

Item 21. HPA Suction Dredge Rule Making

WAC 220-660-030 (Definitions), WAC 220-660-300 (Mineral Prospecting),
and WAC 220-660-305 (NEW SECTION - Suction Dredging)

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Summary Sheet

Meeting dates: April 5-6, 2019
Agenda item: 21. HPA Suction Dredging Rules – Briefing and Public Hearing
Presenter(s): Randi Thurston, Protection Division Manager,
Pat Chapman, Regulatory Services Coordinator, and Teresa Scott, Special
Projects Coordinator

Background summary:

Habitat Program staff will brief the Commission on proposed amendments to the Hydraulic Code Rules for suction dredging in preparation for a public hearing on those proposed changes. In April 2018, the Commission directed staff to remove motorized and nonmotorized suction dredging as authorized equipment under the Gold and Fish pamphlet and require standard written Hydraulic Project Approval (HPA) permits for all suction dredge mineral prospecting. WDFW proposes to amend WAC sections 220-660-030 Definitions and 220-660-300 Mineral Prospecting and add a new section WAC 220-660-305 Suction Dredging in order to implement this change.

Materials

Because Hydraulic Code Rules are significant legislative rules, you have a large volume of material before you, all of which is available on the HPA rule making web page at

<https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking>.

- CR-102 (WSR 19-05-94) filed on February 20, 2019 and published in Washington State Register 19-05 on March 6, 2019.
- Rule changes - WAC 220-660-030 (Definitions) and 220-660-300 (Mineral prospecting)
- Rule changes - WAC 220-660-305 (New Section - Suction Dredging)
- Draft Small Business Economic Impact Statement
- Draft Regulatory Analysis document, including cost-benefit and least-burdensome alternative analyses.

Highlights of substantive rule changes:

RULE SECTION	CHANGE
220-660-030 (36), (37), (140)	Definition changes
220-660-300 (1)	Removing suction dredging from section 300
220-660-300(5)(iv)	Clarifies equipment use excludes suction dredge equipment
220-660-300(7)	“Authorized Work Times” table changes
220-660-305 (3)(a)	HPA required
220-660-305 (3)(b)	“Site” = registered claim or 1,300 lineal feet of stream
220-660-305(4)(a) and (b)	Aquatic invasive species provisions
220-660-305 (5)(e)(i) and (ii)	Dryland dredge provisions
220-660-305 (5)(r)	Use of pressurized water to redistribute tailings.
220-660-305(7)	Table 1 - no changes from current table.
220-660-305(8)	Reporting required annually

A CR-101 preproposal notice of inquiry was filed on May 8, 2018, after which extensive public outreach occurred.

Policy issue(s) and expected outcome:**Objectives of rule making**

WDFW's objectives in this rule making, as stated in the CR-101 and CR-102, include:

- Modify existing WAC 220-660-030 to update definitions and make other changes to clarify intent;
- Modify WAC 220-660-300 to remove suction dredging as a permitted mineral prospecting method under the Gold and Fish pamphlet and make other changes to clarify intent;
- Create a new rule as WAC 220-660-305 to permit motorized and non-motorized suction dredging activities in the state through standard HPAs, as follows:
 - Require a standard HPA application for suction dredging;
 - Require reporting to enable WDFW to determine the number of prospectors, and where and how much suction dredging occurs; and
 - Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

Key stakeholder perspectives to-date

The key perspectives we have heard from stakeholders on this proposal during the preproposal period and thus far in the formal public comment period are:

- The proposed rule changes don't go far enough in restricting suction dredge activities in locations with federal ESA-listed fish;
- The proposed rule changes are not needed in order to protect fish life and impose a burden to suction dredgers that is out of proportion to the impacts of suction dredging activity; and
- The Commission should delay implementation of the change to 2020 in order to avoid disruption to the 2019 mineral prospecting season that is already underway).

Purpose of the rule change

The CR-102 states that the “proposed rule is needed to ensure suction dredging rules adequately protect fish life. The rule making will allow WDFW to gather important new information that will increase our understanding about potentially-unaddressed impacts to fish life from suction dredging. WDFW will use this new information to determine whether additional rule making is needed in the future to adequately protect fish life. The rule making also adds provisions to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.”

Pending legislation

Since January, stakeholders have been tracking proposed legislation that would ban suction dredging and other motorized mineral prospecting methods in ESA Critical Habitat. The legislation would require miners to obtain a permit from Ecology before applying for an HPA. Some stakeholders are confused by the distinction between legislation and rule making and others question the Department's decision to continue rule making while the future of suction dredging in Washington is under debate in the legislature.

Fiscal impacts of agency implementation

There would be short-term costs to implement the rule in the form of displaced activities while habitat biologists focus on issuing suction dredging permits. We estimate about 2.0 FTE of work would be needed to meet the immediate permitting load (in May-July 2019) if the rules are adopted. The Cost-Benefit analysis estimates that 570 suction dredgers will need permits from WDFW of which 159 already have permits. This leaves 411 as the initial permit work load (applications we estimate will be submitted as soon as the rules are adopted). Assuming each habitat biologist will need 10 working hours to conduct a site visit and issue a permit, the work load is 4,110 hours. Working on suction dredging permits means less time can be devoted to issuing other types of HPAs.

Public involvement process used and what you learned:

Agencies:

WDFW met with National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Forest Service, Army Corps of Engineers and state departments of Ecology and Natural Resources on July 9, 2018 to discuss the scope of the rule making and hear comments on drafting the rule proposals. Comments included:

- Support for reporting requirements and suggestions for making reports helpful to all agencies.
- Concern over the volume of applications that could be received.
- Emphasis on the importance of informing permittees of their responsibilities to contact these other agencies for appropriate permits.
- Agencies continue to support WDFW's Authorized Work Times.

WDFW reconvened sister agencies in March 13, 2019 to review the rule proposals. After reviewing the rule changes, agencies asked about consequences for not submitting annual reports, challenges in getting to final adoption, and timeline for implementation.

Tribes:

Staff met with representatives of the Upper Columbia United Tribes on August 1, 2018, Yakama Nation on August 2, 2018, and Northwest Indian Fisheries Commission tribes on August 8, 2018. Tribes generally support further restriction of suction dredging in critical areas for ESA-listed fish. Tribes also are concerned about the impacts of suction dredging and all types of HPA projects on cultural resources. We fielded questions about implementation plans and how tribes could assist WDFW by supporting the rule change. Most tribes indicated a desire to work with WDFW in the near future to update authorized work times.

Public:

WDFW hosted four public meetings in July 2018 to explain the scope of rulemaking and discuss rule making objectives with the public: July 16 in Wenatchee; July 17 in Spokane Valley; July 19 in Olympia; and July 25 in Everett

Key elements of the diverse public comment during the preproposal listening sessions were:

- Strong disagreement with the scope of the rule making as not going far enough to achieve control of suction dredging.
- Disagreement among participants about the need to control suction dredging in waters that contain federal ESA-listed species.

- A desire for fair treatment of suction dredge mineral prospecting relative to other regulated activities.
- Partial support for WDFW data collection to determine the numbers, locations, intensity, and timing of suction dredging activity in Washington, and requests to collect data in a manner least burdensome to miners and in consideration of miners' strong preference not to share prospecting locations. General agreement about concern over lack of agency capacity to handle the application workload and inability to enforce the rules.
- Neutral-to-strong support for rules to require measures to prevent spread of aquatic invasive species. Mining clubs/organizations already require members to follow aquatic invasive species clean-drain-dry steps.

Work Group:

In August and September, 2018, WDFW convened an ad hoc work group of mineral prospecting and environmental group representatives to assist WDFW to craft the proposed rules. The Commission received a number of letters from environmental organization participants about their dissatisfaction with this work group process and with the scope of the rule making. Ultimately, the full work group could not reach consensus on technical elements of the rule proposal. WDFW was able to work with prospector participants to scope out reporting requirements and information needed for analyses required under the Administrative Procedure Act and Regulatory Fairness Act.

Comments received:

During the preproposal period (prior to filing the CR-102 rule change proposals) WDFW received 103 comments, including 13 letters or emails from tribes, miners, and environmental organizations, and 90 form letters from citizens nationwide urging broader-scope changes to mineral prospecting regulations.

