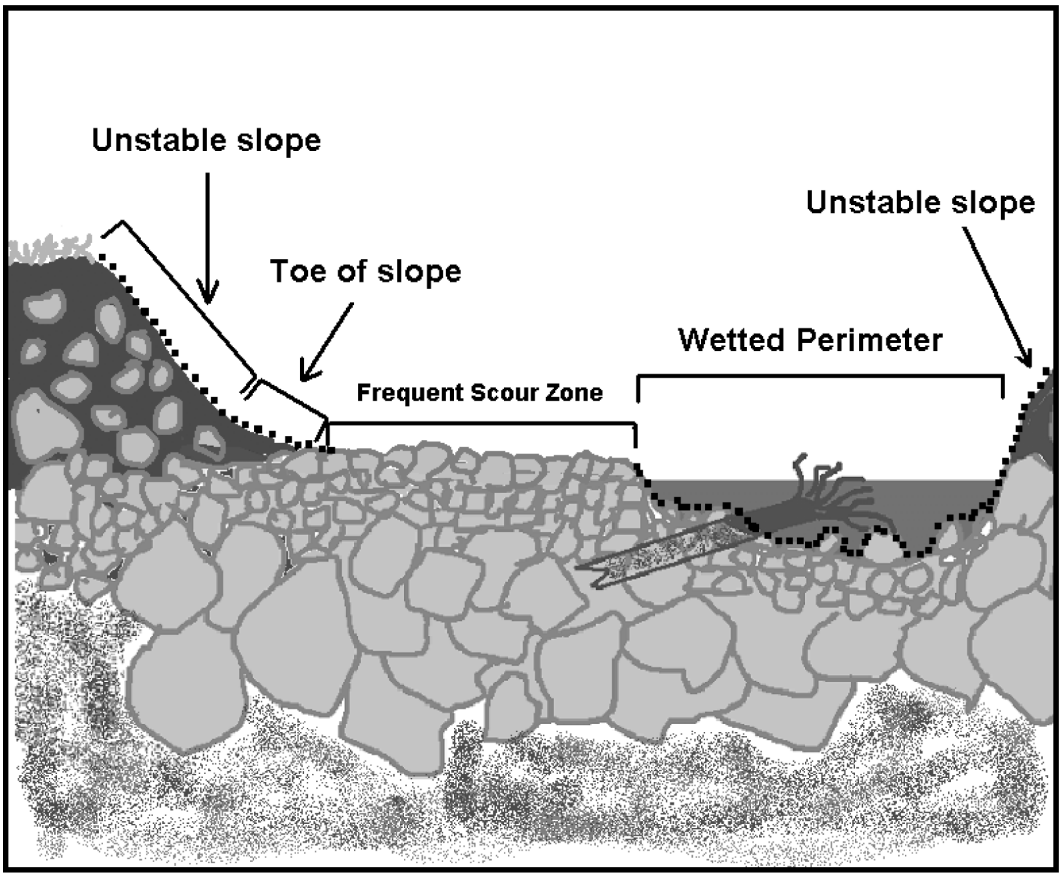

Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(c) Only one excavation site per individual is allowed. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(d) You may not stand within, or allow aggregate to enter, the wetted perimeter when collecting or excavating aggregate.

(e) You must fill all excavation sites and level all tailing piles prior to moving to a new excavation site or abandoning an excavation site. If you move boulders, you must return them, as best as you can, to their approximate, original location.

(f) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone, but you must keep them within the frequent scour zone. You may not cut large woody material. See Figure 2.

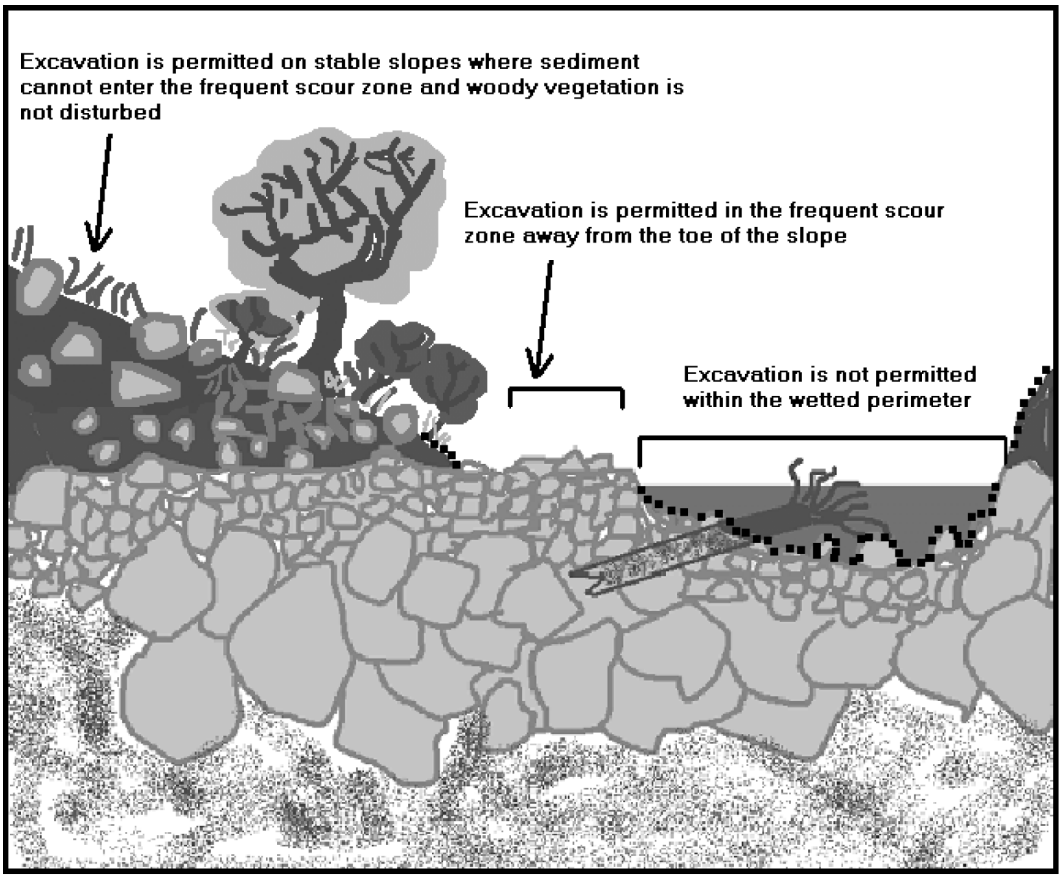

Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(g) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(h) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

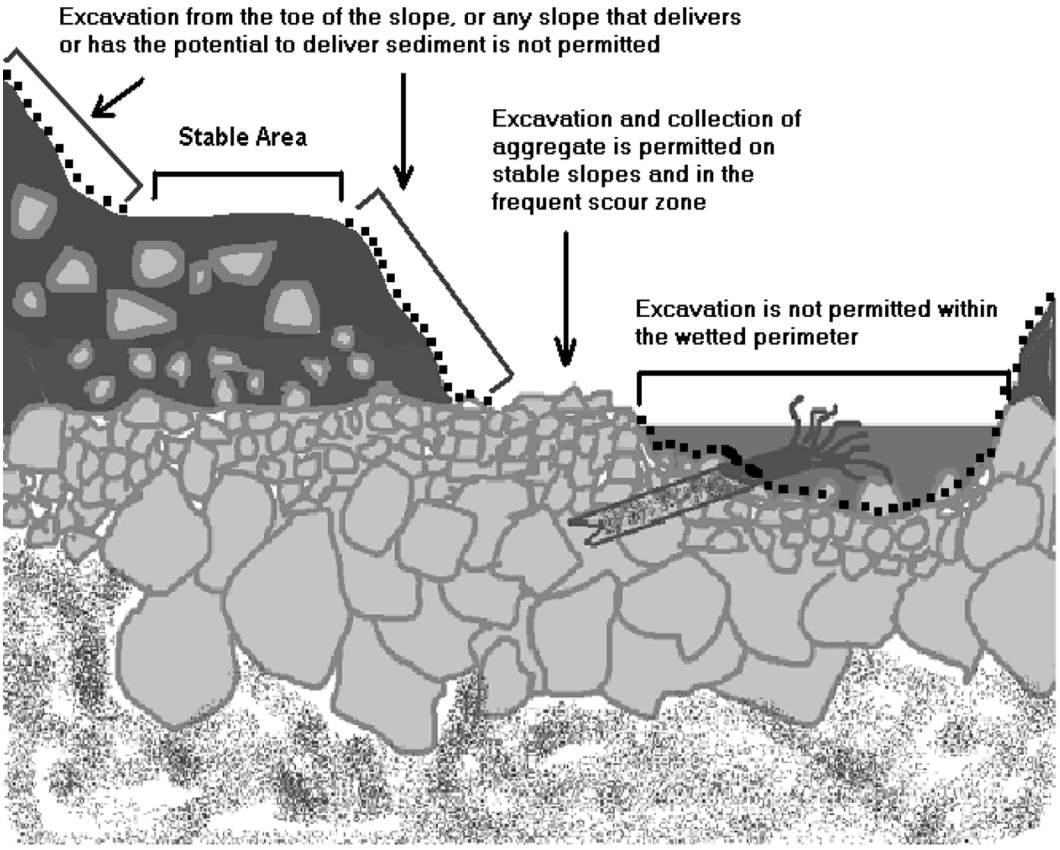

Figure 3: Cross section of a typical body of water, showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting without timing restrictions. Dashed line indicates areas where excavation is not permitted.

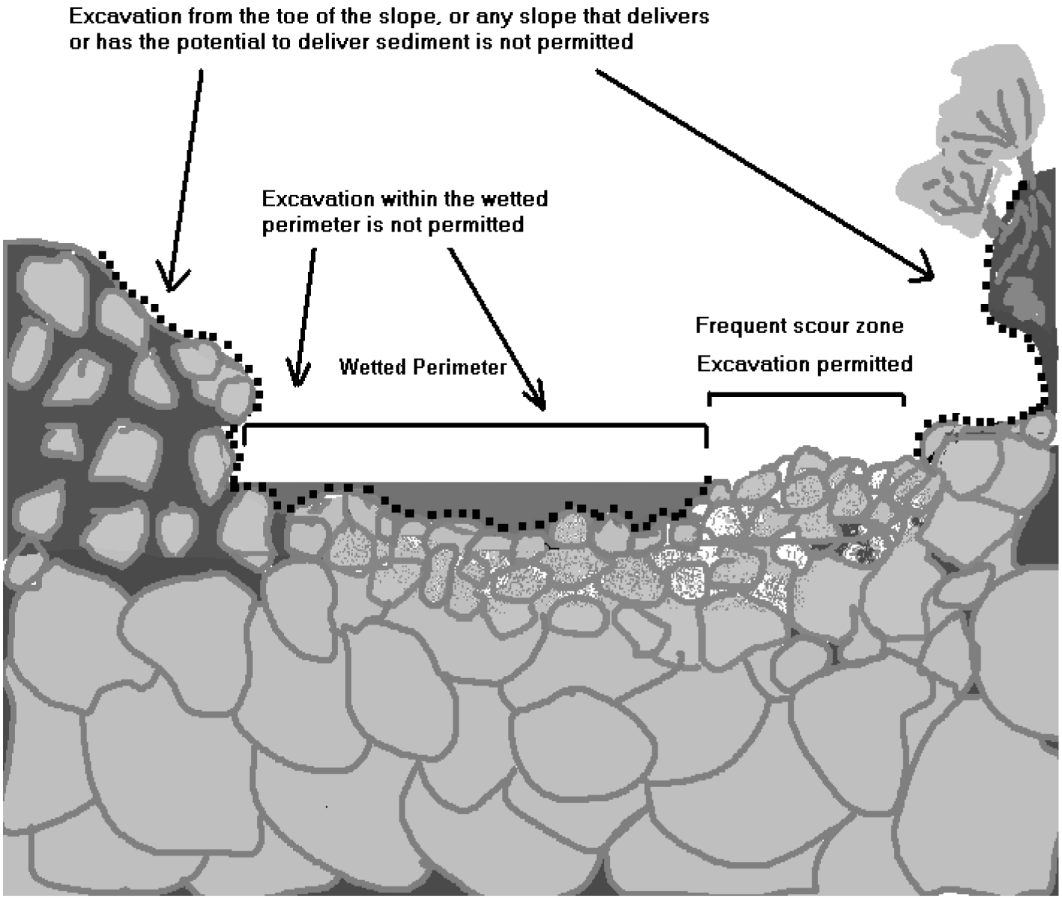

Figure 4: Cross section of a typical body of water showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting without timing restrictions. Dashed line indicates areas where excavation is not permitted.

(6) Rules for processing aggregate:

(a) You may stand within the wetted perimeter when processing aggregate with pans; spiral wheels; and sluices.

(b) You may not stand on or process directly on redds or disturb incubating fish life. You may not allow tailings, or visible sediment plumes (visibly muddy water), to enter redds or areas where fish life are located within the bed.

(c) You may not level or disturb tailing piles that remain within the wetted perimeter after processing aggregate.

(d) You must classify aggregate at the collection or excavation site prior to processing, if you collected or excavated it outside the frequent scour zone.

(e) You may process only classified aggregate within the wetted perimeter when using a sluice.

(f) The maximum width of a sluice, measured at its widest point, including attachments, shall not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

(g) You may process with a sluice only in areas within the wetted perimeter that are composed primarily of boulders and bedrock. You must separate sluice locations by at least fifty feet. You may not place structures within the wetted perimeter to check or divert the water flow.

(h) You may operate mini high-bankers or other concentrators only outside the wetted perimeter. You may only supply water to this equipment by hand or by a battery-operated pump with a screened intake. You may not allow visible sediment or muddy water to enter the wetted perimeter. A second excavation site may be used as a settling pond.

(i) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(j) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(k) You may not disturb existing habitat improvement structures or stream channel improvements.

(l) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immedi-

ately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division, of the problem. You may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-201, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-201, filed 12/16/98, effective 1/16/99.]

WAC 220-110-202 Mineral prospecting with timing restrictions. You may mineral prospect only in the waters, during the times, and with the mineral prospecting equipment limitations identified in WAC 220-110-206. You must follow the rules listed below, and you must have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting with timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;

(d) Suction dredges should have suction intake nozzles with inside diameters of five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.

Figure 1: Dredge intake nozzle

(e) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged equipment, suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.

(f) High-bankers and power sluices that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.

(2) The widest point of a sluice, including attachments, shall not exceed twenty-five percent of the wetted perimeter at the point of placement.

(3) The suction intake nozzle and hose of suction dredges and power sluice/suction dredge combinations must not exceed the diameters allowed in the listing for the stream or stream reach where you are operating, as identified in WAC 220-110-206.

(4) You may not use vehicle-mounted winches. You may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(5) Equipment separation:

(a) You may use hand-held mineral prospecting tools; pans; spiral wheels; or sluices, mini rocker boxes, or mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment, as close to other mineral prospecting equipment as desired.

(b) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combination, high-banker, or power sluice within the wetted perimeter, you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.

(c) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combinations, high-banker, or power sluice outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.

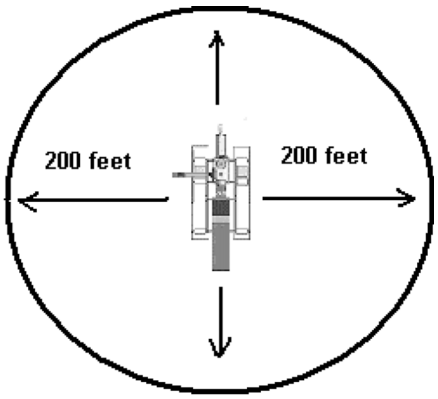

Figure 2: Equipment separation requirement

(6) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(7) All equipment fueling and servicing must be done so that petroleum products do not get into the body of water or frequent scour zone. If a petroleum sheen or spill is observed, you must contact the Washington military department emergency management division. You must immediately stop your activities, remove your equipment from the body of water, and correct the source of the petroleum leak. You may not return your equipment to the water until the problem is corrected. You must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(8) You may work within the wetted perimeter or frequent scour zone only from one-half hour before official sunrise to one-half hour after official sunset. If your mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise.

(9) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(10) You must not disturb existing habitat improvement structures or stream channel improvements.

(11) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone, but you must keep them within the frequent scour zone. You may not cut large woody material.

(12) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(13) Only one excavation site per individual is permitted. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(14) You must fill all excavation sites and level all tailing piles prior to working another excavation site or abandoning the excavation site.

(15) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

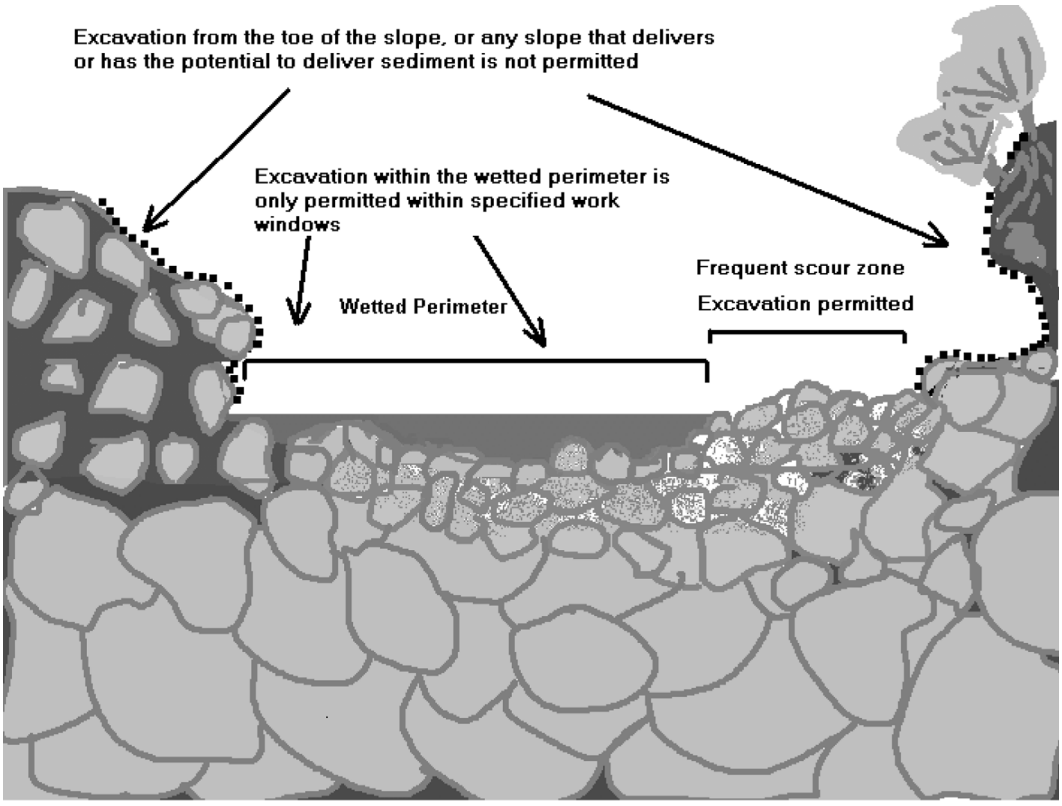

Figure 3: Cross section of a typical body of water showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.

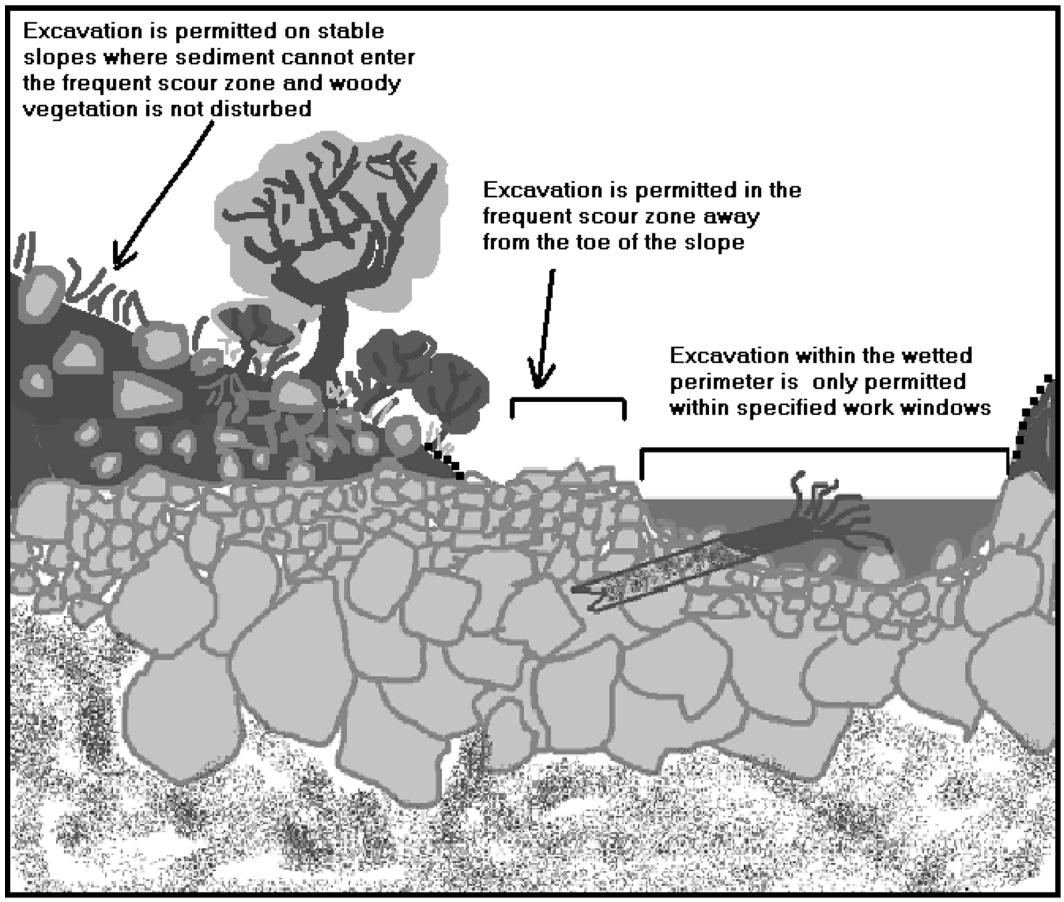

Figure 4: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(16) You may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. You may not divert the body of water outside of the wetted perimeter.

(17) You may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. You must remove artificial materials used in the construction of a diversion structure and restore the site to its approximate original condition prior to abandoning the site.

(18) You may process aggregate collected from the frequent scour zone:

(a) At any location if you use pans; spiral wheels; mini rocker boxes; mini high-bankers; or sluices or other concentrators with riffle areas totaling three square feet or less, including ganged equipment.

(b) Only in the frequent scour zone or upland areas landward of the frequent scour zone if you use power sluice/suction dredge combinations, high-bankers, or power sluices with riffle areas totaling ten square feet or less, including ganged equipment; or sluices or rocker boxes that have riffle areas totaling more than three, but less than ten square feet, including ganged equipment. You may not discharge tailings to the wetted perimeter when using this equipment. However, you may discharge wastewater to the wetted perimeter provided its entry point into the wetted perimeter is at least two hundred feet from any other wastewater discharge entry point.

(19) You may process aggregate collected from upland areas landward of the frequent scour zone:

(a) At any location if you use pans; spiral wheels; or sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment. You must classify the aggregate at the excavation site prior to processing with this equipment within the wetted perimeter or frequent scour zone.

(b) Only at an upland location landward of the frequent scour zone if you use power sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes. You may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

(c) Within the wetted perimeter or frequent scour zone with a sluice with a riffle area greater than three square feet. You must classify the aggregate at the excavation site prior to processing with a sluice with a riffle area exceeding three square feet.

(20) You may use pressurized water only for crevicing or for redistributing dredge tailings within the wetted perimeter. No other pressurized water use is permitted.

(21) You may conduct crevicing in the wetted perimeter, in the frequent scour zone, or landward of the frequent scour zone. The hose connecting fittings of pressurized water tools used for crevicing may not have an inside diameter larger than three-quarters of an inch. If you crevice landward of the frequent scour zone, you may not discharge sediment or wastewater to the wetted perimeter or the frequent scour zone.

(22) You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(23) You may not disturb redds. If you observe or encounter redds, or actively spawning fish when collecting or processing aggregate, you must relocate your operations.

(24) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immediately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division of the problem. You may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-202, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-202, filed 12/16/98, effective 1/16/99.]

WAC 220-110-206 Authorized work times and mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects. Mineral prospecting and placer mining under WAC 220-110-202 shall only occur in the state waters, with the equipment restrictions, and during the times specified in the following table.

(1) The general work time for a county applies to all state waters within that county, unless otherwise indicated in the table.

(2) The work time for a listed state water applies to all its tributaries, unless otherwise indicated. Some state waters occur in multiple counties. Check the listing for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that state water.

(3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. See Figure 1.

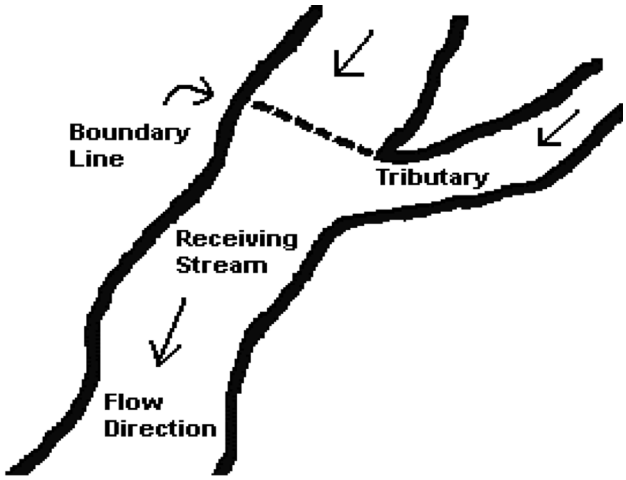

Figure 1: Stream boundary line

(4) Mineral prospecting and placer mining within state waters listed as "submit application" are not authorized under the *Gold and Fish* pamphlet. A written HPA is required for these state waters.

(5) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be four inches or less, but shall be no greater than four and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters, and any tributaries to them, unless otherwise indicated in the table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

(6) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters in the following table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. You may use only mineral prospecting equipment with suction intake nozzle inside diameters of four and one-quarter inches or less in tributaries of these state waters. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

AUTHORIZED WORK TIMES AND MINERAL PROSPECTING EQUIPMENT RESTRICTIONS BY SPECIFIC STATE WATERS FOR MINERAL PROSPECTING AND PLACER MINING PROJECTS

Washington Counties and State Waters Water Resource Inventory Area (WRIA) in parentheses	Mineral Prospecting Is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Adams County	July 1 - October 31	X	–
Crab Creek (41.0002)	July 16 - February 28	X	X

Washington Counties and State Waters Water Resource Inventory Area (WRIA) in parentheses	Mineral Prospecting Is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Esquatzel Creek (36.MISC)	June 1 - February 28	X	X
Palouse River (34.0003)	July 16 - February 28	X	X
Asotin County	July 16 - September 15	X	–
Snake River (35.0002)	See below	–	–
Alpowa Creek (35.1440)	July 16 - December 15	X	–
Asotin Creek (35.1716)	July 16 - August 15	X	–
Couse Creek (35.2147)	July 16 - December 15	X	–
Grande Ronde River (35.2192)	July 16 - September 15	X	X
Tenmile Creek (35.2100)	July 16 - December 15	X	–
Benton County	June 1 - September 30	X	–
Columbia River	See below	–	–
Glade Creek (31.0851)	August 1 - September 30	X	–
Yakima River (37.0002)	June 1 - September 15	X	X
Amon Creek (37.0009)	June 1 - September 30	X	–
Corral Creek (37.0002)	June 1 - September 30	X	–
Spring Creek (37.0205)	June 1 - September 30	X	–
Chelan County	July 16 - August 15	X	–
Columbia River	See below	–	–
Antoine Creek (49.0294) - Mouth to falls at river mile 1.0	July 1 - February 28	X	–
Antoine Creek (49.0294) - Upstream of falls at river mile 1.0	July 1 - March 31	X	–
Chelan River (47.0052) - Mouth to Chelan Dam	July 16 - September 30	X	X
Colockum Creek (40.0760)	July 1 - October 31	X	–
Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	X	X
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	X	–
Crum Canyon (46.0107)	July 16 - March 31	X	–
Mad River (46.0125)	July 16 - July 31	X	–
Indian Creek (46.0128)	July 16 - February 28	X	–
Lake Chelan (47.0052)	Submit Application	–	–
Railroad Creek (47.0410)	July 16 - September 30	X	–
Stehekin River (47.0508)	Submit Application	–	–
Twenty-five Mile Creek (47.0195)	July 16 - September 30	X	–
Other Lake Chelan tributaries outside of North Cascades National Park	July 1 - August 15	X	–
Other Lake Chelan tributaries within North Cascades National Park	Submit Application	–	–
Number 1 Canyon (45.0011)	July 1 - February 28	X	–
Number 2 Canyon (45.0012)	July 1 - February 28	X	–
Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue	July 1 - September 30	X	–
Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue	July 1 - February 28	X	–
Stemilt Creek (40.0808) - Mouth to falls	July 1 - September 30	X	–
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	–