Comments thus far in the formal public comment period mirror the comments received throughout the preproposal period. As of March 28, 2019, 16 comments had been received generally supporting adoption of the proposed rules and 130 opposing adoption of the rules, including 113 form letters submitted by mineral prospectors. New concerns include an assertion that costs to miners of complying with the rule are underestimated, and concern about the short timeframe for implementing the rule.

Action requested and/or proposed next steps:

This meeting is a public hearing, providing the Commission an opportunity to hear perspectives on the rule change proposal. The public comment period closes at 5pm Monday, April 8, after which staff will summarize comments, make necessary changes to rule proposals, finalize the Small Business Economic Impact Statement and Regulatory Analysis documents, and complete an Implementation Plan and Concise Explanatory Statement.

Draft motion language:

Justification for Commission action:

Post-decision communications plan:

None are applicable for this meeting



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 20, 2019

TIME: 11:48 AM

WSR 19-05-094

Agency: Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-11-037 filed on May 8, 2018 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; **or**

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) 2019 HPA suction dredge rule making - Amending sections 220-660-030 and 220-660-300 and adding a new section 220-660-305 to chapter 220-660 WAC Hydraulic Code Rules

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
5-6 April 2019	08:00 am	Natural Resource Building, 1111 Washington St. SE, Olympia, WA 98501	

Date of intended adoption: 19 April 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Randi Thurston

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

Email: HPARules@dfw.wa.gov

Fax: (360) 902-2946 Attn: Randi Thurston

Other: Web site: <https://wdfw.wa.gov/licensing/hpa/rulemaking/> .

By (date) 5:00 pm April 8 2019

Assistance for persons with disabilities:

Contact WDFW ADA Manager

Phone: (360) 902-2349

Fax: (360) 902-2946 Attn: Randi Thurston

TTY: 360-902-2207

Email: adaprogram@dfw.wa.gov

Other:

By (date) 5:00 pm April 8 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WDFW proposes to amend WAC sections 220-660-030 Definitions and 220-660-300 Mineral Prospecting and add a new section WAC 220-660-305 Suction Dredging.

WDFW's purpose for this rulemaking is to permit motorized and non-motorized suction dredging activities in the state through individual HPAs while maintaining current protections for fish life. Rule changes will:

- Modify existing rules and create a new rule that permits motorized and non-motorized suction dredging activities in the state through standard HPAs;
- Remove suction dredging as a permitted mineral prospecting method under the Gold and Fish pamphlet;
- Develop an individual HPA application method for suction dredging that is streamlined;

- Develop application and reporting methods to enable WDFW to determine the number of prospectors engaged in suction dredging and where and how much suction dredging occurs;
- Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredge equipment into and around the state;
- Make other changes to WAC sections 220-660-030 and 220-660-300 that clarify language and intent or accommodate administrative changes.

Hydraulic Code rules in chapter 220-660 WAC, implementing Chapter 77.55 RCW, are significant legislative rules under RCW 34.05.328.

Reasons supporting proposal:

On April 14, 2018, the Fish and Wildlife Commission (FWC) directed WDFW to initiate rulemaking to require standard Hydraulic Project Approvals (HPAs) for all suction dredge mineral prospecting. The FWC cited three reasons for the action:

1. Require suction dredgers to obtain a standard HPA so that WDFW can identify the numbers of miners engaged in suction dredging activity in Washington;
2. Determine where, when, and how much suction dredging occurs; and
3. Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

The Commission gave three reasons why these changes were needed. First, no application is required to work under the Gold and Fish Pamphlet. As a result, WDFW doesn't know how many dredges are operating statewide and where or when they are being operated. Obtaining this information would improve WDFW's ability to assess the potential risks to fish life, including potential cumulative impacts, and to target inspections to ensure dredgers are complying with HPA provisions.

Second, WDFW is concerned that Washington will experience an increase in dredgers as a consequence of Oregon's expanded restrictions on suction dredging that became effective January 1, 2018. The reason WDFW is concerned about this problem is because Oregon experienced a significant increase in suction dredgers, from 656 permitted placer miners in 2008 to 1,095 permitted placer miners in 2010, that Oregon Department of State Lands attributed to the moratorium California placed on suction dredging in 2009. WDFW currently does not know how many out-of-state dredgers work under the pamphlet, and would have no way of knowing how many more were coming into Washington to dredge resulting from the new Oregon rules. Again, without this information, WDFW can't accurately assess the risk to fish life.

Third, WDFW assumes that an increase in the number of out-of-state dredgers would increase the risk of aquatic invasive species coming into the state. Dredgers, like other watercraft, could also spread aquatic invasive species in-state when they move their equipment from waterbody to waterbody. Although chapter 77.135 requires inspections and decontamination for aquatic invasive species, the Gold and Fish Pamphlet does not explicitly require inspections of dredges coming into the state, nor does the pamphlet include best practices to prevent the spread of aquatic invasive species in-state. Once non-native species become established in a new environment, where their natural enemies are missing, these invaders can spread rapidly. Aquatic invasive species can out-compete native species and disrupt efforts to recover naturally-reproducing salmon, steelhead, and trout stocks.

The proposed rule is needed to ensure suction dredging rules adequately protect fish life. The rule making will allow WDFW to gather important new information that will increase our understanding about potentially-unaddressed impacts to fish life from suction dredging. WDFW will use this new information to determine whether additional rule making is needed in the future to adequately protect fish life. The rule making also adds provisions to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

Statutory authority for adoption: RCWs 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328.

Statute being implemented: Chapter 77.55 RCW Construction Projects in State Waters; Chapter 77.135 RCW Invasive Species

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None at this time

Name of proponent: (person or organization) Washington Department of Fish and Wildlife Program, Habitat Program, Protection Division Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Pat Chapman	1111 Washington St. SE Olympia, WA 98501	(360) 902-2571
Implementation:	Randi Thurston	1111 Washington St. SE Olympia, WA 98501	(360) 902-2602
Enforcement:	Chief Steve Bear	1111 Washington St. SE Olympia, WA 98501	(360) 902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 - Name: Randi Thurston
 - Address: P.O. Box 43200 Olympia, WA 98504-3200
 - Phone: (360) 902-2602
 - Fax: (360) 902-2946
 - TTY: 360-902-2207
 - Email: HPARules@dfw.wa.gov
 - Other: Web site: <https://wdfw.wa.gov/licensing/hpa/rulemaking/> .
- No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary: Some aspects of the rule proposal correct or clarify language without changing its effect are exempt.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency’s analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

SECTION 1: Describe rule and compliance requirements

1.1 Background

The state Legislature gave the Washington Department of Fish and Wildlife (WDFW) the responsibility to preserve, protect, and perpetuate all fish and shellfish resources of the state. To help achieve this mandate, the Legislature passed a state law in 1943 called *Protection of Fish Life*. Now titled *Construction projects in state waters* and codified as [Chapter 77.55 RCW](#), the entire text of the statute can be found at: <http://app.leg.wa.gov/RCW/default.aspx?cite=77.55> . Under the authority of Chapter 77.55 RCW, WDFW issues a construction permit called a Hydraulic Project Approval (HPA). The sole purpose of the HPA is to protect fish life from construction and other work that affects the flow or bed of state waters. HPAs are site-specific, meaning that provisions are tailored to the site conditions and species that might be affected by each particular project. The HPA contains conditions that a permittee must follow in order to mitigate impacts to fish life caused by the project.

Chapter 77.135 RCW - Invasive Species - provides authority for WDFW to address invasive species using an integrated management approach. Authority is conveyed for WDFW to adopt rules to require clean/drain/dry or other decontamination methods and to require inspections for aquatic conveyances entering Washington State.

WDFW promulgates rules to implement Chapter 77.55 RCW under [chapter 220-660 WAC](#) - *Hydraulic Code Rules*. This WAC chapter establishes regulations for administration of the HPA program. The Hydraulic Code Rules set forth definitions, administrative procedures for obtaining an HPA, steps for HPA appeals and civil compliance, and criteria generally used by WDFW to review and condition hydraulic projects to protect fish life.