Washington Counties and State Waters Water Resource Inventory Area (WRIA) in parentheses	Mineral Prospecting Is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Wenatchee River (45.0030) - Mouth to Lake Wenatchee	July 1 - July 31	X	X
Beaver Creek (45.0751)	July 1 - September 30	X	–
Chiwaukum Creek (45.0700)	July 1 - July 31	X	–
Chiwawa River (45.0759) - Mouth to Phelps Creek	July 1 - July 31	X	X
Chiwawa River (45.0759) - Upstream of Phelps Creek	July 1 - July 31	X	–
Deep Creek (45.0764)	July 1 - February 28	X	–
Phelps Creek (45.0875)	July 16 - August 15	X	–
Icicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	X	X
Icicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	X	–
Fourth of July Creek (45.0525)	July 1 - February 28	X	–
Lake Wenatchee (45.0030)	Submit Application	–	–
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	X	X
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	–	–
White River (45.1116) - Mouth to White River Falls	July 1 - July 31	X	X
White River (45.1116) - Upstream of White River Falls	July 1 - February 28	X	–
Nason Creek (45.0888)	July 1 - July 31	X	–
Peshastin Creek (45.0232) - Mouth to Negro Creek	July 16 - August 15	X	–
Peshastin Creek (45.0232) - Upstream of Negro Creek	August 1 - February 28	X	–
Ingalls Creek (45.0273) - Mouth to Cascade Creek	Submit Application	–	–
Ingalls Creek (45.0273) - Upstream of Cascade Creek	July 16 - February 28	X	–
Negro Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	–	–
Negro Creek (45.0323) - Upstream of falls at stream mile 2.9	July 16 - February 28	X	–
Ruby Creek (45.0318)	July 16 - February 28	X	–
Tronson Creek (45.0346)	August 1 - February 28	X	–
Scotty Creek (45.0376)	August 1 - February 28	X	–
Shaser Creek (45.0365)	August 1 - February 28	X	–
Clallam County	July 16 - September 15	X	–
Clallam River (19.0129)	August 1 - August 15	X	–
Dungeness River (18.0018)	Submit Application	–	–
Independent Creek (18.MISC)	August 1 - August 31	X	–
Elwha River (18.0272)	August 1 - August 15	X	X
Hoko River (19.0148)	August 1 - September 15	X	–
Jimmycomelately Creek (17.0285)	August 1 - August 31	X	–
Lake Ozette (20.0046)	Submit Application	–	–
Little Quilcene River (17.0076)	July 16 - August 31	X	–
Lake Ozette tributaries	July 16 - September 15	X	–
Lyre River (19.0031)	August 1 - September 15	X	–
McDonald Creek (18.0160)	August 1 - September 15	X	–
Morse Creek (18.0185)	August 1 - August 15	X	–

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Ozette River (20.0046)	July 16 - September 15	X	–
Pysht River (19.0113)	August 1 - September 15	X	–
Quillayute River (20.0096, 20.0162, 20.0175)	August 1 - August 15	X	X
Bogachiel River (20.0162)	Submit Application	–	–
Calawah River (20.0175)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	–
Sekiu River (19.0203)	August 1 - September 15	X	–
Snow Creek (17.0219)	July 16 - August 31	X	–
Sol Duc River (20.0096)	Submit Application	–	–
Lake Pleasant (20.0313)	Submit Application	–	–
Lake Pleasant tributaries	July 16 - September 15	X	–
Sooes River (20.0015)	July 16 - September 15	X	–
Clark County	July 16 - September 30	–	–
Columbia River	See below	–	–
Lacamas Creek (28.0160) - Mouth to dam	August 1 - August 31	X	–
Lacamas Creek (28.0160) - Upstream of dam	August 1 - September 30	X	–
Lewis River (27.0168)	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Mouth to Lucia Falls	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	X	–
Lake River (28.0020)	January 1 - December 31	X	X
Burnt Bridge Creek (28.0143)	August 1 - August 31	X	–
Salmon Creek (28.0059)	August 1 - August 31	X	–
Whipple Creek (28.0038)	August 1 - September 30	X	–
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
Cedar Creek (27.0339)	August 1 - September 15	X	–
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	–
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - August 15	X	X
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	X	X
Columbia County	July 16 - September 30	X	–
Touchet River (32.0097)	August 1 - August 15	X	X
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	–
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	–	–
South Fork Touchet (32.0708)	Submit Application	–	–
Tucannon River (35.0009)	July 16 - August 15	X	X
Walla Walla River (32.0008) - Mouth to Oregon State line	July 16 - September 15	X	X
Mill Creek (32.1436) - Mouth to Oregon State line	August 1 - August 15	X	–
Cowlitz County	July 16 - September 30	X	–

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Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls	August 1 - August 31	X	–
Columbia River	See below	–	–
Abernathy Creek (25.0297)	July 16 - September 15	X	–
Burke Creek (27.0148)	August 1 - August 31	X	–
Burris Creek (27.0151)	August 1 - August 31	X	–
Bybee Creek (27.0142)	August 1 - August 31	X	–
Canyon Creek (27.0147)	August 1 - August 31	X	–
Coal Creek (25.0340)	July 16 - September 15	X	–
Clark Creek (25.0371)	August 1 - August 31	X	–
Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5	July 16 - August 15	X	X
Coweeman River (26.0003) - Mouth to Baird Creek	August 1 - August 31	X	X
Coweeman River (26.0003) - Upstream of Baird Creek	August 1 - August 31	X	–
Cowlitz River (26.0002) - Tributaries below barrier dam to mouth	July 16 - September 30	X	–
Owl Creek (26.1441)	July 16 - September 15	X	–
Toutle River (26.0227)	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Mouth to Debris Dam	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Upstream of Debris Dam	July 16 - August 15	X	–
Green River (26.0323) - Mouth to Shultz Creek	July 16 - September 30	X	X
Green River (26.0323) - Upstream of Shultz Creek	July 16 - September 30	X	–
South Fork Toutle (26.0248) - Mouth to Bear Creek	July 16 - September 15	X	X
South Fork Toutle (26.0248) - Upstream of Bear Creek	July 16 - September 15	X	–
Tributaries to Silver Lake	July 16 - September 30	X	–
Germany Creek (25.0313)	July 16 - September 15	X	–
Kalama River (27.0002) - Mouth to Kalama Falls	August 1 - August 15	X	X
Kalama River (27.0002) - Upstream of Kalama Falls	August 1 - August 15	X	–
Lewis River (27.0168) - Mouth to East Fork Lewis River	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Mill Creek (25.0284)	July 16 - September 15	X	–
Schoolhouse Creek (27.0139)	August 1 - August 31	X	–
Douglas County	July 1 - September 30	X	–
Columbia River	See below	–	–
Douglas Creek Canyon (44.0146)	May 16 - January 31	X	–

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Foster Creek (50.0065)	August 1 - April 15	X	–
McCarteney Creek (44.0002)	July 1 - February 28	X	–
Pine/Corbaley Canyon Creek (44.0779)	September 16 - April 15	X	–
Rock Island Creek (44.0630)	July 1 - September 30	X	–
Ferry County	July 1 - August 31	X	–
Columbia River	See below	–	–
Kettle River (60.0002)	June 16 - August 31	X	X
Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge	Submit Application	–	–
Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge	June 16 - February 28	X	–
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	–	–
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	X	–
Goosmus Creek (60.0254)	June 16 - February 28	X	–
Toroda Creek (60.0410)	July 1 - September 30	X	–
San Poil River (52.0004)	June 16 - September 30	X	X
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	X	–
Granite Creek (52.0099) - Upstream of Powerhouse Dam	June 16 - February 28	X	–
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	X	X
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	X	–
Gold Creek (52.0197)	June 16 - February 28	X	–
Franklin County	June 1 - September 30	X	–
Columbia River	See below	–	–
Snake River	See below	–	–
Palouse River (34.0003)	July 16 - February 28	X	X
North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	X	–
Garfield County	July 16 - September 30	X	–
Snake River (35.0003)	See below	–	–
Alpowa Creek (35.1440)	July 16 - December 15	X	–
Asotin Creek (35.1716)	July 16 - August 15	X	–
Deadman Creek (35.0688)	July 16 - December 15	X	–
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	–
Meadow Creek (35.0689)	July 16 - December 15	X	–
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	X	X
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	X	–
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	X	–

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Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	X	–
Grant County	July 1 - October 31	X	–
Columbia River	See below	–	–
Crab Creek (41.0002)	July 16 - September 15	X	X
Grays Harbor County	July 16 - October 15	X	–
Chehalis River (22.0190/23.0190) - Mouth to Porter Creek	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls	August 1 - August 15	X	–
Cedar Creek (23.0570)	August 1 - September 30	X	–
Cloquallum Creek (22.0501)	August 1 - September 30	X	–
Porter Creek (23.0543)	August 1 - September 30	X	–
Satsop River (22.0360)	August 1 - August 31	X	X
Wishkah River (22.0191)	August 1 - October 15	X	X
Wynoochee River (22.0260)	August 1 - September 30	X	X
Copalis River (21.0767)	August 1 - October 15	X	X
Elk River (22.1333)	July 1 - October 31	X	X
Hoquiam River (22.0137)	August 1 - October 15	X	X
Humptulips River (22.0004) - Mouth to Forks	August 1 - September 30	X	X
Humptulips River (22.0004) - Upstream of Forks	August 1 - September 30	X	–
Johns River (22.1270)	August 1 - September 30	X	X
Moclips River (21.0731)	August 1 - October 15	X	X
North River (24.0034)	August 1 - September 30	X	X
Queets River (21.0001)	August 1 - August 15	X	X
Quinault River (21.0398)	August 1 - August 15	X	X
Raft River (21.0337)	August 1 - October 15	X	X
Island County	June 16 - October 15	X	–
Cavalero Creek (06.0065)	June 16 - December 15	X	–
Chapman Creek (06.0070)	June 16 - December 15	X	–
Crescent Creek (06.0002)	June 16 - December 15	X	–
Cultus Creek (06.0026)	June 16 - March 15	X	–
Deer Creek (06.0024)	June 16 - March 15	X	–
Dugualla Creek (06.0001)	June 16 - March 15	X	–
Glendale Creek (06.0025)	June 16 - December 15	X	–
Kristoferson Creek (06.0062-06.0063)	May 1 - December 15	X	–
Maxwelton Creek (06.0029)	June 16 - December 15	X	–
North Bluff Creek (06.0006)	June 16 - March 15	X	–
Old Clinton Creek (06.0023)	June 16 - March 15	X	–
Jefferson County	July 16 - October 31	X	–
Big Quilcene River (17.0012) - Mouth to Falls	July 16 - August 31	X	X
Big Quilcene River (17.0012) - Falls to Forks	August 1 - February 28	X	X
Big Quilcene River (17.0012) - Upstream of Forks	August 1 - February 28	X	–
Bogachiel River (20.0162)	Submit Application	–	–
Chimacum Creek (17.0203)	July 16 - September 15	X	–
Donovan Creek (17.0115)	July 1 - October 15	X	–

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Dosewallips River (16.0442)	July 16 - August 15	X	–
Duckabush River (16.0351)	July 16 - August 15	X	–
Dungeness River (18.0018)	August 1 - August 15	X	–
Elwha River (18.0272)	August 1 - August 15	X	X
Goodman Creek (20.0406)	August 1 - September 15	X	–
Hoh River (20.0422)	August 1 - August 15	X	X
Little Quilcene River (17.0076)	July 16 - August 31	X	–
Queets River (21.0001)	August 1 - August 15	X	X
Matheny Creek (21.0165)	August 1 - August 15	X	–
Sams River (21.0205)	August 1 - August 15	X	X
Quinault River (21.0398)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	–
Skokomish River (16.0001)	August 1 - August 31	X	X
Snow Creek (17.0219)	July 16 - August 31	X	–
Tarboo Creek (17.0129)	August 1 - September 30	X	–
Thorndyke Creek (17.0170)	August 1 - October 15	X	–
King County	July 16 - September 30	X	–
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	X	X
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	X	–
Issaquah Creek (08.0178)	August 1 - August 31	X	–
Sammamish River (08.0057)	August 1 - August 31	X	–
Steele Creek (08.0379)	July 16 - February 28	X	–
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	X	X
Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek	August 1 - August 31	X	–
Lake Washington tributaries (08.LKWA)	August 1 - August 31	X	–
Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls	August 1 - August 15	X	X
Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork	July 16 - February 28	X	X
Patterson Creek (07.0376)	July 16 - September 30	X	–
Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek	July 16 - February 28	X	X
Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek	July 16 - February 28	X	–
Goat Creek (07.0754)	July 16 - February 28	X	–
North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek	July 16 - February 28	X	X
North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28	X	–
Deep Creek (07.0562)	July 16 - February 28	X	–
Illinois Creek (07.0624)	July 16 - February 28	X	–
Lennox Creek (07.0596)	July 16 - February 28	X	–
Bear Creek (07.0606)	July 16 - February 28	X	–

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Raging River (07.0384)	August 1 - September 15	X	X
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
South Fork Skykomish River (07.0012) - Upstream of Sunset Falls	August 1 - August 15	X	–
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	–
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	–
Index Creek (07.1264) - Mouth to Mud Lake Creek	August 1 - August 31	X	–
Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek	July 16 - February 28	X	–
Miller River (07.1329) - Mouth to Forks	August 1 - August 15	X	X
Miller River (07.1329) - Upstream of Forks	August 1 - August 15	X	–
Coney Creek (07.1347)	July 16 - February 28	X	–
East Fork Miller River (07.1329) - Mouth to Great Falls Creek	July 16 - August 15	X	–
East Fork Miller River (07.1329) - Upstream of Great Falls Creek	July 16 - February 28	X	–
Foss River (07.1562) - Mouth to Forks	July 16 - August 31	X	X
East Fork Foss River (07.1562) - Mouth to Burn Creek	July 16 - August 15	X	X
East Fork Foss River (07.1562) - Upstream of Burn Creek	July 16 - February 28	X	–
West Fork Foss River (07.1573) - Mouth to falls at River Mile 2.0	July 16 - August 31	X	–
West Fork Foss River (07.1573) - Upstream of falls at River Mile 2.0	July 16 - February 28	X	–
West Fork Miller River (07.1335)	July 16 - February 28	X	X
Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek	August 1 - August 31	X	–
Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek	August 1 - February 28	X	–
Kimball Creek (07.1301)	August 1 - August 31	X	–
Tye River (07.0012) - Mouth to Alpine Falls	August 1 - August 31	X	X
Tye River (07.0012) - Upstream of Alpine Falls	July 16 - February 28	X	–
South Fork Snoqualmie River (07.0467)	July 16 - February 28	X	X
Denny Creek (07.0517)	July 16 - February 28	X	–

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Tolt River (07.0291) - Mouth to forks	August 1 - August 31	X	X
North Fork Tolt River (07.0291) - Mouth to Yellow Creek	July 16 - September 15	X	X
North Fork Tolt River (07.0291) - Upstream of Yellow Creek	July 16 - February 28	X	–
South Fork Tolt River (07.0302) - Mouth to dam	July 16 - September 15	X	X
South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir	July 16 - February 28	X	–
Yellow Creek (07.0337)	July 16 - February 28	X	–
White River (10.0031)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Kittitas County	July 1 - September 30	X	–
Brushy Creek (40.0612)	July 1 - February 28	X	–
Colockum Creek (40.0760)	July 1 - October 31	X	–
Quilomene Creek (40.0613)	July 1 - October 31	X	–
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	–
Tarpiscan Creek (40.0723)	July 1 - February 28	X	–
Tekiason Creek (40.0686)	July 1 - February 28	X	–
Whisky Dick Creek (40.0591)	July 1 - February 28	X	–
Yakima River (39.0002) - Roza Dam to Teanaway River	August 1 - August 31	X	X
Naches River (38.0003) - Tieton River to Bumping River	July 1 - August 15	X	X
Little Naches River (38.0852) - Mouth to Matthew Creek	July 16 - August 15	X	X
Little Naches River (38.0852) - Upstream of Matthew Creek	July 16 - August 15	X	–
Pileup Creek (38.0932)	July 16 - August 31	X	–
Gold Creek (38.MISC)	July 16 - February 28	X	–
Swauk Creek (39.1157)	July 16 - September 30	X	–
Baker Creek (39.1157)	July 16 - September 30	X	–
First Creek (39.1157)	July 16 - September 30	X	–
Iron Creek (39.1157)	July 16 - September 30	X	–
Williams Creek (39.1157)	July 16 - September 30	X	–
Boulder Creek (39.1157)	July 16 - February 28	X	–
Cougar Gulch (39.1157)	July 16 - February 28	X	–
Lion Gulch (39.1157)	July 16 - February 28	X	–
Yakima River (39.0002) - Teanaway River to Easton Dam	August 1 - August 31	X	X
Yakima River (39.0002) - Upstream of Easton Dam	August 1 - August 31	X	X
Cle Elum River (39.1434) - Mouth to Dam	July 16 - August 31	X	X
Cle Elum River (39.1434) - Upstream of Cle Elum Dam	Submit Application	–	–
Big Boulder Creek (39.1434MISC)	August 1 - February 28	X	–
Camp Creek (39.1434MISC)	August 1 - February 28	X	–
Fortune Creek (39.1434MISC)	August 1 - August 15	X	–
South Fork Fortune Creek (39.1434MISC)	August 1 - February 28	X	–

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Howson Creek (39.1434)	July 16 - February 28	X	–
Little Salmon Le Sac Creek (39.1482)	August 1 - August 15	X	–
Paris Creek (39.1434MISC)	August 1 - February 28	X	–
Salmon Le Sac Creek (39.1520)	August 1 - February 28	X	–
Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application	–	–
Kachess River (39.1739) - Below Dam	July 16 - August 15	X	X
Box Canyon Creek (39.1765)	Submit Application	–	–
Mineral Creek (39.1792)	August 1 - August 15	X	–
Lake Keechelus (39.1842) tributaries	July 16 - August 15	X	–
Gold Creek (Lake Keechelus) (39.1842)	Submit Application	–	–
Manastash Creek (39.0988)	July 16 - September 30	X	–
Naneum Creek (39.0821)	July 16 - September 30	X	–
Taneum Creek (39.1081) - Mouth to I-90	July 16 - August 31	X	–
Taneum Creek (39.1157) - Upstream of I-90	July 16 - September 30	X	–
Teanaway River (39.1236)	July 16 - August 31	X	X
NF Teanaway River (39.1260)	Submit Application	–	–
Umtanum Creek (39.0553)	July 16 - September 30	X	–
Wenas Creek, Below Dam (39.0032)	July 16 - October15	X	–
Wenas Creek, Upstream of Wenas Lake (39.0032)	July 16 - February 28	X	–
Other Yakima River tributaries not listed	July 16 - August 31	X	–
Kitsap County	July 16 - October 15	X	–
Anderson Creek (15.0211)	August 1 - November 15	X	–
Barker Creek (15.0255)	August 1 - September 30	X	–
Big Beef Creek (15.0389)	August 1 - August 15	X	–
Big Scandia Creek (15.0280)	August 1 - September 30	X	–
Blackjack Creek (15.0203)	August 1 - September 30	X	–
Burley Creek (15.0056)	August 1 - September 30	X	–
Chico Creek (15.0229)	August 1 - October 15	X	–
Clear Creek (15.0249)	August 1 - September 30	X	–
Curley Creek (15.0185)	August 1 - September 30	X	–
Dewatto River (15.0420)	August 1 - August 15	X	–
Dogfish Creek (15.0285)	August 1 - September 30	X	–
Gorst Creek (15.0216)	August 1 - August 31	X	–
Grovers Creek (15.0299)	August 1 - September 30	X	–
Johnson Creek (15.0387)	August 1 - October 31	X	–
Ollala Creek (15.0107)	August 1 - September 30	X	–
Ross Creek (15.0209)	August 1 - November 15	X	–
Salmonberry Creek (15.0188)	August 1 - November 30	X	–
Seabeck Creek (15.0400)	August 1 - August 15	X	–
Steele Creek (15.0273)	August 1 - September 30	X	–
Tahuya River (15.0446)	August 1 - August 31	X	X
Union River (15.0503)	August 1 - August 31	X	X
Klickitat County	July 15 - September 30	X	–
Alder Creek (31.0459)	August 1 - September 30	X	–

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Chapman Creek (31.0192)	August 1 - September 30	X	–
Glade Creek (31.0851)	August 1 - September 30	X	–
Juniper Canyon Creek (31.0378)	August 1 - September 30	X	–
Klickitat River (30.0002) - Mouth to Klickitat hatchery	Submit Application	–	–
Klickitat River (30.0002) - Upstream of Klickitat hatchery	Submit Application	–	–
Little White Salmon River (29.0131) - Mouth to Cabbage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	X	–
Pine Creek (31.0354)	August 1 - September 30	X	–
Rock Creek (31.0014)	August 1 - September 30	X	–
Six Prong Creek (31.0465)	August 1 - September 30	X	–
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	–
Wood Gulch Creek (31.0263)	August 1 - September 30	X	–
Lewis County	August 1 - September 30	X	–
Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River	August 1 - August 31	X	X
Newaukum River (23.0882) - Mouth to South Fork	August 1 - August 31	X	X
Newaukum River (23.0882) - Upstream of South Fork	August 1 - August 31	X	–
Skookumchuck River (23.0761)	August 1 - August 31	X	X
Cowlitz River (26.0002)	August 1 - August 15	X	X
Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)	August 1 - August 15	X	X
Cispus River (26.0668) - Squaw Creek to Chambers Creek	July 16 - February 28	X	X
Cispus River (26.0668) - Upstream of Chambers Creek	July 16 - February 28	X	–
Yellowjacket Creek (26.0757)	August 1 - August 15	X	–
McCoy Creek (26.0766) - Mouth to lower falls	August 1 - August 15	X	–
McCoy Creek (26.0766) - Upstream of lower falls	July 16 - February 28	X	–
Walupt Creek (26.1010)	Submit Application	–	–
Packwood Lake Tributaries	August 16 - September 15	X	–
Tilton River (26.0560) - Mouth to North Fork	August 1 - September 30	X	X
Tilton River (26.0560) - Upstream of North Fork	August 1 - September 30	X	–
Toutle River (26.0227)	August 1 - August 31	X	X
North Fork Toutle River (26.0314)	July 16 - August 15	X	X

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Green River (26.0323)	July 16 - September 30	X	X
Deschutes River (13.0028)	July 16 - August 31	X	X
Little Deschutes River (13.0110)	July 16 - February 28	X	–
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X
Lincoln County	June 16 - February 28	X	–
Columbia River	See below	–	–
Hawk Creek (53.0101) - Mouth to falls	June 16 - August 31	X	–
Hawk Creek (53.0101) - Upstream of falls	June 16 - February 28	X	–
Upper Crab Creek (42.0001)	June 16 - February 28	X	–
Wilson Creek (43.0020)	June 16 - February 28	X	–
Mason County	August 1 - October 15	X	–
Cloquallum Creek (22.0501)	August 1 - September 30	X	–
Coulter Creek (15.0002)	August 1 - August 31	X	–
Dewatto River (15.0420)	August 1 - August 31	X	–
Goldsborough Creek (14.0035)	August 1 - October 15	X	–
John Creek (16.0253)	August 1 - August 31	X	–
Hamma Hamma River (16.0251) - Mouth to falls	August 1 - August 31	X	–
Johns Creek (14.0049)	August 1 - August 15	X	–
Lilliwaup River (16.0230) - Mouth to falls	August 1 - August 31	X	X
Lilliwaup River (16.0230) - Upstream of falls	August 1 - February 28	X	–
Mill Creek (14.0029)	August 1 - August 15	X	–
Satsop River (22.0360)	August 1 - August 31	X	–
Schaerer Creek (16.0326)	August 1 - August 31	X	–
Sherwood Creek (14.0094)	August 1 - August 15	X	–
Skokomish River (16.0001) - Mouth to Forks	August 1 - August 31	X	X
Skokomish River (16.0001) - Upstream of Forks	August 1 - August 31	X	–
Tahuya River (15.0446)	August 1 - August 31	X	–
Twanoh Creek (14.0134)	August 1 - October 31	X	–
Union River (15.0503)	August 1 - August 31	X	X
Okanogan County	July 1 - August 15	X	–
Aneas Creek (49.0243) - Mouth to falls	July 16 - August 31	X	–
Aneas Creek (49.0243) - Upstream of falls	July 1 - March 31	X	–
Chewiliken Creek (49.0232) - Mouth to falls	July 16 - August 31	X	–
Chewiliken Creek (49.0232) - Upstream of falls	July 1 - March 31	X	–
Chiliwist Creek (49.0034) - Mouth to falls	July 16 - August 31	X	–
Chiliwist Creek (49.0034) - Upstream of falls	July 1 - March 31	X	–
Foster Creek (50.0065)	July 1 - February 28	X	–
Methow River (48.0007) - Columbia confluence to Twisp River	July 1 - July 31	X	X

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Methow River tributaries between Black Canyon Creek and Gold Creek	July 1 - February 28	X	–
Black Canyon Creek (48.0015) - Mouth to Left Fork	Submit Application	–	–
Black Canyon Creek (48.0015) - Upstream of Left Fork	July 1 - February 28	X	–
Gold Creek (48.0104) - Mouth to Foggy Dew Creek	Submit Application	–	–
Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls	Submit Application	–	–
Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls	July 1 - February 28	X	–
Middle Fork Gold Creek (48.0139)	July 1 - February 28	X	–
North Fork Gold Creek (48.0104)	Submit Application	–	–
Crater Creek (48.0177) - Mouth to Martin Creek	Submit Application	–	–
Crater Creek (48.0177) - Upstream of Martin Creek	July 1 - February 28	X	–
Martin Creek (48.0177)	July 1 - February 28	X	–
South Fork Gold Creek (48.0105) - Mouth to Rainy Creek	Submit Application	–	–
South Fork Gold Creek (48.0105) - Upstream of Rainy Creek	July 1 - February 28	X	–
Rainy Creek (48.0105)	July 1 - February 28	X	–
McFarland Creek (48.0090) - Mouth to Vinegar Gulch	Submit Application	–	–
McFarland Creek (48.0090) - Upstream of Vinegar Gulch	July 1 - February 28	X	–
Methow River tributaries between Libby Creek and Beaver Creek	July 1 - February 28	X	–
Beaver Creek (48.0307)	Submit Application	–	–
Frazer Creek (48.0309)	July 1 - February 28	X	–
Lightning Creek (48.0361)	July 1 - February 28	X	–
Middle Fork Beaver Creek (48.0307)	July 1 - February 28	X	–
South Fork Beaver Creek (48.0342)	July 1 - February 28	X	–
Libby Creek (48.0203) - Mouth to Hornet Draw Creek	Submit Application	–	–
Libby Creek (48.0203) - Upstream of Hornet Draw	July 1 - February 28	X	–
Methow River (48.0007) - Twisp River to Goat Creek	July 1 - July 31	X	X
Methow River (48.0007) - Upstream of Goat Creek	July 1 - July 31	X	–
Chewuch River (48.0728) - Mouth to Meadow Creek	July 1 - July 31	X	X
Chewuch River (48.0728) - Upstream of Meadow Creek	July 1 - February 28	X	–
Early Winters Creek (48.1408) - Mouth to Silver Star Creek	Submit Application	–	–
Early Winters Creek (48.1408) - Upstream of Silver Star Creek	July 1 - February 28	X	–

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Goat Creek (48.1364) - Mouth to 500' upstream of Montana Creek	Submit Application	–	–
Goat Creek (48.1364) - 500' Upstream of Montana Creek to Roundup Creek	July 1 - February 28	X	–
Goat Creek (48.1364) - Upstream of Roundup Creek	Submit Application	–	–
Lost River (48.0592)	July 16 - August 15	X	X
Twisp River (48.0374)	July 1 - July 31	X	X
Buttermilk Creek (48.0466)	Submit Application	–	–
North Creek (48.0674)	Submit Application	–	–
North Fork Twisp River (48.0691)	July 1 - February 28	X	–
South Creek (48.0641) - Upstream of Louis Creek	July 1 - February 28	X	–
South Creek (48.0641) - Mouth to Louis Creek	Submit Application	–	–
South Fork Twisp River (48.0698)	July 1 - February 28	X	–
Wolf Creek (48.1300)	Submit Application	–	–
Myers Creek (60.0517)	July 1 - February 28	X	–
Bolster Creek (60.0517)	July 1 - February 28	X	–
Ethel Creek (60.0517)	July 1 - February 28	X	–
Gold Creek (60.0517)	July 1 - February 28	X	–
Mary Ann Creek (60.0517)	July 1 - February 28	X	–
North Fork Mary Ann Creek (60.0517)	July 1 - February 28	X	–
Okanogan River (49.0019) - Mouth to Zosel Dam	July 1 - August 31	X	X
Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0	July 1 - February 28	X	–
Antoine Creek (49.0294) - Upstream of falls	July 1 - March 31	X	–
Bonaparte Creek (49.0246) - Upstream of falls	July 1 - March 31	X	–
Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0	July 1 - February 28	X	–
Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4	July 1 - February 28	X	–
Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4	July 1 - March 31	X	–
Mosquito Creek (49.0321) - Mouth to falls	July 1 - August 31	X	–
Mosquito Creek (49.0321) - Upstream of falls	July 1 - March 31	X	–
Nine Mile Creek (49.0516)	July 1 - February 28	X	–
Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4	July 1 - February 28	X	–
Omak Creek (49.0138) - Upstream of falls	July 1 - March 31	X	–
Salmon Creek (49.0079) - Mouth to diversion	July 1 - August 31	X	–