One type of hydraulic project regulated by WDFW is placer mineral prospecting and mining using motorized and nonmotorized prospecting and mining equipment. Pursuant to RCW 77.55.091 and WAC 220-660-050(9), WDFW distributes WAC 220-660-300 as the “Gold and Fish Pamphlet,” which describes methods of, and restrictions for, mineral prospecting and mining. A person does not need to apply for a standard HPA if they are conducting mineral prospecting activities in accordance with the Gold and Fish Pamphlet. Persons who want exceptions to provisions in the Gold and Fish Pamphlet must apply for standard HPAs.

On April 14, 2018, the Fish and Wildlife Commission (Commission) directed WDFW to propose rule changes that will remove suction dredging as an activity authorized under the Gold and Fish Pamphlet. New rules are needed to require suction dredgers to apply for standard HPAs. The Commission also directed WDFW to propose rules that require suction dredgers to report their activities annually and rules that prevent dredgers from spreading aquatic invasive species.

More back ground is provided in the full SBEIS document on the HPA rule making web page at:

<https://wdfw.wa.gov/licensing/hpa/rulemaking/> .

1.2 Compliance requirements of the proposed rule

In order to implement the Commission’s directive, WDFW developed rule proposals for WAC sections 220-660-030 (Definitions) to refine and clarify the suction dredging definitions, and 220-660-300 (Mineral Prospecting) to remove suction dredging as an authorized activity under the Gold and Fish Pamphlet. Changes in these two sections correct errors and clarify language without changing the effect of that language and do not create compliance requirements for suction dredgers; because of this, these sections are not discussed further in this analysis. A proposed new WAC section 220-660-305 contains new rules for suction dredging that impose requirements that miners must comply with, and this WAC section is the subject of this SBEIS analysis.

Compliance requirements of the proposed rule are provided on Table 1.

Table 1 Compliance requirements of proposed WAC 220-660-305

Rule	Requirement	WAC
“Suction Dredge HPA-Required Rule”	All suction dredgers are required to apply for a standard written HPA.	WAC 220-660-305(3)(a)
“Aquatic Invasive Species Rule”	All suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species prior to use in state waters; Suction dredgers are required to implement methods to prevent the spread of aquatic invasive species.	WAC 220-660-305(4)
“Annual Reporting Rule”	All suction dredge owners are required to submit an annual activity report.	WAC 220-660-305(8)

1.3 Professional Services Required

One goal of WDFW’s HPA Application system is that applicants should not require the assistance of professional services in order to complete an application. WDFW provides free support services during normal business hours to persons having difficulty establishing an account, starting an application, completing an application, and submitting that application. HPAs for mineral prospecting projects that move less than 50 cubic yards of material are exempt from SEPA under WAC 197-11-835(2). Applicants wishing to move less than 50 cubic yards can cite this exemption to complete the SEPA

requirements of the HPA application. Applicants wishing to move 50 cubic yards or more of material must complete a SEPA checklist and submit it to the SEPA lead agency so that the lead agency can make a determination about the effects of the project on the environment.

One reason many HPA applicants might need professional services is to obtain engineering advice and engineer-certified plans and specifications to file with their HPA application. Because suction dredging is not a construction activity, engineered plans and specifications are not required to complete the application. As a result, applicants are unlikely to use professional services.

Professional services relating to maintaining a computer and internet connection would be included under “Administrative Costs.”

SECTION 2 Identify Businesses - Minor Cost Threshold

This rule making activity regulates placer gold prospecting and mining in Washington using motorized and nonmotorized suction dredging equipment, including suction dredges, dryland dredges and suction dredge/highbanker combination equipment. Any business that would need an HPA to conduct motorized and nonmotorized suction dredging for placer mining would be required to comply with the proposed rules.

WDFW took several steps to attempt to identify businesses that would need an HPA to conduct suction dredging. WDFW could not identify any one NAICS code associated with businesses required to comply with the proposed rule. Details of the research conducted by WDFW can be found in the full SBEIS document available on the HPA rule making web page at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

WDFW concluded that neither the SBEIS tools nor the research completed in steps described in the full SBEIS document, sections 2.1 through 2.5 can help us identify the minor cost thresholds.

WDFW determined that neither industry code 2122 nor any other industry identified during our research provides data that are representative of the businesses required to comply with the proposed rule. WDFW does not have payroll, employment, or business revenue data for businesses of any size required to comply with the proposed rule. Therefore, the minor cost threshold for this analysis is determined to be \$100 (Table 5). Any costs imposed on a small business that are over \$100 would be considered for this analysis to be more than minor and potentially disproportionate.

Table 2 Small Business Industry Classification and Minor Cost Thresholds

North American Industry Classification System (NAICS) code	2122
NAICS Business Description	Metal ore mining
# of businesses in Washington	Nineteen (from Revenue on September 12, 2018)
Minor Cost Threshold = the greater of <0.3% of annual revenue or income, or \$100	Average annual receipts for businesses that would be regulated under proposed WAC 220-660-305 are unknown, so we use \$100 for this analysis.
Minor Cost Threshold = 1% of annual payroll	Average annual payroll for businesses that would be regulated under proposed WAC 220-660-305 is unknown, so we use \$0.00 for this analysis.
Applicable minor cost threshold	\$100

SECTION 3 Costs of Compliance

WDFW offers two estimates for costs to comply for each of the proposals. The first (“*Direct survey results*”) uses Survey 2 responses for costs to comply and the second method (“*Hourly-cost method*”) uses estimates based on Survey 2 responses for hours per application and a cost per hour established by WDFW.

Because there are no industry records of annual payroll to help us estimate costs per hour for the suction dredging industry, WDFW referenced mining labor data provided by the Bureau of Labor Statistics. We chose the worker type we think mostly closely matches the work of a suction dredger - Continuous Mining Machine Operator - which earned an average hourly wage of \$28.19 in 2017. We are using this figure to estimate hourly costs per individual for the time taken to comply with the proposals.

Most HPAs are issued for a 5-year period, pursuant to WAC 220-660-050(14)(a). Pursuant to WAC 220-660-050(b)(ii)(A), a standard multi-site HPA can authorize work at multiple project sites if: (I) All project sites are within the same water resource inventory area (WRIA) or tidal reference area; (II) The primary hydraulic project is the same at each site so there is little variability in HPA provisions across all sites; and (III) Work will be conducted at no more than five project sites to ensure department staff has sufficient time to conduct site reviews.

Details on the survey data on which cost estimates are based are provided in the full SBEIS document on the HPA rule making web page at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

3.1.1 Costs to comply with the Suction Dredge HPA-Required Rule

Each person wishing to lawfully conduct suction dredging in Washington State will be required to obtain an HPA. A person is not required to apply for an HPA; however, an HPA is required if a person wishes to conduct the activity. The median response for number of sites was 4.5, so we are assuming for these analyses that only one HPA is needed per person. WDFW also assumes that each of those HPAs would be issued for a 5-year period as allowed under WAC 220-660-050(14)(a).

Direct survey results

The median of survey responses was \$784 to comply with the **Suction Dredge HPA-Required Rule**. If each HPA is valid for 5 years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$784 divided by 5, or \$156.80 per year.

Hourly-cost method

If a person takes 2 hours and 15 minutes (median survey response) to complete an HPA application, that costs \$63.43 in labor. If each HPA is valid for 5 years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$63.43 divided by 5, or \$12.69 per year.

3.1.2 Costs to comply with the Aquatic Invasive Species Rule

New rules are proposed specifying that all suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species. Further, all suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state. “Clean-Drain-Dry” decontamination steps published on the WDFW web site can be undertaken by the average person using supplies commonly available: hot water, brushes, and household cleaning liquid. Dredgers report that cleaning and drying out their equipment is a regular activity associated with dredging because they want to ensure that all the gold collected by the equipment is recovered. Eighty-four percent of survey respondents indicated they took decontamination steps in 2018. The proposed rules also require persons bringing a suction dredge into Washington from out-of-state to have their equipment inspected for the presence of aquatic invasive species prior to using that equipment to suction dredge in Washington. Inspections for the presence of aquatic invasive species are available at major highway entry points into the state, so persons bringing a suction dredge into Washington can arrange their entry so they are inspected as they cross the state line. Certificates of inspection are available on request at the time the inspection is completed. Inspections and certificates are provided at no cost.