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Salmon Creek (49.0079) - Upstream of diversion	July 1 - February 28	X	–
Similkameen River (49.0325) - Mouth to Enloe Dam	July 1 - August 31	X	X
Similkameen River (49.0325) - Upstream of Enloe Dam	July 1 - October 31	X	X
Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake	July 1 - August 31	X	–
Cecile Creek (49.0447)	July 1 - February 28	X	–
Chopaka Creek (49.0357)	July 1 - February 28	X	–
Toats Coulee Creek (49.0368)	July 1 - February 28	X	–
Cougar Creek (49.0368)	July 1 - February 28	X	–
Siwash Creek (49.0284) - Falls to headwaters	July 1 - March 31	X	–
Siwash Creek (49.0284) - Mouth to falls at river mile 1.4	July 1 - February 28	X	–
Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8	July 1 - February 28	X	–
Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8	July 1 - March 31	X	–
Tunk Creek (49.0211) - Mouth to falls	July 1 - February 28	X	–
Tunk Creek (49.0211) - Upstream of falls	July 1 - March 31	X	–
San Poil River (52.0004)	June 16 - September 30	X	X
West Fork San Poil (52.0192)	June 16 - September 30	X	X
Gold Creek (52.0197)	June 16 - February 28	X	–
Toroda Creek (60.0410)	July 1 - September 30	X	–
Pacific County	August 1 - September 30	X	–
Bear River (24.0689)	August 1 - September 30	X	X
Bone River (24.0405)	August 1 - September 30	X	–
Chehalis River (22.0190/23.0190)	August 1 - August 15	X	X
Columbia River	See below	–	–
Chinook River (24.MISC)	August 1 - September 30	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Naselle River (24.0543)	August 1 - September 15	X	X
Nemah River (24.0460)	August 1 - September 30	X	X
Niawiakum River (24.0417)	August 1 - September 30	X	–
North River (24.0034)	August 1 - September 30	X	X
Palix River (24.0426)	August 1 - September 30	X	–
Willapa River (24.0251)	August 1 - September 30	X	X
Pend Oreille County	July 1 - August 31	X	–
Little Spokane River (55.0003)	August 1 - March 15	X	–
West Branch Little Spokane River (55.0439)	August 1 - March 15	X	–
Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek	August 1 - August 31	X	–
Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek	July 16 - February 28	X	–
Pend Oreille River (62.0002)	Submit Application	–	–
Big Muddy Creek (62.0279)	August 1 - March 15	X	–

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Bracket Creek (62.0815)	August 1 - March 15	X	–
Calispel Creek (62.0628)	August 1 - August 31	X	–
Exposure Creek (62.0261)	August 1 - August 31	X	–
Kent Creek (62.0819)	August 1 - March 15	X	–
Le Clerc Creek (62.0415)	August 1 - August 31	X	–
Lime Creek (62.0014)	August 1 - March 15	X	–
Lodge Creek (62.0859)	August 1 - August 31	X	–
Lost Creek (62.0322)	August 1 - March 15	X	–
Marshall Creek (62.0842)	August 1 - March 15	X	–
Pee Wee Creek (62.0007) - Mouth to falls	August 1 - August 31	X	–
Pee Wee Creek (62.0007) - Upstream of falls	August 1 - March 15	X	–
Renshaw Creek (62.0310)	August 1 - March 15	X	–
Sullivan (O'Sullivan) Creek (62.0074)	August 1 - August 31	X	–
North Fork Sullivan Creek (62.0075)	August 1 - August 31	X	–
Tributaries of Deep Creek in Pend Oreille County (61.0195)	July 16 - August 15	X	–
Currant Creek (61.0249)	July 16 - August 15	X	–
Meadow Creek (61.0351)	July 16 - August 15	X	–
Rocky Creek (61.0364)	July 16 - August 15	X	–
Silver Creek (61.0195)	July 16 - August 15	X	–
Smackout Creek (61.0226)	July 16 - August 15	X	–
Pierce County	July 16 - August 31	X	–
Chambers/Clover Creek Watershed (12.MISC)	July 16 - September 30	X	–
Flett Creek (12.0009)	July 16 - October 31	X	–
Leach Creek (12.0008)	July 16 - September 30	X	–
Nisqually River (11.0008) - Mouth to Alder Lake	July 16 - August 31	X	X
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X
Mashel River (11.0101) - Mouth to Busy Wild Creek	July 16 - September 30	X	X
Mashel River (11.0101) - Upstream of Busy Wild Creek	July 16 - September 30	X	–
Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall	July 16 - August 31	X	X
Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall	July 16 - August 15	X	X
Carbon River (10.0413)	July 16 - August 15	X	X
Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream	July 16 - August 31	X	–
Cayada Creek (10.0525) - Upstream of the falls	January 1 - December 31	X	–
South Prairie Creek (10.0429)	July 16 - August 15	X	–
Voight Creek (10.0414) - Mouth to falls at River Mile 4.0	July 16 - August 31	X	–
Voight Creek (10.0414) - Upstream of falls River Mile 4.0	July 16 - February 28	X	–

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White River (10.0031)	July 16 - August 15	X	X
Clearwater River (10.0080)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Huckleberry Creek (10.0253)	July 16 - August 15	X	–
West Fork White River (10.0186)	July 16 - August 15	X	X
Sequalitchew Creek (12.0019)	July 16 - September 30	X	–
San Juan County	July 1 - August 31	X	–
Cascade Creek (02.0057), Orcas Island - Upstream of lower falls	July 1 - February 28	X	–
Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth	July 1 - October 31	X	–
Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)	June 16 - October 15	X	–
False Bay Creek (02.MISC) - San Juan Island; Mouth to lake	July 1 - October 31	X	–
Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay	July 1 - October 15	X	–
Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile	July 1 - October 15	X	–
Unnamed Creek (02.0041) - San Juan Island; Mouth to lake	July 1 - October 15	X	–
Skagit County	August 1 - September 15	X	–
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28	X	–
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	–
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	X	–
Samish River (03.0005)	August 1 - September 15	X	–
Skagit River (03.0176/04.0176)	Submit Application	–	–
Baker River (04.0435) - Mouth to Baker Dam	Submit Application	–	–
Cascade River (04.1411)	Submit Application	–	–
Day Creek (03.1435)	July 16 - February 28	X	–
Lookout Creek (04.1447)	July 16 - February 28	X	–
Sibley Creek (04.1481)	July 16 - February 28	X	–
Day Creek (03.0299) - Mouth to Rocky Creek	Submit Application	–	–
Day Creek (03.0299) - Upstream of Rocky Creek	August 1 - February 28	X	–
Finney Creek (04.0392) - Mouth to Big Fir Creek	Submit Application	–	–
Finney Creek (04.0392) - Upstream of Big Fir Creek	July 16 - February 28	X	–
Illabot Creek (04.1346)	Submit Application	–	–

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Sauk River (04.0673) - Mouth to Forks	Submit Application	–	–
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	–
Suiattle River (04.0710)	August 1 - August 15	X	X
Wiseman Creek (03.0280) - Mouth to SR20	Submit Application	–	–
Wiseman Creek (03.0280) - Upstream of SR20	July 16 - February 28	X	–
South Fork Nooksack River (01.0246) - Mouth to falls at River Mile 30	August 1 - August 15	X	X
South Fork Nooksack River (01.0246) - Falls at River Mile 30 to Wanlick Creek	July 16 - August 15	X	X
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	July 16 - August 15	X	–
Skamania County	July 15 - September 15	X	–
Columbia River	See below	–	–
Cispus River (26.0668)	August 1 - August 15	X	X
Cispus River (26.0668) tributaries located in Skamania County	August 1 - October 31	X	–
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	X	–
Green River (26.0323) (Tributary of North Fork Toutle River)	July 16 - September 30	X	X
Hamilton Creek (28.0303)	August 1 - August 31	X	–
Hardy Creek (28.0303)	August 1 - August 31	X	–
Little White Salmon River (29.0131) - Mouth to Hatchery	July 16 - August 15	X	X
Little White Salmon River (29.0131) - Hatchery to Cabbage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	X	–
North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	–
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - February 28	X	X
Washougal River (28.0159) - Mouth to Stebbins Creek	August 1 - August 31	X	X
Washougal River (28.0159) - Upstream of Stebbins Creek	August 1 - August 31	X	–
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	–
Wind River (29.0023)	August 1 - August 15	X	X
Woodward Creek (28.0298)	August 1 - August 31	X	–

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Snohomish County	July 16 - September 15	X	–
Lake Washington tributaries	August 1 - August 15	X	–
Sauk River (04.0673) - Mouth to Forks	August 1 - August 15	X	X
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	–
Suiattle River (04.0710)	August 1 - August 15	X	X
Snohomish River (07.0012) - Mouth to Highway 9	August 1 - October 31	X	X
Snohomish River (07.0012) - Upstream of Highway 9	August 1 - August 15	X	X
Pilchuck River (07.0125) - Mouth to City of Snohomish diversion dam	August 1 - August 31	X	X
Pilchuck River (07.0125) - City of Snohomish diversion dam to Boulder Creek	August 1 - September 15	X	X
Pilchuck River (07.0125) - Upstream of Boulder Creek	August 1 - September 15	X	–
Skykomish River (07.0012) - Mouth to forks	August 1 - August 15	X	X
Deer Creek (05.0173) - Mouth to stream mile 0.5	August 1 - August 31	X	–
Deer Creek (05.0173) - Upstream of stream mile 0.5	August 1 - February 28	X	–
North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek	August 1 - February 28	X	X
North Fork Skykomish River (07.0982) - Upstream of West Cady Creek	August 1 - February 28	X	–
Howard Creek (07.1042)	July 16 - February 28	X	–
Silver Creek (07.1053) - Mouth to Lake Gulch	August 1 - August 31	X	–
Silver Creek (07.1053) - Upstream of Lake Gulch	August 1 - February 28	X	–
Troublesome Creek (07.1085)	August 1 - February 28	X	–
West Fork Troublesome Creek (07.1092)	August 1 - August 31	X	–
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	–
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X

Washington Counties and State Waters Water Resource Inventory Area (WRIA) in parentheses	Mineral Prospecting Is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	X
Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4	August 1 - August 15	X	X
Sultan River (07.0881) - Diversion Dam to Elk Creek	July 16 - February 28	X	X
Sultan River (07.0881) - Upstream of Elk Creek	July 16 - February 28	X	–
Wallace River (07.0940) - Mouth to Wallace Falls	August 1 - August 31	X	X
Wallace River (07.0940) - Upstream of Wallace Falls	August 1 - February 28	X	–
Olney Creek (07.0946) - Mouth to Olney Falls	August 1 - August 31	X	–
Olney Creek (07.0946) - Upstream of Olney Falls	August 1 - February 28	X	–
Snoqualmie River Mouth to Falls (07.0219)	August 1 - August 15	X	X
All other Snohomish River tributaries	August 1 - August 31	X	–
Stillaguamish River (05.0001) - Mouth to forks	August 1 - August 31	X	X
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	–
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	X	–
South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek	August 1 - August 15	X	X
South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek	August 1 - August 15	X	–
Spokane County	June 16 - August 31	X	–
Latah Creek (56.0003)	June 16 - August 31	X	–
Little Spokane River (55.0600) - Mouth to Deer Creek	June 16 - August 31	X	X
Little Spokane River (55.0600) - Upstream of Deer Creek	June 16 - August 31	X	–
Spokane River (57.0001)	June 16 - August 31	X	X
Stevens County	July 16 - August 31	X	–
Columbia River	See below	–	–
Big Sheep Creek (61.0150)	July 16 - August 15	X	–
Colville River (59.0002) - Mouth to the Falls	July 16 - September 30	X	X
Colville River (59.0002) - Upstream of the Falls	July 16 - September 30	X	X
Deep Creek (61.0195)	July 16 - August 15	X	–
Onion Creek (61.0098)	July 16 - August 15	X	–
Sheep Creek (59.0861)	July 16 - September 30	X	–

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Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River	July 16 - February 28	X	–
Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. Border	July 16 - February 28	X	–
Tributaries of Little Spokane River (55.0600)	June 16 - August 31	X	–
Calispel Creek (62.0628)	August 1 - August 31	X	–
Other tributaries to the Pend Oreille River in Stevens County	July 1 - August 31	X	–
Thurston County	July 16 - September 15	X	–
Cedar Creek (23.0570)	August 1 - September 30	X	–
Chehalis River (22.0190/23.0190) - Upstream of Porter Creek	August 1 - August 15	X	X
Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir	August 1 - August 31	X	X
Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir	August 1 - August 31	X	–
Deschutes River (13.0028) - Mouth to Deschutes Falls	July 16 - August 31	X	X
Deschutes River (13.0028) - Upstream of Deschutes Falls	July 16 - August 31	X	–
Ellis Creek (13.0022)	May 16 - September 30	X	–
Little Deschutes River (13.0110)	July 16 - February 28	X	–
McLane Creek (13.0138)	August 1 - October 31	X	–
Percival Creek (13.0029)	July 16 - August 31	X	–
Nisqually River (11.0008)	July 16 - August 31	X	X
Tributaries of Nisqually River (11.0008)	July 16 - August 31	X	–
Porter Creek (23.0543)	August 1 - September 30	X	–
Schneider Creek (14.0009)	August 1 - October 31	X	–
Waddell Creek (23.0677)	August 1 - September 30	X	–
Woodard Creek (13.0012)	July 16 - August 31	X	–
Woodland Creek (13.0006)	July 16 - September 30	X	–
Wahkiakum County	July 16 - September 15	X	–
Columbia River	See below	–	–
Abernathy Creek (25.0297)	July 16 - September 15	X	–
Deep River (25.0011)	July 16 - September 15	X	X
Elochoman River (25.0236)	July 16 - September 15	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Mill Creek (25.0284)	July 16 - September 15	X	–
Naselle River (24.0543)	July 16 - September 15	X	X
Skamokowa Creek (25.0194)	July 16 - September 15	X	–
Walla Walla County	July 16 - September 30	X	–
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	X	X
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	X	–
Touchet River (32.0097) - Mouth to Forks	August 1 - August 15	X	X