Direct survey results

The median survey response is \$500 per year to comply with the proposed aquatic invasive species decontamination rule.

Hourly-cost method

If a person takes 2 hours and 30 minutes (median survey response) to comply with the proposed aquatic invasive species decontamination rule, that costs \$70.47 in labor.

3.1.3 Costs to comply with the Annual Reporting Rule

The proposal contains a reporting requirement indicating that HPA holders must report annually to WDFW regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.

Direct survey results

The median survey response is \$695 to create and return annual activity reports under the proposal.

Hourly-cost method

If a person takes 4 hours (median survey response) to complete and submit an annual report, that costs \$112.76 in labor.

3.2 Lost sales or revenues and lost jobs

One survey respondent indicated they owned a business that would require a suction dredge HPA under the proposed rules. A second business owner did not submit a survey. No respondents provided number of employees, annual payroll, or annual revenue or income information. One respondent indicated that the costs to comply would reduce his/her revenue or income, but did not provide any details or estimates for the amount of the reduction. Some respondents indicated that jobs would be lost because of complying with the rule, but provided no detail for those losses. Results are summarized on Table 7.

3.3 Summary of costs to comply

Based on two methods used to estimate costs to comply with the rule proposals, total annual cost might range from \$195.92 to \$1,351.80 per person (Table 7).

Table 3 Annual Costs of the Three Rule Proposals

Rule	Lost Jobs	First-year Cost per Person	Annual Cost per Person
“Suction Dredge HPA-Required Rule”	6	\$63.43 to \$784	\$12.69 to \$156.80
“Aquatic Invasive Species Rule”	4	\$70.47 to \$500	\$70.47 to \$500
“Annual Reporting Rule”	6	\$112.76 to \$695	\$112.76 to \$695
Total annual cost			\$195.92 to \$1,351.80
Annual Lost Revenue	[no information provided]		
Lost jobs	16	Sum of jobs reported lost by 25 survey respondents	

SECTION 4 More than Minor Costs

Based on the costs of compliance estimated in section 3 and summarized on Table 7, the estimated costs for an individual or business to comply with the proposal surpass the minor cost threshold of \$100 shown on Table 5.

SECTION 5 Disproportionate Impact on Small Businesses

Two persons identified themselves as businesses require to comply with the proposed rule; no other survey respondents self-identified as businesses. One survey respondent identified as a small business but did not report employee numbers. Another person contacted WDFW to identify himself as a mining business, but did not return a survey. WDFW is unable to distinguish the cost of compliance between small businesses and the ten percent of businesses that are the largest businesses required to comply.

SECTION 6 Steps to Reduce Costs to Individuals or Small Businesses

The goals and objectives of the statutes that the proposed rule is intended to implement are discussed fully in section 3 of the Regulatory Analysis, available at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

Table 4 Required methods of reducing costs imposed by the rule on small businesses

RCW 19.85.030 (2) Requirements		
Sub-section	Method	WDFW response
a)	Reducing, modifying, or eliminating substantive regulatory requirements	WDFW considered reducing, modifying, or eliminating substantive regulatory requirements in the proposal. None of these elements can be further reduced and still meet the stated objective of the statute upon which the rule is based - that is, to ensure adequate protection of fish life.
b)	Simplifying, reducing, or eliminating recordkeeping and reporting requirements	WDFW has worked with miners to reduce reporting requirements and will continue to work on ways to minimize reporting while still achieving the stated objective of the statute upon which the rule is based - to ensure adequate protection of fish life.
c)	Reducing the frequency of inspections	The rule serves to clarify the inspection requirement of the Chapter 77.135 RCW Aquatic Invasive Species, and does not address the frequency with which inspections are required.
d)	Delaying compliance timetables	The rule does not address the compliance timetables.
e)	Reducing or modifying fine schedules for noncompliance; or	The rule does not affect fines for noncompliance.
f)	Any other mitigation techniques, including those suggested by small businesses or small business advocates.	WDFW has been and will continue working with miners to identify and implement actions to lessen impacts to miners; Other techniques are discussed in Section 6.1.

6.1 Other actions considered to lessen costs to businesses

- 1) WDFW considered issuing HPAs to nonprofit associations (clubs) on claim areas intended to be used only by club members. This approach could potentially reduce the number of HPAs individuals would need to obtain and therefore the number of applications WDFW would need to review. Each club's executive officers would be accepting responsibility for compliance with all HPA conditions and applicable rules by everyone using the club claim (instead of responsibility for compliance lying with the individual doing the mining under their own HPAs). Upon hearing this proposal, mineral prospecting club executive officers expressed concern over this approach, and it is no longer being actively pursued.
Clubs are entities that can legally apply for HPAs under current rules (no change to the definition of "person" is being proposed), so this alternative is still available if clubs choose to implement this approach. Nothing in the proposed rule prohibits a club from applying for an HPA.
- 2) Mineral prospectors suggested that WDFW continue to allow suction dredging under the Gold and Fish Pamphlet. This approach does not meet the goal of the statute upon which the rule is based - that is, to ensure adequate protection of fish life - because the Commission concluded that enumerating the number of suction dredging HPAs and knowing where the work is occurring is necessary to ensure protection of fish life.
- 3) Prospectors suggested that WDFW issue statewide HPAs if an applicant agrees to adhere to the provisions and timing restrictions that currently apply under the Gold and Fish Pamphlet. This approach does not meet the objective of the statute upon which the rule is based - that is, to ensure adequate protection of fish life - because the Commission concluded that knowing where the work is occurring is necessary in order to ensure protection of fish life.
- 4) Prospectors suggest that aquatic invasive species decontamination measures aren't needed in rule because every mining club requires decontamination as a condition of the use of club resources. Statute and rule for implementation of clean and drain requirements (Chapter 77.135 RCW and Chapter 220-640 WAC) place this responsibility on the owner/operator of the aquatic conveyance or equipment involved.
- 5) Mineral prospectors suggested that WDFW not require reporting. Reporting is needed so WDFW can determine how many dredges were operated statewide on a given date; where and when they were operated, and how much bed material was dredged. This information is important to ensure protection of fish life. Reporting is necessary in order to understand if there are potential unaddressed effects to fish life.

6.2 Additional steps WDFW has taken to lessen impacts

Several steps were taken during the preproposal period and prior to reduce costs to comply with the proposal:

- WDFW will continue to offer an HPA application that is easier to complete than the Joint Aquatic Resources Permit Application (JARPA) used by other agencies.
- The Commission limited the scope of the rule change proposal to suction dredge equipment and methods, thus reducing the proportion of the regulated community required to comply with the proposal. One early recommendation would have required HPAs for all motorized methods, including high-banking; the Commission declined to implement this recommendation.
- Likewise, the Commission declined an early recommendation to prohibit suction dredging in federally-designated Endangered Species Act Critical Habitat, a proposal that would have banned this activity in a significant portion of the state.

- After proposing a more extensive annual reporting scheme, WDFW reduced the required elements of annual reporting to the minimum needed to meet the statutory objectives.

Additional steps WDFW plans to take to minimize costs to those who must comply with the new rules:

- WDFW will provide outreach and training materials to individuals and mining clubs for how to apply for an HPA and comply with reporting requirements.
- WDFW will work to implement an online annual reporting mechanism and other methods that minimize the impact of the requirement to file annual activity reports.

SECTION 7 Involving stakeholders in rule development

Because requiring applications and reporting are integral to the objectives for rule making, WDFW took advantage of many opportunities to communicate the objectives of rule making to those affected, and to obtain information from affected persons about how the rules would impact them. WDFW mounted a significant outreach effort during the preproposal period in the summer of 2018 to get input about how the rule should be written and what the impacts would be from meeting the Commission’s rule making objectives. More detail on this outreach can be found in the full SBEIS document available on the HPA rule making web page at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/> .

SECTION 8 Number of jobs created or lost

Survey respondents identified that 16 jobs would be lost as a result of compliance with the proposed rules. No other information was provided by survey respondents about the nature of these jobs or the reason for the loss.

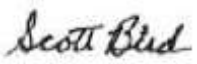
SECTION 9 Summarize results of small business analysis

Costs to comply with the proposal currently surpass the small business minor cost threshold of \$100. Costs to comply range from \$195.92 to \$1,351.80 per person per year. There is insufficient information to determine disproportionate impacts. Mitigation steps taken are presented in Section 6 (above). Survey respondents indicate 16 jobs would be lost.

Please refer to the full SBEIS document, available on the HPA rule making web page at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Randi Thurston
 Address: P.O. Box 43200 Olympia, WA 98504-3200
 Phone: (360) 902-2602
 Fax: (360) 902-2946
 TTY: 360-902-2207
 Email: HPARules@dfw.wa.gov
 Other: Web site: <https://wdfw.wa.gov/licensing/hpa/rulemaking/> .

Date: February 20, 2019	Signature: 
Name: Scott Bird	
Title: Rules Coordinator	

WAC 220-660-030 Definitions. The following are definitions for terms used in this chapter.

(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 all native and nonnative aquatic plants except those on the state noxious weed lists in WAC 16-750-005, 16-750-011, and 16-750-015.

(4) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include certain species of waterfowl, amphibians, fish, shellfish, and nutria.

(5) "Aquatic noxious weed" means an aquatic plant on the state noxious weed lists in WAC 16-750-005, 16-750-011, and 16-750-015.

(6) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(7) "*Aquatic Plants and Fish* pamphlet" means a document that details the rules for aquatic noxious weed and aquatic beneficial plant removal and control activities and that serves as the hydraulic project approval for certain plant removal and control activities in Washington state.

(8) "Artificial materials" means clean, inert materials used to construct diversion structures for mineral prospecting.

(9) "Associated human-made agricultural drainage facilities" means dikes, drains, pumps, drainage tiles, and drainage pipe made by humans that protect agricultural land.

(10) "Authorized agent" means someone who is authorized by the applicant to act on behalf of the applicant.

(11) "Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.

(12) "Bankfull width" means the width of the surface of the water at the point where water just begins to overflow into the active flood plain. In streams where there is no flood plain it is often the width of a stream or river at the dominant channel forming flow that reoccurs every one to two years.

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

(14) "Bed" means the land below (waterward of) the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been artificially altered.

(15) "Bed materials" means naturally occurring materials such as gravel, cobble, rock, rubble, sand, mud, and aquatic plants that form the beds of state waters. Bed materials are also found in deposits or bars above the wetted perimeter of water bodies.

(16) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

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

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

(19) "Bridge shadow" means the area under a bridge defined by the shadow cast by the sun. This area may not receive enough light and rain to support the plant growth needed for biotechnical bank stabilization.

(20) "Channel bed width" means the width of the bankfull channel, although bankfull may not be well defined in some channels. For those streams which are nonalluvial or do not have flood plains, the channel width must be determined using features that do not depend on a flood plain.

(21) "Chronic danger" means a condition declared by the county legislative authority in which any property, except for property located on a marine shoreline, has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway.

(22) "Chronic danger HPA" means a written hydraulic project approval issued in response to a chronic danger declaration made by a county legislative authority.

(23) "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.

(24) "Commission" means the Washington state fish and wildlife commission.

(25) "Compensatory mitigation" means the restoration, creation, enhancement, or preservation of aquatic resources to compensate for adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

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

(27) "Control" of an aquatic plant means to prevent all seed production and to prevent the dispersal of all propagative parts capable of forming new plants.

(28) "County legislative authority" means a county commission, council, or other legislative body.

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

(30) "Critical food fish or shellfish habitats" means those habitats that are essential to fish life. These habitats include habitats of special concern listed in WAC 220-660-100 and 220-660-320.

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

(32) "Design flood" means a stream discharge of a specific rate and probability best suited to ensure the project design creates and shapes habitat or protects property and structures to a given level of risk (e.g., the 100-year design flood).

(33) "Director" means the director of the department of fish and wildlife.

(34) "Ditch" means a wholly artificial watercourse or a natural watercourse (waters of the state) altered by humans.

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

(36) "Dredging" means removal of bed material using other than hand-held tools. This does not include subsurface hard rock mining.

(37) "Dryland dredge" means a suction dredge with a nozzle capable of introducing water under pressure from the suction dredge pump to the tip of the nozzle.

(38) "Early infestation" of an aquatic noxious weed means a stage of development, life history, or area of coverage that makes one hundred percent control and eradication likely to occur.

~~((38))~~ (39) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

~~((39))~~ (40) "Emergency HPA" means a verbal or written hydraulic project approval issued in response to a declaration of emergency.

~~((40))~~ (41) "Entrained" means the entrapment of fish into a watercourse diversion that has no screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

~~((41))~~ (42) "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.

~~((42))~~ (43) "Eradication" of an aquatic noxious weed means to eliminate it within an area of infestation.

~~((43))~~ (44) "Established ford" means a crossing place in a watercourse that was in existence and used annually before 1986 or permitted by the department in or after 1986, and has identifiable approaches on the banks.

~~((44))~~ (45) "Excavation line" means a line on the dry bed at or parallel to the water's edge. The department determines the distance from the water's edge for each project site. The excavation line may change with water level fluctuations.

~~((45))~~ (46) "Excavation site" means the pit, furrow, or hole from which aggregate is removed to process and recover minerals, or into which wastewater is discharged to settle out sediments.

~~((46))~~ (47) "Excavation zone" means the area between the excavation line and the bank or the center of the gravel bar.

~~((47))~~ (48) "Expedited HPA" means a written hydraulic project approval issued in those instances where when normal permit processing would result in a significant hardship for the applicant or unacceptable damage to the environment.

~~((48))~~ (49) "Farm and agricultural land" means those lands identified in RCW 84.34.020.

~~((49))~~ (50) "Filter blanket" means one or more layers of pervious materials (organic, mineral, or synthetic) designed and installed to provide drainage, yet prevent the movement of soil particles by flowing water.

~~((50))~~ (51) "Fish conservation bank" means a habitat creation, restoration, or enhancement project intended to provide a bank of credits to compensate for unavoidable impacts to habitat that supports fish life from future development projects. Fish conservation banks are managed to optimize desired habitat for ESA-listed and at-risk fish species.

~~((51))~~ (52) "Fish habitat" or "habitat that supports fish life" means habitat, which is used by fish life at any life stage at any time of the year including potential habitat likely to be used by fish life, which could reasonably be recovered by restoration or management and includes off-channel habitat.

~~((52))~~ (53) "Fish habitat enhancement project" means a hydraulic project that meets criteria in RCW 77.55.181 (1)(a).

~~((53))~~ (54) "Fish habitat improvement structures" or "stream channel improvements" means natural materials such as large wood, rock, or synthetic materials such as chain or rope placed in or next to bodies of water to improve existing conditions for fish life. Examples are engineered logjams, large woody material, and boulders.

~~((54))~~ (55) "Fish guard" means a device installed at or near a surface water diversion head gate, or on the intake of any device used for pumping water from fish-bearing waters, to prevent entrainment, injury, or death of fish life. Fish guards physically keep fish from entering the diversion or pump intake and do not rely on avoidance behavior.

~~((55))~~ (56) "Fish life" means all fish species, including food fish, shellfish, game fish, unclassified fish and shellfish species, and all stages of development of those species.

~~((56))~~ (57) "Fish passage improvement structure" means artificial structures that are used to provide passage through, over, and/or around artificial barriers. They provide a graduated change in gradient with refuge areas allowing fish to pass barriers.

~~((57))~~ (58) "Fish screen" means "fish guard."

~~((58))~~ (59) "Flood gate" means a structure to control flooding through which water flows freely in one direction but is prevented from flowing in the other direction.

~~((59))~~ (60) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that must not be fished for except as authorized by rule of the commission.

~~((60))~~ (61) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

~~((61))~~ (62) "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope. The frequent scour zone is comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent scour zone.

~~((62))~~ (63) "Freshwater area" means those state waters and associated beds waterward of the ordinary high water line that are upstream of stream and river mouths. Freshwater areas also include all lakes, ponds, and tributary streams and surface-water-connected wetlands that provide or maintain habitat that supports life. This definition does not include irrigation ditches, canals, stormwater treatment, and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

~~((63))~~ (64) "Functional grating" means the percent open area of the grating that is not covered or blocked by any objects such as structural components, framing wood, flotation tubs, or objects placed on the surface of the grating.

~~((64))~~ (65) "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.