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North Fork Touchet/Wolf Fork (32.0761)	Submit Application	–	–
South Fork Touchet (32.0708)	Submit Application	–	–
Whatcom County	July 16 - August 15	X	–
Damfino Creek (00.0032)	July 16 - August 31	X	–
Nooksack River (01.0120)	July 16 - August 15	X	X
Cascade Creek (02.0057) - Mouth to FR 37	Submit Application	–	–
Cascade Creek (02.0057) - Upstream of FR 37	July 16 - February 28	X	–
Middle Fork Nooksack River (01.0339) - Mouth to City of Bellingham Diversion Dam	July 16 - August 15	X	X
Middle Fork Nooksack River (01.0339) - Upstream of City of Bellingham Diversion Dam	Submit Application	–	–
North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls	July 16 - August 15	X	X
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	–	–
Barometer Creek (01.0513)	July 16 - February 28	X	–
Ruth Creek (01.0531)	July 16 - February 28	X	–
Swamp Creek (01.0518)	July 16 - February 28	X	–
Wells Creek (02.0057)	Submit Application	–	–
Bar Creek (01.0500)	July 16 - February 28	X	–
South Fork Nooksack (01.0246) - Mouth to Wanlick Creek	August 1 - August 15	X	X
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	August 1 - August 15	X	–
Samish River (03.0005)	July 16 - August 15	X	–
Skagit River (03.0176/04.0176)	Submit Application	–	–
Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)	Submit Application	–	–
Baker River (04.0435) - Baker Lake to national park boundary	Submit Application	–	–
Boulder Creek (04.0499)	July 16 - February 28	X	–
Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6	Submit Application	–	–
Park Creek (04.0506) - Upstream of river mile 1.6	July 16 - February 28	X	–
Swift Creek (04.0509) - Mouth to Rainbow Creek	Submit Application	–	–
Swift Creek (04.0509) - Upstream of Rainbow Creek	July 16 - February 28	X	–
Ross Lake (03.0176/04.0176) tributaries	Submit Application	–	–
Ruby Creek (04.2199)	Submit Application	–	–
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	–	–

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Canyon Creek (04.2458) - Upstream of Barron Creek and tributaries	October 1 - February 28	X	–
Barron Creek (04.2591)	October 1 - February 28	X	–
Boulder Creek (04.2478) - Mouth to 300 feet upstream	Submit Application	–	–
Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	–
Friday Creek (04.2549) - Mouth to 300 feet upstream	Submit Application	–	–
Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	–
Holmes Creek (04.2473) - Mouth to 300 feet upstream	Submit Application	–	–
Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	–
Mill Creek (04.2504) - Mouth to 300 feet upstream	Submit Application	–	–
Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	–
Nickol Creek (04.2476) - Mouth to 300 feet upstream	Submit Application	–	–
Nickol Creek (04.2476) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	–
North Fork Canyon Creek (04.2583) - Mouth to Elk Creek	Submit Application	–	–
Cascade Creek (05.2584)	October 1 - February 28	X	–
North Fork Canyon Creek (04.2583) - Upstream of Elk Creek	October 1 - February 28	X	–
Slate Creek (04.2557) - Mouth to falls at River Mile 0.6	Submit Application	–	–
Slate Creek (04.2557) - Upstream of falls at River Mile 0.6	October 1 - February 28	X	–
Granite Creek (04.2313) - Mouth to East Creek	Submit Application	–	–
Granite Creek (04.2313) - Upstream of East Creek and tributaries	October 1 - February 28	X	–
Saar Creek (00.0003)	August 1 - September 30	X	–
Silesia Creek (00.0042) - Canadian Border to Middle Fork	July 16 - August 15	X	–
Silesia Creek (00.0042) - Middle Fork to national park boundary	July 16 - February 28	X	–
Rapid Creek (00.0048)	July 16 - February 28	X	–
West Fork Silesia Creek (00.0044)	July 16 - February 28	X	–
Winchester Creek (00.0045)	July 16 - February 28	X	–
Whitman County	July 16 - December 15	X	–
Snake River (35.0002)	See below	–	–
Alkali Flats Creek (35.0570)	July 16 - December 15	X	–
Almota Creek (35.1017)	July 16 - December 15	X	–
Little Almota Creek (35.1018)	July 16 - December 15	X	–
Palouse River (34.0003) - Mouth to Palouse Falls	July 16 - September 30	X	X

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Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	X	X
Penewawa Creek (35.0916)	July 16 - December 15	X	–
Wawawi Canyon Creek (35.1165)	July 16 - December 15	X	–
Yakima County	June 1 - September 15	X	–
Glade Creek (31.0851)	August 1 - September 30	X	–
Klickitat River (30.0002)	Submit Application	–	–
Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam	June 1 - September 15	X	X
Ahtanum Creek (37.1382)	June 16 - September 30	X	–
North Fork Ahtanum Creek (37.1382)	Submit Application	–	–
South Fork Ahtanum Creek (37.1382)	Submit Application	–	–
Naches River (38.0003) - Mouth to Tieton River	July 1 - October 15	X	X
Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River	July 1 - August 15	X	X
Bumping River (38.0998)	July 16 - August 15	X	X
American River (38.1000)	Submit Application	–	–
Gold Creek (38.MISC)	July 16 - February 28	X	–
Kettle Creek (38.1033)	Submit Application	–	–
Miner Creek (38.1027)	July 16 - February 28	X	–
Morse Creek (38.1072) - Mouth to SR410 Crossing	August 1 - August 15	X	–
Morse Creek (38.1072) - Upstream of SR410 Crossing	August 1 - February 28	X	–
Rock Creek (38.MISC)	July 16 - February 28	X	–
Timber Creek (38.1062)	August 1 - August 15	X	–
Union Creek (38.1045) - Upstream of 500' above falls	August 1 - February 28	X	–
Union Creek (38.1045) - Mouth to 500' above falls	Submit Application	–	–
Other American River tributaries not listed	August 1 - February 28	X	–
Deep Creek (38.MISC)	Submit Application	–	–
Copper Creek (38.MISC)	August 1 - August 15	X	–
Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek	July 1 - September 30	X	–
North Fork Cowiche Creek (38.0008)	July 1 - February 28	X	–
South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30	X	–
South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek	July 16 - October 31	X	–
Granite Creek (38.MISC)	August 1 - August 15	X	–
Little Naches River (38.0852) - Mouth to Matthews Creek	July 16 - August 15	X	X
Little Naches River (38.0852) - Upstream of Matthews Creek	July 16 - August 15	X	–

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Crow Creek (38.0858)	July 16 - August 15	X	–
Nile Creek (38.0692)	July 16 - October 15	X	–
Rattlesnake Creek (38.0518)	July 16 - August 15	X	–
Tieton River (38.0166) - Mouth to Rimrock Dam	July 1 - August 31	X	X
North Fork Tieton River (38.0291) - Below Clear Lake Dam	Submit Application	–	–
North Fork Tieton River (38.0291) - Upstream of Clear Lake	July 1 - August 15	X	–
Clear Creek (38.0317)	July 16 - February 28	X	–
South Fork Tieton River (38.0374) - Below South Fork Falls	Submit Application	–	–
South Fork Tieton River (38.0374) - Upstream of South Fork Falls	July 16 - February 28	X	–
Indian Creek (38.0302)	Submit Application	–	–
Tributaries of Tieton River below Rimrock Dam	July 16 - February 28	X	–
Umtanum Creek (39.0553)	July 16 - September 30	X	–
Wenas Creek (39.0032)	July 16 - October 15	X	–
Other Yakima River tributaries	July 16 - August 31	X	–
Columbia River	–	–	–
Mouth to the I-205 Bridge	August 1 - March 31	X	X
I-205 Bridge to Bonneville Dam	July 16 - September 15	X	X
Bonneville Dam to Snake River	July 16 - February 28	X	X
Snake River to Priest Rapids Dam	July 16 - September 30	X	X
Priest Rapids Dam to Mouth of Crab Creek	July 16 - February 28	X	X
Mouth of Crab Creek to Wanapum Dam	July 16 - September 30	X	X
Wanapum Dam to the SR 285 bridge in South Wenatchee	July 16 - February 28	X	X
SR 285 bridge in South Wenatchee to the SR 2 bridge	July 16 - September 30	X	X
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	X	X
From one mile downstream of the Chelan River to the SR 97 bridge	July 16 - September 30	X	X
From SR 97 bridge to Chief Joseph Dam	July 16 - February 28	X	X
Chief Joseph Dam to Grand Coulee Dam	June 16 - March 31	X	X
Grand Coulee Dam to Canadian border	Submit Application	–	–
All Columbia River tributaries	See county listings	–	–
Snake River	–	X	–
Mouth to Ice Harbor Dam	July 16 - September 30	X	X
Ice Harbor Dam to Mouth of Clearwater River	July 16 - March 31	X	X
Mouth of Clearwater River to State Line	August 1 - August 31	X	X
All Snake River tributaries	See county listings	–	–
Lakes	Submit Application	–	–
Salt water	Submit Application	–	–

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All waters within Indian tribal reservation, national park, state park, or wilderness boundaries	Submit Application	–	–

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-206, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-206, filed 12/16/98, effective 1/16/99.]

WAC 220-110-223 Freshwater lake bulkheads. Bioengineering is the preferred method of bank protection where practicable. Freshwater lake bulkhead projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to freshwater bulkhead projects:

(1) The toe of the bulkhead shall be placed landward of the ordinary high water line.

(2) Rock used for the bulkhead construction shall be composed of clean, angular material of a sufficient size to prevent its being washed away by high water or wave action.

(3) Material that is waterward of the ordinary high water line shall not be utilized for backfill.

(4) Excavated or dredged material shall not be stockpiled waterward of the ordinary high water line.

(5) All trenches, depressions, or holes created within the ordinary high water line shall be backfilled prior to inundation by high water or wave action.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-223, filed 11/14/94, effective 12/15/94.]

WAC 220-110-224 Freshwater boat hoists, ramps, and launches. The installation and operation of portable boat hoists in lakes does not require a HPA, provided:

1. Equipment is not operated below the ordinary high water line during installation;

2. The hoist is not installed at the mouth of any watercourse; and

3. Dredging, filling, or pile driving is not conducted as part of the project. Freshwater boat hoist, ramp, and launch projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions shall apply to boat ramps and launches in freshwater areas.

(1) Structures containing concrete shall be sufficiently cured to prevent leaching prior to contact with water.

(2) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(3) Overburden material resulting from this project shall be deposited so as not to reenter the water.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-224, filed 11/14/94, effective 12/15/94.]

WAC 220-110-230 Saltwater technical provisions. WAC 220-110-240 through 220-110-330 set forth technical provisions that shall apply to saltwater hydraulic projects. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-230, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-230, filed 4/13/83.]

WAC 220-110-240 Tidal reference areas. Tidal reference areas are defined as follows:

(1) Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley Inlet westerly of a line projected from Hungerford Point to Arcadia.

(2) Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.

(3) Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.

(4) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.

(5) Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.

(6) Tidal Reference Area 6 (Edmonds): All saltwater areas northerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound and southerly of

a line projected true east from Possession Point to Chenault Beach and from Foulweather Bluff to Double Bluff.

(7) Tidal Reference Area 7 (Everett): All saltwater areas northerly of a line projected true east from Possession Point to Chenault Beach, easterly of a line projected 5° true from East Point to Lowell Point, and southerly of the Stanwood to Camano Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.

(8) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a line projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel Bridge on State Highway 536. This area includes Holmes Harbor, Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.

(9) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge.

(10) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as defined in WAC 220-16-210 except Hood Canal south of a line projected from Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and associated bays and inlets.

(11) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of a line projected from Lilliwaup Bay to Dewatto Bay.

(12) Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly of a line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.

(13) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line projected true east from Hazel Point and south of a line projected from Tala Point to Foulweather Bluff. This area includes Port Gamble.

(14) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa Bay.

(15) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty, and westerly of 123° 59' W. longitude.

(16) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59' W. longitude and westerly of the Union Pacific railroad bridge across the Chehalis River.

(17) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line projected from Leadbetter Point to Cape Shoalwater Light.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-240, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-240, filed 4/13/83.]

WAC 220-110-250 Saltwater habitats of special concern. In the following saltwater habitats of special concern, or areas in close proximity with similar bed materials, specific restrictions regarding project type, design, location, and timing may apply as referenced in WAC 220-110-270 through 220-110-330. The location of such habitats may be determined by a site visit. In addition, the department may consider all available information regarding the location of the following habitats of special concern.

(1) Information concerning the location of the following saltwater habitats of special concern is available on request to the habitat management division of the department of fish and wildlife. These habitats of special concern may occur in the following types of areas:

(a) Surf smelt (Hypomesus pretiosus) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(b) Pacific sand lance (Ammodytes hexapterus) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(c) Rock sole (Lepidopsetta bilineata) spawning beds are located in the upper and middle beach area in saltwater areas containing sand and/or gravel bed materials.

(d) Pacific herring (Clupea harengus pallasi) spawning beds occur in lower beach areas and shallow subtidal areas in saltwater areas. These beds include eelgrass (Zostera spp) and other saltwater vegetation and/or other bed materials such as subtidal worm tubes.

(e) Rockfish (Sebastes spp) settlement and nursery areas are located in kelp beds, eelgrass (Zostera spp) beds, other saltwater vegetation, and other bed materials.

(f) Lingcod (Ophiodon elongatus) settlement and nursery areas are located in beach and subtidal areas with sand, eelgrass (Zostera spp), subtidal worm tubes, and other bed materials.

(2) Juvenile salmonid (Family salmonidae) migration corridors, and rearing and feeding areas are ubiquitous throughout shallow nearshore saltwater areas of the state.

(3) The following vegetation is found in many saltwater areas and serves essential functions in the developmental life history of fish or shellfish:

(a) Eelgrass (Zostera spp);

(b) Kelp (Order laminariales);

(c) Intertidal wetland vascular plants (except noxious weeds).

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-250, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-250, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-250, filed 4/13/83.]

WAC 220-110-270 Common saltwater technical provisions. The following technical provisions apply to projects in saltwater areas. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available.

(1) Use of equipment on the beach area shall be held to a minimum and confined to specific access and work corridors.

(2) Bed material, other than material excavated for bulkhead footings or placement of bulkhead base rock, shall not be utilized for project construction or fills. The department

may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.

(3) Wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Impervious material shall be placed over any exposed concrete not lined with forms that will come in contact with waters of the state. Forms and impervious material shall remain in place until the concrete is cured.

(4) Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion. Hydraulic clam harvesters shall comply with those conditions specified in WAC 220-52-018.

(5) No debris or deleterious material shall be disposed of or abandoned waterward of the ordinary high water line except at an approved in-water site.

(6) All debris or deleterious material resulting from construction shall be removed from the beach area or bed and prevented from entering waters of the state.

(7) No petroleum products or other deleterious materials shall enter surface waters.