~~((65))~~ (66) "General provisions" means those provisions that are in every HPA.

~~((66))~~ (67) "Gold and Fish pamphlet" means a document that details the rules for conducting small-scale and other prospecting and mining activities and that serves as the hydraulic project approval for certain mineral prospecting and mining activities in Washington state.

((+67+)) (68) "Habitat function" means the natural attributes of a given habitat that support the fish life that rely upon that habitat.

((+68+)) (69) "Habitat value" means an estimate of habitat quality, ecologically important functions and the relative value of the hydraulic project site within the watershed.

((+69+)) (70) "Hand-held equipment" means equipment held by hand and powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are chainsaws, drills, and grinders.

((+70+)) (71) "Hand-held mineral prospecting tools" means:

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

(b) Vac-pacs.

((+71+)) (72) "Hand-held tools" means tools held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Examples 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."

((+72+)) (73) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish life.

((+73+)) (74) "High-banker" means a stationary concentrator operated outside the wetted perimeter of the body of water from which the water is removed and that uses water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes. See Figure 1.

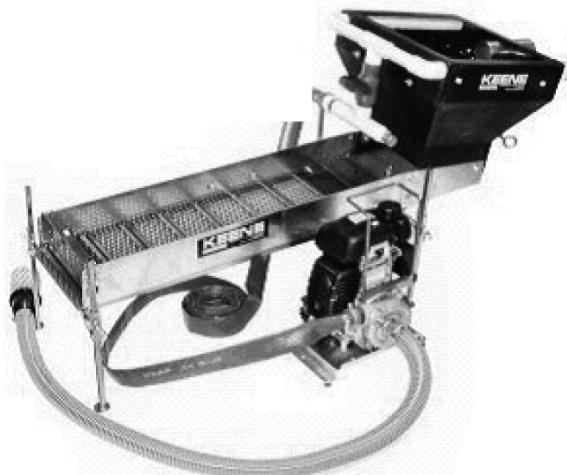


Figure 1: High-banker

((+74+)) (75) "High-banking" means using a high-banker to recover minerals.

((+75+)) (76) "Hydraulic drop" means an abrupt drop in water surface elevation.

((+76+)) (77) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

~~((77))~~ (78) "Hydraulic project approval" or "HPA" means:

(a) A written approval for a hydraulic project issued under this chapter and signed by the director of the department or the director's designee; or

(b) A verbal approval for an emergency hydraulic project issued under this chapter by the director of the department or the director's designee; or

(c) The following printed pamphlet approvals:

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

(ii) An "*Aquatic Plants and Fish*" pamphlet issued under this chapter by the department, which identifies and authorizes specific aquatic plant removal and control activities.

~~((78))~~ (79) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

~~((79))~~ (80) "In-lieu fee (ILF) program" means a state or federal certified program authorizing a person pay a fee to a third party instead of conducting project-specific mitigation or buying credits from a mitigation or fish conservation bank.

~~((80))~~ (81) "In-water blasting" means the use of explosives on, under, or in waters of the state, or in any location adjacent to the waters of the state, where blasting could impact fish life or habitat that supports fish life.

~~((81))~~ (82) "Job site" means the area of ground including and immediately adjacent to the area where work is conducted under an HPA. For mineral prospecting and placer mining projects, the job site includes the excavation site.

~~((82))~~ (83) "Joint aquatic resources permit application" or "JARPA" means a form provided by the department and other agencies that a person may submit to request a written HPA for a hydraulic project.

~~((83))~~ (84) "Lake" means any natural standing fresh waters or artificially impounded natural fresh waters of the state, except impoundments of the Columbia and Snake rivers.

~~((84))~~ (85) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet, or rootwads, wholly or partially waterward of the ordinary high water line.

~~((85))~~ (86) "Macroalgae" means any of the nonvascular aquatic plant species (the red, green, or brown seaweeds) that can be seen without using a microscope. They may be attached to the substrate or other macroalgae by a holdfast, or found drifting individually or in mats.

~~((86))~~ (87) "Maintenance" means repairing, remodeling, or making minor alterations to a facility or project to keep the facility or project in properly functioning and safe condition.

~~((87))~~ (88) "Major modification" means any change to a hydraulic project approval that is not a minor modification.

~~((88))~~ (89) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include overnight or live-aboard boating accommodations.

~~((89))~~ (90) "Marine terminal" means a public or private commercial wharf located in navigable waters of the state and used, or intended to be used, as a port or facility for storing, handling, transferring, or transporting goods to and from vessels.

~~((90))~~ (91) "Mean annual flood" means the average of all the annual peak floods of record.

~~((91))~~ (92) "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, as determined by National Oceanic and Atmospheric Administration (NOAA). It is measured from mean lower low water, which is a reference datum used to delineate waters of the state in saltwater areas.

~~((92))~~ (93) "Mean lower low water" or "MLLW" means the 0.0 feet tidal elevation, as determined by NOAA. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. MLLW is a reference datum used to delineate waters of the state in saltwater areas. NOAA provides detailed information on their "Tides, Currents, and Predictions" web site.

~~((93))~~ (94) "Mechanical harvesting and cutting" means partially removing or controlling aquatic plants by using aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical cutters, which only cut aquatic plants.

~~((94))~~ (95) "Mineral prospect" or "mineral prospecting" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

~~((95))~~ (96) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal (other than the human body) used in any aspect of prospecting for or recovering minerals.

~~((96))~~ (97) "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

~~((97))~~ (98) "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure 3.

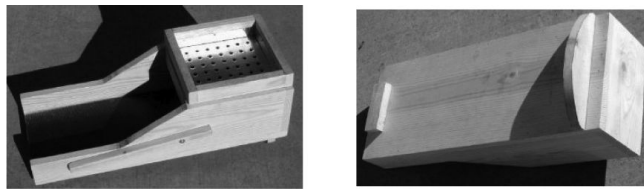


Figure 3: Mini rocker box (top view and bottom view)

~~((98))~~ (99) "Mining" means the production activity that follows mineral prospecting.

~~((99))~~ (100) "Minor modification" means a small change in work timing or plans and specifications of a hydraulic project.

~~((100))~~ (101) "Mitigation" means sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts to fish life or habitat that supports fish life.

~~((101))~~ (102) "Mitigation bank" means a site where wetlands or other aquatic resources are restored, created, enhanced, or preserved. The bank exists expressly to provide compensatory mitigation before unavoidable impacts to wetlands or other aquatic resources occur.

~~((102))~~ (103) "Mitigation sequence" means the successive steps that the department and the applicant must consider and implement to protect fish life when constructing or performing work. These steps must be considered and implemented in the order listed:

(a) Avoid the impact altogether by not taking a certain action or parts of an action.

(b) Minimize unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking steps to reduce impacts.

(c) Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reduce or eliminate the impact over time.

(e) Compensate for remaining unmitigated impacts by replacing, enhancing, or providing substitute resources or environments.

(f) Monitor the impact and take appropriate corrective measures to reach the identified goal.

~~((103))~~ (104) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

~~((104))~~ (105) "Natural conditions" means environmental situations that occur or are found in nature. This does not include artificial or manufactured conditions.

~~((105))~~ (106) "Nearshore" means shallow waters where sunlight reaching the bed is sufficient to support the growth of submerged aquatic vegetation.

~~((106))~~ (107) "Nearshore zone" means the three critical "edge" habitats as follows: The edge between upland and aquatic environments, the edge between the shallow productive zone and deep water, and the edge between fresh and marine waters.

~~((107))~~ (108) "No net loss" means:

(a) Sequentially for avoiding impacts, minimizing unavoidable impacts, and compensating for remaining adverse impacts to fish life.

(b) Sequentially avoiding impacts, minimizing unavoidable impacts, and compensating for net loss of habitat functions necessary to sustain fish life.

(c) Sequentially avoiding impacts, minimizing unavoidable impacts, and compensating for loss of area by habitat type.

(d) Mitigation required to achieve no net loss should benefit the fish life being impacted.

~~((108))~~ (109) "Ordinary high water line" or "OHWL" means the mark on the shores of all water 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 the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.

~~((109))~~ (110) "Pan" means an open metal or plastic dish operated by hand to separate gold or other minerals from aggregate by washing the aggregate. See Figure 4.



Figure 4: Pan

~~((110))~~ (111) "Panning" means the use of a pan to wash aggregate.

~~((111))~~ (112) "Permanent ford" means a ford approved by the department that is in place for more than one operating season.

~~((112))~~ (113) "Person" means an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization.

~~((113))~~ (114) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

~~((114))~~ (115) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

~~((115))~~ (116) "Power sluice" means "high-banker."

~~((116))~~ (117) "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 sluices/suction dredge combination

~~((117))~~ (118) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

~~((118) "Prospecting" means the exploration for minerals and mineral deposits.)~~

(119) "Protection of fish life" means avoiding, minimizing unavoidable impacts, and compensating for remaining impacts to fish life and the habitat that supports fish life through mitigation sequencing.

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

(121) "Qualified professional" means a scientist, engineer, or technologist specializing in a relevant applied science or technology including fisheries or wildlife biology, engineering, geomorphology, geology, hydrology, or hydrogeology. This person may be certified with an appropriate professional organization, and acting under that association's code of ethics and subject to disciplinary action by that association. A qualified professional can also be someone who, through demonstrated education, experience, accreditation, and knowledge relevant to the particular matter, may be reasonably relied on to provide advice within that person's area of expertise. This definition does not supersede other state laws that govern the qualifications of professionals that perform hydraulic projects.

(122) "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.

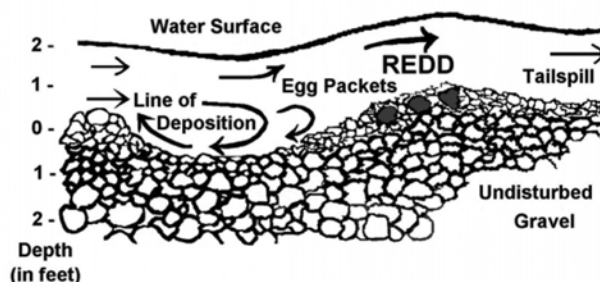


Figure 6: Cross-section of a typical redd

(123) "Rehabilitation" means major work required to restore the integrity of a structurally deficient or functionally obsolete structure. This can include partial replacement of a structure.

(124) "Replacement" means the complete removal of an existing structure and construction of a substitute structure in the same general location.

(125) "Riffle" means:

(a) The bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold; or

(b) A short, relatively shallow and coarse-bedded length of stream over which the stream flows at higher velocity and higher turbulence than it normally does in comparison to a pool.

(126) "River" means "watercourse."

(127) "Riparian zones" means the land adjacent to streams, rivers, ponds, lakes, and those wetlands whose soils and vegetation are influenced by ponded or channelized water. They are the transition areas between aquatic and upland habitats often with elements of both ecosystems.

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

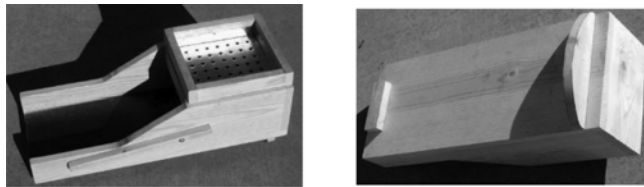


Figure 7: Rocker box

(129) "Rotovation" means the use of aquatic rotovators, machines that have underwater rototiller-like blades, to uproot aquatic plants as a means of control.

(130) "Roughened channel" means to construct a channel of a graded mix of sediment with enough roughness and hydraulic diversity to achieve fish passage. Roughened channels are designed to resist erosion and are often built at a steeper gradient than the prevailing channel.

(131) "Saltwater area" means those state waters and associated beds waterward of the ordinary high water line in Puget Sound, the Strait of Juan de Fuca and the open coast. Saltwater areas include estuaries and other surface-water-connected wetlands that provide or maintain habitat that support fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(132) "Scientific measurement devices" means devices that measure and/or record environmental data, such as staff gauges, tide gauges, water recording devices, water quality testing and improvement devices, and similar instruments.

(133) "Seagrass" means native *Zostera* species, *Ruppia maritima*, and *Phyllospadix* species.

(134) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that must not be taken except as authorized by rule of the commission. The term shellfish in-

cludes all stages of development and the bodily parts of shellfish species.

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



Figure 8: Sluice

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

(137) "Special provisions" means those requirements that are part of a HPA, are site- or project-specific, and supplement or amend the technical provisions.

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



Figure 9: Spiral wheel

(139) "Stable slope" means a slope without measurable 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.

(140) "Suction dredge" means ~~((a machine used to move submerged aggregate by hydraulic suction. The aggregate is processed through an attached sluice box to recover gold and other minerals))~~ any motorized or nonmotorized device that removes aggregate from the bed, banks, or

uplands by means of vacuum created by water flowing through a tube or hose. Bulb snifters are not considered suction dredges. See Figure 10.



Figure 10: Suction dredge

(141) "Suction dredging" means using a suction dredge to recover gold and other minerals.

(142) "Tailings" means the waste material that remains after processing aggregate to remove valuable mineral content.

(143) "Temporary ford" means a ford that is in place for no more than one operating season or less.

(144) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(145) "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 waterward of 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.

(146) "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.

(147) "Unimpeded fish passage" means the free movement of all fish species at any mobile life stage around or through a human-made or natural structure.

(148) "Unstable slope" means a slope with visible or measurable 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.

(149) "Vac-pac" means a motorized, portable vacuum that you use for prospecting. See Figure 11.



Figure 11: Vac-pac

(150) "Water crossing structures" means structures that span over, through, or under a watercourse. Examples are bridges, culverts, conduits, and fords.

(151) "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, under Title 90 RCW.

(152) "Water body" means "waters of the state."

(153) "Watercourse," "river" or "stream" means any portion of a stream or river channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state. Watercourse also means areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks that influence the quality of habitat downstream. Watercourse also means waters that flow intermittently or that fluctuate in level during the year, and the term applies to the entire bed of such waters whether or not the water is at peak level. A watercourse includes all surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(154) "Waters of the state" or "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

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

(156) "Wetland(s)" is as defined in RCW 90.58.030.

(157) "Wetted perimeter" means the areas of a watercourse covered with water. The wetted perimeter varies with flow, discharge, and tides.

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

(159) "Written notice" or "written notification" means a communication through U.S. mail or email.

AMENDATORY SECTION (Amending WSR 18-10-054, filed 4/27/18, effective 6/1/18)

WAC 220-660-300 Mineral prospecting. (1) **Description:** Mineral prospecting projects excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment. When prospectors locate valuable minerals through prospecting, they may attempt to recover larger quantities of the minerals using a variety of ~~((small-motorized))~~ equipment, including suction dredges, high bankers, and heavy equipment. The rules in this section apply to using hand-held mineral prospecting tools and ~~((small-motorized equipment))~~ a variety of small mineral prospecting equipment. Suction dredging is not authorized in this section. See WAC 220-660-305 for suction dredging rules.

(2) **Fish life concerns:** Mineral prospecting and mining activities can harm fish life and habitat that supports fish life.

(a) Direct impacts from mineral prospecting and mining activities ~~((may))~~ can include:

(i) Mortality from the physical effects of disturbing eggs or fry incubating within the bed; and

(ii) ~~((Mortality from passing vulnerable fish through mineral prospecting equipment; and~~

~~((iii)))~~ Lower environmental productivity resulting from habitat modifications such as altered stream beds or lowered water quality.

(b) Indirect impacts ~~((may))~~ can include changes in food resources and human disturbances.

(c) The department minimizes impacts of mineral prospecting by restricting the type of mining equipment allowed, limiting excavation zones within streams, and setting allowable timing windows.

(3) **General requirements:**

(a) A copy of the current *Gold and Fish* pamphlet is available from the department, and it contains the rules that a person must follow when using the pamphlet as the HPA for the mineral prospecting project.

(b) Alternatively, a person may request exceptions to the *Gold and Fish* pamphlet by applying for a standard ~~((individual))~~ written HPA as described in WAC 220-660-050. The department must deny an HPA when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless enough mitigation can be assured by provisioning 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.

(c) Nothing in chapter 220-660 WAC relieves a person of the duty to obtain landowner permission and any other required permits before conducting any mineral prospecting activity.