(8) Project activities shall be conducted to minimize siltation of the beach area and bed.

(9) All piling, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.

(10) Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material, subject to timing restrictions or other provisions may be allowed.

(11) Project activities shall not degrade water quality to the detriment of fish life.

(12) If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and the department granting the HPA shall be notified immediately.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-270, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-270, filed 4/13/83.]

WAC 220-110-271 Prohibited work times in saltwater areas. Work waterward of the ordinary high water line shall be prohibited or conditioned for the following times and areas. These timing restrictions shall be applied to projects in the following saltwater areas except when allowed under subsection (6) of this section or WAC 220-110-285 (Single family residence bulkheads in saltwater areas).

(1) The prohibited times and areas for protection of migrating juvenile salmonids, surf smelt, and Pacific herring spawning beds are listed in the following table:

PROHIBITED TIMES

TIDAL REFERENCE AREA	JUVENILE SALMONID MIGRATION FEEDING AND REARING AREAS	SURF SMELT SPAWNING BEDS	HERRING SPAWNING BEDS
1	March 15 - June 14	—	January 15 - March 31
2	March 15 - June 14	July 1 - March 31	January 15 - March 31
3	March 15 - June 14	October 1 - April 30	January 15 - March 31
4	March 15 - June 14	October 1 - April 14	January 15 - April 14
5	March 15 - June 14	September 1 - March 31 in all areas except Eagle Harbor and Sinclair Inlet Year round in Eagle Harbor and Sinclair Inlet	January 15 - April 30
6	March 15 - June 14	—	—
7	March 15 - June 14	Year round	February 1 - April 14
8	March 15 - June 14	Year round	February 1 - April 14
9	March 15 - June 14	Year round	February 1 - April 14 south of a line running due west from Governor's point February 1 - June 14 north of a line running due west from Governor's point
10	March 15 - June 14	Sept. 15 - October 31 in Kilisut Harbor October 15 - January 14 in Dungeness Bay May 1 - August 31 in Twin Rivers and Deep Creek Year round in San Juan Islands	January 15 - April 30
11	March 15 - June 14	September 15 - March 1	January 15 - March 31
12	March 15 - June 14	—	February 15 - April 14
13	March 15 - June 14	October 15 - January 31	January 15 - April 14

	PROHIBITED TIMES		
TIDAL REFERENCE AREA	JUVENILE SALMONID MIGRATION FEEDING AND REARING AREAS	SURF SMELT SPAWNING BEDS	HERRING SPAWNING BEDS
14	March 1 - June 14	—	—
15	March 1 - June 14	—	—
16	March 1 - June 14	—	—
17	March 1 - June 14	—	February 1 - March 14

(2) Tidal Reference Areas 1 through 17; October 15 through March 1 for projects in or adjacent to Pacific sand lance spawning beds.

(3) Tidal Reference Areas 1 through 17; December 15 through March 31 for projects in or adjacent to rock sole spawning beds.

(4) Tidal Reference Areas 1 through 17; May 15 through October 14 for projects in or adjacent to lingcod settlement and nursery areas.

(5) Additional timing restrictions may apply for protection of other important species of fish or shellfish or if necessary to protect fish life at a particular site.

(6) If the surf smelt spawning season for the project location is six months or longer, work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawning is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-271, filed 11/14/94, effective 12/15/94.]

WAC 220-110-280 Bulkheads and bank protection in saltwater areas (nonsingle family residence). Bulkhead construction and other bank protection projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions apply to bulkhead and bank protection projects in saltwater areas on nonsingle family residence property. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) The waterward face of a new bulkhead or other bank protection shall be constructed according to an approved design, utilizing the least impacting type of structure and shall minimize encroachment waterward of the ordinary high water line to protect juvenile salmonid migration corridors and other habitats of special concern.

(2) Replacement or repair of an existing, functioning bulkhead or other bank protection shall utilize the least impacting type of structure and method of construction and shall minimize further waterward encroachment.

(3) The construction of bulkheads and other bank protection is prohibited in eelgrass (Zostera spp), Pacific herring spawning beds, and lingcod and rockfish settlement and nursery areas.

(4) The construction of bulkheads and other bank protection shall not result in a permanent loss of surf smelt, Pacific sand lance, or rock sole spawning beds.

(5) Kelp (Order laminariales) or intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of bulkheads or other bank protection shall be replaced using proven methodology.

(6) Project activities within the beach area shall not occur when the project area, including the work corridor, is inundated by tidal waters.

(7) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead or other bank protection.

(8) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps and logs, and large rocks shall be retained on the beach following construction.

(9) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(10) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(11) If sand, gravel, and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

(12) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(13) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads or other bank protection in identified surf smelt spawning areas.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-280, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-280, filed 4/13/83.]

WAC 220-110-285 Single-family residence bulkheads in saltwater areas. Single-family residence bulkheads shall not result in the permanent loss of critical food fish or shellfish habitat.

The following provisions apply to bulkhead projects in saltwater areas on single-family residence property. Except as expressly provided for in this section, construction of single-family residence bulkheads shall comply with technical

provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Critical food fish and shellfish habitats pertaining to single-family residence bulkheads as identified in RCW 75.20.160 are those habitats that serve an essential function in the developmental life history of fish or shellfish. These habitats include but are not limited to the following:

(a) Pacific herring, surf smelt, Pacific sand lance, and rock sole spawning beds;

(b) Intertidal wetland vascular plants (except noxious weeds);

(c) Eelgrass (Zostera spp);

(d) Kelp (Order laminariales);

(e) Lingcod settlement and nursery areas;

(f) Rockfish settlement and nursery areas;

(g) Juvenile salmonid migration corridors and rearing and feeding areas.

(2) The waterward face of a new bulkhead shall be located at or above the ordinary high water line. Where this is not practicable due to geological, engineering, or safety concerns, the waterward face of the new bulkhead shall be located only as far waterward of the ordinary high water line as necessary to excavate for footings or place base rock for the structure and under no conditions shall the waterward face of the bulkhead be located more than six feet waterward of the ordinary high water line. In addition, the waterward face of any bulkhead shall be located as close to the toe of the bank as possible.

(3) The waterward face of a replacement bulkhead shall be located no further waterward than the face of the existing, functioning bulkhead except where removal of the existing bulkhead would result in environmental degradation (e.g., release of deleterious material) or removal problems due to geological, engineering, or safety concerns. Where removal of an existing bulkhead is not practicable for the above reasons, the replacement or repair bulkhead shall be placed waterward of and directly abutting the existing structure. The least impacting type of structure and method of construction shall be utilized in these instances.

(4) Construction work on a bulkhead project under this section shall be subject to the timing restrictions in WAC 220-110-271 if the department determines that the project may affect a critical food fish or shellfish habitat described above. To determine if a timing constraint is appropriate for a bulkhead project under this section the department shall consider the particular location of the project and characteristics of habitats that may be affected by the project, and may include an inspection of the project site to evaluate the particular habitats near the project. The timing constraints listed in WAC 220-110-271 shall be imposed only if the department determines in the particular case that the constraint is necessary to protect a critical food fish or shellfish habitat. In addition, the timing constraints under this section shall meet the following requirements:

(a) When a project under this section may affect more than one critical habitat, the department shall apply the more protective timing constraint.

(b) Timing conditions to protect nearshore juvenile salmonid migration, rearing, and feeding areas shall not be required if:

(i) The excavation for footings or placement of base rock is located at or above MHHW and all construction work is conducted from the landward side of the project; or

(ii) The waterward face of the bulkhead and all work areas and corridors, including stockpile areas, but excluding the area occupied by a grounded barge, are at or above MHHW; or

(iii) The waterward face of the bulkhead is at or above MHHW and the bed of the project site does not contain substantial amounts of silt, clay, or fine grained sediments, so long as the project also meets the following conditions:

(A) If the bulkhead is to be constructed of rock, then work shall be limited to daylight hours in a twenty-five-foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within thirty feet of the new bulkhead face or within the stockpile area, whichever is greater. The department may permit rock to be stockpiled within fifty feet of the new bulkhead face.

(B) If the bulkhead is to be constructed of concrete, timber, steel, or material other than rock, work shall be limited to daylight hours in a fifteen foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within twenty feet of the new bulkhead face.

(c) Timing conditions to protect surf smelt spawning beds shall be imposed if a bulkhead project is located on or where it may affect a surf smelt spawning area and the surf smelt spawning season for that location is less than six months. If the surf smelt spawning season for the project location is six months or longer, then work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawn is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

(d) When required by the habitat characteristics of a particular case, location, or project, the department may impose appropriate timing constraints to protect a critical habitat pursuant to WAC 220-110-271(5).

(5) Project activities shall not occur when the project area including the work corridor (excluding the area occupied by a grounded barge), is inundated by tidal waters.

(6) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead.

(7) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks shall be retained on the beach following construction.

(8) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(9) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(10) If sand, gravel and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

(11) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(12) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads in identified surf smelt spawning areas.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-285, filed 11/14/94, effective 12/15/94.]

WAC 220-110-290 Saltwater boat ramps and launches. Boat ramp projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to saltwater area boat ramp and launch projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Railway-type boat launches shall be designed to cause minimal interference with tidal currents and littoral drift.

(2) Boat ramps shall be designed and located to avoid adverse impacts to surf smelt, Pacific sand lance, rock sole, and Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas, and eelgrass (Zostera spp).

(3) The side slopes of a boat ramp shall be no steeper than 1.5 feet horizontal to one foot vertical.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-290, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-290, filed 4/13/83.]

WAC 220-110-300 Saltwater piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings. Piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated mooring projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings in saltwater areas. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Floats and rafts shall not ground on surf smelt, Pacific herring, Pacific sand lance, and rock sole spawning beds. In all other areas, no more than twenty percent of the float or raft within the beach area shall ground at any time. Those portions of the float or raft that will ground shall be constructed to align parallel to the shore and provide a minimum of eight inches clearance between the beach area and nongrounding portions of the float.

(2) Floats, rafts, and associated anchoring systems shall be designed and deployed so that the bed is not damaged.

(3) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid shading of eelgrass (Zostera spp).

(4) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of piers, docks, floats, rafts, ramps, boathouses, and houseboats shall be replaced using proven methodology.

(5) Mitigation measures for piers, docks, floats, rafts, ramps, and associated moorings shall include, but are not limited to, restrictions on structure width and/or incorporation of materials that allow adequate light penetration (i.e., grating) for structures located landward of -10.0 feet MLLW.

(6) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to Pacific herring spawning beds and rockfish and lingcod settlement and nursery areas.

(7) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to juvenile salmonid migration routes and rearing habitats.

(8) Floatation for the structure shall be fully enclosed and contained to prevent the breakup or loss of the floatation material into the water.

(9) Boathouses and houseboats and covered moorages shall not be located landward of -10.0 feet MLLW.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-300, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-300, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-300, filed 4/13/83.]

WAC 220-110-310 Utility lines. Utility line projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to utility line projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Timing restrictions for digging trenches in the beach area for the installation of cables, sewer lines, and other utilities may be further restricted to protect other important fish life.

(2) Excavation of trenches within the beach area shall not occur when the project area is inundated by tidal waters.

(3) Trenches excavated for placement of utilities may remain open for limited times during construction, but fish shall be prevented from entering open trenches.

(4) If a fish kill occurs, or fish are observed in distress, excavation activities shall immediately cease and the department shall be notified immediately.

(5) Excavation for and installation of cables, sewer lines, and other utilities shall be conducted with equipment and techniques that minimize adverse impacts to fish and shellfish and their habitats.

(6) Utility lines shall be located to avoid Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas and eelgrass (Zostera spp).

(7) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due

to excavation or installation activities shall be replaced using proven methodology.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-310, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-310, filed 4/13/83.]

WAC 220-110-320 Dredging in saltwater areas. Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to dredging projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) In addition to those timing limitations listed in WAC 220-110-271, dredge timing may be further restricted to protect other important fish life.

(2) If a fish kill occurs or fish are observed in distress, dredging shall immediately cease and the department shall be notified immediately.

(3) A hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(4) Each pass of a clamshell dredge bucket shall be complete. Stockpiling of dredged material below the ordinary high water line may be prohibited.

(5) Dredging shall be conducted with dredge types and methods that cause the least adverse impact to fish and shellfish and their habitat.

(6) Dredged bed materials shall be disposed of at approved in-water disposal sites or upland. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.

(7) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end. Dredging to depths greater than the channel at the seaward end may be authorized only in berthing areas and turning basins for commercial shipping purposes.

(8) Dredging is prohibited in herring spawning beds and in rockfish and lingcod settlement and nursery areas.

(9) Kelp (Order laminariales) adversely impacted due to dredging shall be replaced using proven methodology.

(10) Dredging shall avoid adverse impacts to eelgrass (Zostera spp).

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-320, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-320, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-320, filed 4/13/83.]

WAC 220-110-330 Marinas in saltwater areas. Marina construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to marina projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-320 except WAC 220-110-285.

(1) The construction of marinas is prohibited on or over Pacific herring spawning beds and lingcod and rockfish settlement and nursery areas.

(2) Marinas shall be designed, located, and constructed to avoid adverse impacts to surf smelt, Pacific sand lance, and rock sole spawning beds, and eelgrass (Zostera spp).

(3) Open-type construction, utilizing floating breakwaters and open pile work, shall be used whenever practicable.

(4) Physical modeling, numerical models, or other information that demonstrates adequate water exchange and circulation may be required.

(5) All navigation channels and breaches shall be maintained at or below marina depth to provide adequate fish passage.

(6) Isolated breakwaters beyond the line of extreme low tide shall be constructed of permanent material. No slope restrictions apply.

(7) The following provisions apply to marina construction shoreward of the existing ordinary high water line:

(a) A single entrance may be required.

(b) The entire inner shoreline shall be in conformance with bulkheading provisions in WAC 220-110-280.

(8) The following provisions apply to marina construction waterward of the ordinary high water line:

(a) The beach area inside the marina may be protected in accordance with bulkheading provisions in WAC 220-110-280. Between the elevation of the toe of the bulkhead and MLLW the beach face shall not exceed a slope of 1.5 feet horizontal to one foot vertical.

(b) For a single entrance or breach marina, the breakwater structure shall not exceed a 1.5 feet horizontal to one foot vertical slope inside and outside the marina.

(c) The following provisions apply when a marina includes breaches that form shore breakwaters (jetties) and detached breakwaters:

(i) The toe of the shore breakwaters (jetties) may extend seaward to MLLW, but shall not extend seaward more than 250 feet from MHHW.

(ii) The shore breakwaters shall have a minimum slope of 1.5 feet horizontal to 1 foot vertical throughout.

(iii) The breaches between the shore breakwaters and the detached breakwaters shall be not less than 20 feet in width measured at the toe of the slope.

(d) Boathouses, houseboats, and covered moorages shall not be located landward of -10 feet MLLW.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-330, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-330, filed 4/13/83.]

WAC 220-110-331 Aquatic plant removal and control technical provisions. WAC 220-110-332 through 220-110-338 set forth technical provisions that shall apply to hydraulic projects that control or remove aquatic plants. Aquatic plant removal and control methods include physical, mechanical, biological and chemical control methods. Often the best approach to aquatic plant control and removal is through the development of a vegetation management plan. A vegetation management plan is a comprehensive approach to control of aquatic plants where all forms of control strategies are considered and usually some combination of techniques

is selected and implemented in a planned manner. These plans are based on the idea that decisions should be centered upon an understanding of the biology and ecology of the aquatic plant to be controlled and the environmental characteristics of the site. Integrated vegetation management planning is encouraged at all times to comprehensively address aquatic plant problems for a watercourse. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the HPA (pamphlet or individual), as necessary to protect fish life. HPAs shall have specific time limitations on project activities to protect fish life. Information concerning timing shall be included with the pamphlet HPA. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-331, filed 6/4/97, effective 7/5/97.]

WAC 220-110-332 Hand removal or control. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Hand removal or control of aquatic plants is useful for eradication of an aquatic noxious weed early infestation. Hand removal or control can be effective for small, confined areas. Hand removal or control of aquatic plants projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to hand removal or control of both aquatic noxious weed and aquatic beneficial plant projects except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for raking in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington and Wenatchee. Authorization may or may not be given for raking, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by raking to the spawning area.

(2) Work shall be restricted to the use of hand-pulling, hand-held tools or equipment, or equipment that is carried when used.

(3) Removal or control of aquatic beneficial plants to maintain an access for boating or swimming shall be allowed along a maximum length of 10 linear feet of the applicant's shoreline. Projects for boating and swimming access which cover a larger area shall require prior authorization by the department.

(4) Where possible, the entire plant shall be removed when using hand-pulling for aquatic noxious weeds.

(5) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using hand removal to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(6) Existing fish habitat components such as logs, stumps, and large boulders shall not be removed or disturbed.

(7) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(8) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(9) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(10) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-332, filed 6/4/97, effective 7/5/97.]

WAC 220-110-333 Bottom barriers or screens. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Bottom barriers or screens are useful for eradication of an aquatic noxious weed early infestation. Bottom barriers or screens are best used in small, confined areas where control of all plants is desirable. Bottom barrier or screen projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to bottom barrier or screen projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) For removal and control of aquatic noxious weeds, bottom barrier or screen material shall not cover more than fifty percent of the length of the applicant's shoreline. Bottom barrier or screen projects covering a larger area shall require prior authorization by the department. Bottom barrier or screen and anchor material consisting of biodegradable material may be left in place. Bottom barrier or screen and anchor material that is not biodegradable shall be completely removed within two years of placement to encourage recolonization of aquatic beneficial plants unless otherwise approved by the department.

(3) To remove or control aquatic beneficial plants such that an access is maintained for boating or swimming, bottom barrier or screen and anchor material that is either biodegradable or nonbiodegradable may be installed along a maximum length of ten linear feet of the applicant's shoreline. Bottom barrier or screen projects for boating and swimming access

which cover a larger area shall require prior authorization by the department.

(4) Bottom barrier or screen material shall be securely anchored with pea-gravel filled bags, rock or similar mechanism to prevent billowing and movement offsite.

(5) Bottom barrier or screen and anchors shall be regularly maintained while in place to ensure the barrier or screen and anchors are functioning properly. Barriers or screens that have moved or are billowing shall immediately be securely reinstalled or removed from the watercourse.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to properly install the bottom barrier or screen. These habitat components shall not be removed from the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-333, filed 6/4/97, effective 7/5/97.]

WAC 220-110-334 Weed rolling. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Weed rollers are best used when control of all aquatic plants is desired. Weed rolling projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to weed rolling projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) Weed rollers shall not be used to remove an aquatic noxious weed early infestation. To remove or control all other infestation levels of aquatic noxious weeds, weed rollers shall not cover an area of more than two thousand five hundred square feet. Weed roller projects covering a greater area shall require prior authorization by the department.

(3) Where the intent is to remove or control aquatic beneficial plants, prior authorization by the department shall be required.

(4) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using weed rollers to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(5) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(6) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to properly install the weed roller. These habitat components shall not be removed from the watercourse.

(9) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-334, filed 6/4/97, effective 7/5/97.]

WAC 220-110-335 Mechanical harvesting and cutting. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mechanical harvesting and cutting projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to mechanical harvesting and cutting projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Mechanical harvesters and cutters shall not be used to remove an aquatic noxious weed early infestation.

(2) If the intent of the project is to remove aquatic beneficial plants, prior authorization by the department shall be required.

(3) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using mechanical harvesters or cutters to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(4) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(5) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the prob-

lem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(7) Mechanical harvester and cutter operations shall only be conducted in waters of sufficient depth to avoid bottom contact with the cutter blades.

(8) Mechanical harvesters and cutters shall be operated at all times to cause the least adverse impact to fish life.

(9) Fish life that may be entrained in the cut vegetation during mechanical harvester operations shall be immediately and safely returned to the watercourse.

(10) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(11) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-335, filed 6/4/97, effective 7/5/97.]

WAC 220-110-336 Rotovation. An individual HPA shall be required for rotovation projects. Rotovation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to rotovation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Rotovators shall not be used to remove an aquatic noxious weed early infestation.

(2) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using rotovation to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(3) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Rotovators shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(4) If at any time, as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(5) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(6) Rotovators shall be operated at all times to cause the least adverse impact to fish life.

(7) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(8) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(9) Rotovation shall not occur in fish spawning areas unless approved by the department.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-336, filed 6/4/97, effective 7/5/97.]

WAC 220-110-337 Aquatic plant dredging. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA for diver-operated dredging only, unless otherwise indicated, and shall be on the job site at all times. All other dredging for aquatic plant control or removal shall require an individual HPA. Dredging projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to dredging projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) All aquatic plant dredging projects.

(a) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(b) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(c) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(d) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(e) Dredging shall be conducted at all times with dredge types and methods that cause the least adverse impact to fish life.

(f) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(g) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(h) Upon completion of the dredging, the bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

(i) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After prior authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(2) Diver-operated dredging only. The use of diver-operated dredging is useful to remove an aquatic noxious weed early infestation, and to assist in long-term maintenance following control or removal via other methods.

(a) Removal of plants and plant fragments from the watercourse shall be as complete as possible when using diver-operated dredging to remove or control aquatic noxious weeds. Plants and plant fragments shall be removed from the dredge slurry prior to its return to the watercourse. Dredged bed materials, including detached plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(b) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(c) If the intent of the project is to remove or control aquatic beneficial plants, prior authorization from the department shall be required.

(3) Dredging other than diver-operated dredging. *Except* for diver-operated dredging, an individual HPA shall be required for all dredging for aquatic plant control or removal projects.

(a) Dragline and clamshell dredges shall not be used to remove an aquatic noxious weed early infestation.

(b) Removal of plants and plant fragments from the watercourse shall be as complete as possible when using dredging to remove or control aquatic noxious weeds. Dredged bed materials, including detached plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(c) Dredging shall not be conducted in fish spawning areas unless approved by the department.

(d) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(e) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled waterward of the ordinary high water line.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-337, filed 6/4/97, effective 7/5/97.]

WAC 220-110-338 Water level manipulation. An individual HPA shall be required for water level manipulation. The use of water level manipulations (drawdowns) to remove or control aquatic noxious weeds or aquatic beneficial plants by exposing plants and root systems to extreme temperature and moisture conditions may be appropriate under specific circumstances. Accurate plant identification is important to ensuring any degree of success. Water level manipulation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water level manipulation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(2) Water level manipulation shall be conducted to cause the least adverse impact to fish life.

(3) Water level manipulation shall occur gradually and in a controlled manner to prevent a sudden release of impounded water or sediments which may result in downstream bed and bank degradation, sedimentation, or flooding. Water levels shall be drawndown and brought back up at

rates predetermined in consultation with and approved by the department. Instream flow requirements shall be maintained as water levels are brought back up.

(4) Disturbed bank areas shall be protected from erosion. Erosion control methods may include, but are not limited to, filter fabric and immediate mulching of exposed areas. Riprap, or other bank hardening/armoring method, shall not be allowed.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-338, filed 6/4/97, effective 7/5/97.]

WAC 220-110-340 Informal appeal of administrative actions. The department recommends that a person aggrieved by the issuance, denial, conditioning, or modification of an HPA contact the department employee responsible for making the decision on the HPA before initiating an informal appeal. Discussion of concerns with the department employee often results in a resolution of the problem without the need for an informal appeal.

The department encourages aggrieved persons to take advantage of the informal appeal process before initiating a formal appeal. However, the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal under WAC 220-110-350.

(1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental approvals as defined in WAC 220-110-020. A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA.

(2) Any person with standing may request an informal appeal of the following department actions:

(a) The issuance, denial, conditioning, or modification of an HPA; or

(b) An order imposing civil penalties.

(3) A request for an informal appeal shall be in writing and shall be received by the department within thirty days from the date of receipt of the decision or order. "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the department, shall constitute sufficient evidence of actual receipt. The date of actual receipt; however, may not exceed forty-five days from the date of mailing.

(4) A request for informal appeal shall be mailed to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

(5) The request shall be plainly labeled as "Request for Informal Appeal" and shall include the following:

(a) The appellant's name, address, e-mail address (if available), and phone number;

(b) The specific department action that the appellant contests;

(c) The date the department issued, denied, conditioned, or modified an HPA, or the date the department issued the order imposing civil penalties;

(d) The log number or a copy of the HPA, or a copy of the order imposing civil penalties;

(e) A short and plain statement explaining why the appellant considers the department action or order to provide inadequate protection of fish life or to be otherwise unlawful;

(f) A clear and concise statement of facts to explain the appellant's grounds for appeal;

(g) Whether the appellant is the permittee, HPA applicant, landowner, resident, or another person with an interest in the department action in question;

(h) The specific relief requested;

(i) The attorney's name, address, e-mail address (if available), and phone number, if the appellant is represented by legal counsel; and

(j) The signature of the appellant or his or her attorney.

(6) Upon receipt of a valid request for an informal appeal, the department may initiate a review of the department action. If the appellant agrees, and the appellant applied for the HPA, resolution of the appeal may be facilitated through an informal conference. The informal conference is an optional part of the informal appeal and is normally a discussion between the appellant, the department employee responsible for the decision, and a supervisor. The time period for the department to issue a decision on an informal appeal is suspended during the informal conference process.

(7) If a resolution is not reached through the informal conference process, the appellant is not the person who applied for the HPA, or the appeal involves an order imposing civil penalties, the HPA appeals coordinator or designee shall conduct an informal appeal hearing. Upon completion of the informal appeal hearing, the HPA appeals coordinator or designee shall recommend a decision to the director or designee. The director or designee shall approve or disapprove the recommended decision within sixty days of the date the department received the request for informal appeal, unless the appellant agrees to an extension of time. The department shall notify the appellant in writing of the decision of the director or designee.

(8) If the department declines to initiate an informal review of its action after receipt of a valid request, or the appellant still wishes to contest the department action following completion of the informal appeal process, the appellant may initiate a formal appeal under WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-340, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-340, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-340, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-340, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-340, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-340, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-340, filed 4/13/83.]

WAC 220-110-350 Formal appeal of administrative actions. The department recommends that a person

aggrieved by the issuance, denial, conditioning, or modification of an HPA contact the department employee responsible for making the decision on the HPA before initiating a formal appeal. Discussion of concerns with the department employee often results in a resolution of the problem without the need for a formal appeal.

The department encourages aggrieved persons to take advantage of the informal appeal process under WAC 220-110-340 before initiating a formal appeal. However, the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental approvals as defined in WAC 220-110-020. A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA.

(2) Any person with standing may request a formal appeal of the following department actions:

(a) The issuance, denial, conditioning, or modification of an HPA; or

(b) An order imposing civil penalties.

(3) As required by the Administrative Procedure Act, chapter 34.05 RCW, the department shall inform the HPA permittee or applicant, or person subject to civil penalty order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

(4) A request for formal appeal shall be in writing and shall be filed with the clerk of the pollution control hearings board (PCHB) and served on the department within thirty days from the date of receipt of the decision or order. "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the department, shall constitute sufficient evidence of actual receipt. The date of actual receipt; however, may not exceed forty-five days from the date of mailing.

(5) Service on the department shall be mailed to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

(6) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days from the date of receipt of the department's written decision in response to the informal appeal.

(7) The request for formal appeal shall contain the information required by WAC 371-08-340.

(8) The department in its discretion may stay the effectiveness of any decision or order that has been appealed to the PCHB. The department will use the standards in WAC 371-08-415(4) to make a decision on any stay request. At any time during the appeal to the PCHB, the appellant may apply to the PCHB for a stay of the decision or order, or removal of a stay imposed by the department.

(9) If there is no timely request for an appeal, the department action shall be final and unappealable.

[Statutory Authority: RCW 77.12.047 and 77.55.021. 10-19-051 (Order 10-242), § 220-110-350, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-350, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-350, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-350, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-350, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-350, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-350, filed 4/13/83.]

WAC 220-110-360 Penalties. (1) Under RCW 77.15.300, it is a gross misdemeanor to construct any form of hydraulic project or perform other work on a hydraulic project without having first obtained an HPA from the department, or, violate any requirements or conditions of the HPA for such construction or work.

(2) The department may impose a civil penalty of up to one hundred dollars per day for a violation of any provisions of RCW 77.55.021. The department shall impose the civil penalty with an order in writing delivered by certified mail or personal service to the person who is penalized. The notice shall describe the violation, identify the amount of the penalty, identify how to pay the penalty, and identify informal and formal appeal rights for the person penalized. If the violation is an ongoing violation, the penalty shall accrue for each additional day of violation. For ongoing violations, the civil penalty may continue to accrue during any appeal process unless the accrual is stayed in writing by the department.

(3) If not timely appealed under WAC 220-110-340 or 220-110-350, the civil penalty order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a final order not subject to any further administrative appeal. When a civil penalty order becomes final, it is due and payable. If the civil penalty is not paid within thirty days after it becomes due and payable, the department may seek enforcement of the order under RCW 77.55.291 and 34.05.578.

[Statutory Authority: RCW 77.55.091(2), 77.12.047, and 77.04.020. 09-02-017 (Order 08-318), § 220-110-360, filed 12/29/08, effective 4/3/09. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-360, filed 11/14/94, effective 12/15/94.]