(4) **Mineral prospecting in freshwater without timing restrictions:**

(a) A person may mineral prospect year-round in all fresh waters of the state, except lakes. A person must follow the rules listed be-

low, but does not need to have the *Gold and Fish* pamphlet on the job site when working in fresh waters of the state.

(b) When mineral prospecting without timing restrictions, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Pans;

(ii) Spiral wheels; and

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

(c) A person may not use vehicle-mounted winches. A person may use one hand-operated winch to move boulders or large woody material that is not embedded or located within the (~~wetter~~) wetted perimeter. A person may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

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

(e) A person may not disturb fish life or redds within the bed. If a person observes or encounters fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, a person must relocate their operation. A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(f) Aggregate excavation, collection, and removal:

(i) A person may excavate only by hand or with hand-held mineral prospecting tools.

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

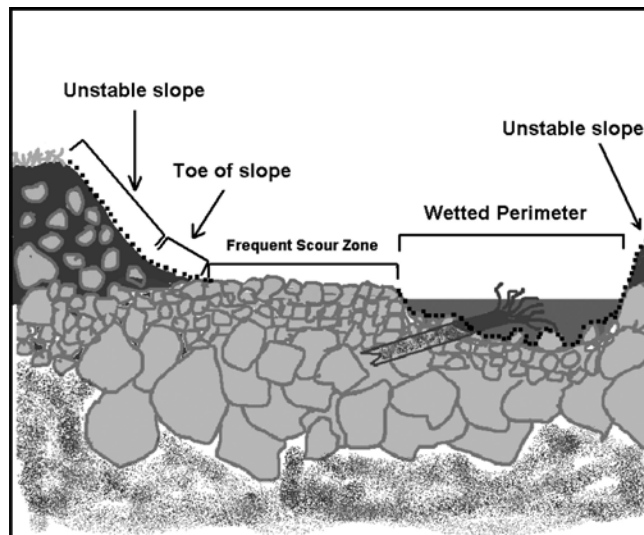


Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(iii) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple persons may work within a single excavation site.

(iv) When collecting or excavating aggregate, a person may not stand within, or allow aggregate to enter, the wetted perimeter.

(v) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site. If a person moves boulders, a person must return them, as well as possible, to their original location.

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

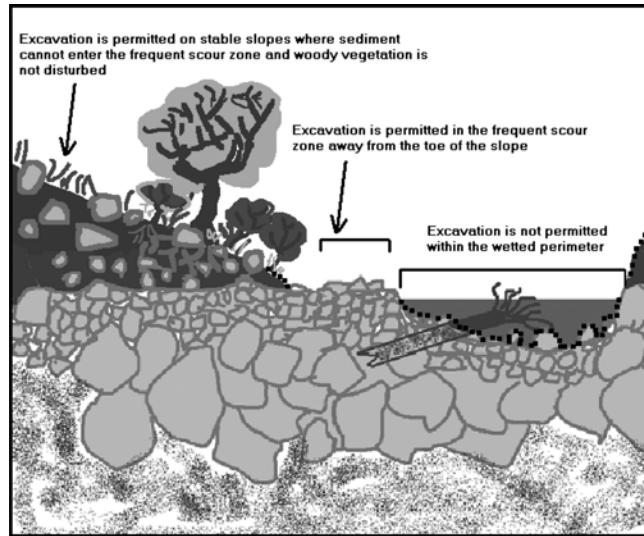


Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(vii) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

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

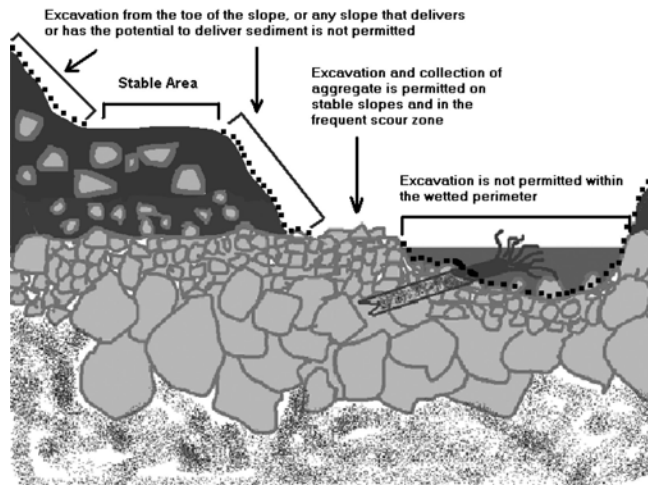


Figure 3: Limits on excavating, collecting, and removing aggregate on stream banks.

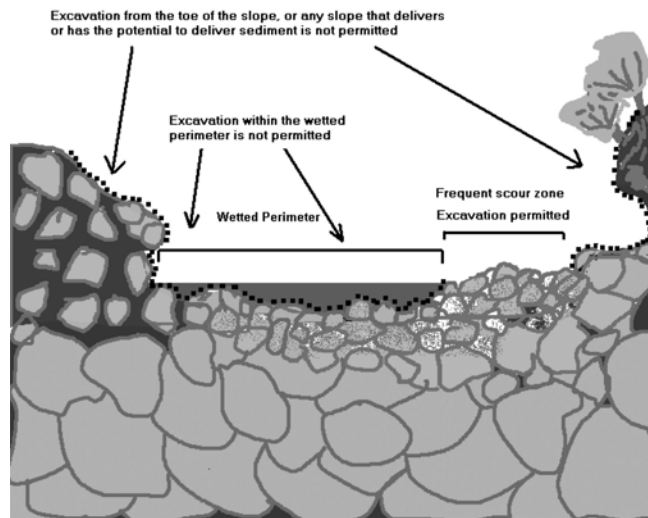


Figure 4: Excavating, collecting and removing aggregate within the wetted perimeter is not permitted.

(g) Processing aggregate:

(i) A person may stand within the wetted perimeter when processing aggregate with pans, spiral wheels, and sluices.

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

(iii) A person may not level or disturb tailing piles that remain within the wetted perimeter after processing aggregate.

(iv) If a person collected or excavated aggregate outside of the frequent scour zone, a person must classify it at the collection or excavation site before processing.

(v) When using a sluice, a person may process only classified aggregate within the wetted perimeter.

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

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

(viii) A person may operate mini high-bankers or other concentrators only outside the wetted perimeter. A person may not allow visible sediment or muddy water to enter the wetted perimeter. A second excavation site may be used as a settling pond.

(ix) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person 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 a screen with a surface area of at least one hundred square inches.

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

(xi) A person may not disturb existing fish habitat improvement structures or stream channel improvements.

(xii) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

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

(5) Mineral prospecting in fresh waters with timing restrictions:

(a) A person may mineral prospect in fresh waters of the state only during the times and with the mineral prospecting equipment limitations identified in subsection (7) of this section. A person must have the *Gold and Fish* pamphlet on the job site and comply with the provisions listed below.

(b) When mineral prospecting with timing restrictions, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Pans;

(ii) Spiral wheels;

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

~~(iv) ((Suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 nozzle size. See Figure 5.~~

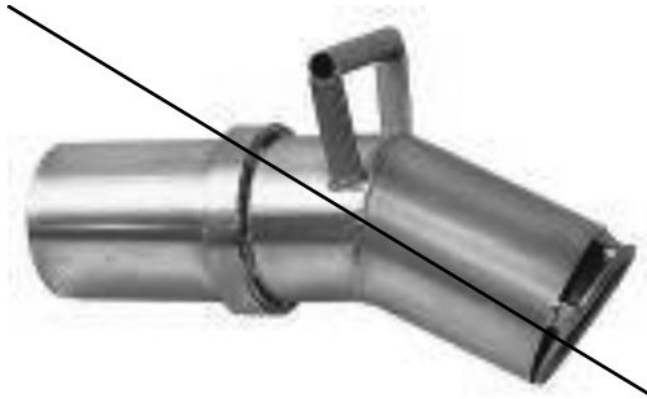


Figure 5: Dredge intake nozzle

~~(v)) Power sluice/suction dredge combinations, when configured and used as high-bankers or power sluices, 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 must 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 nozzle size. See Figure 5)); and~~

~~((vi)) (v) 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.~~

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

(d) 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 a person is operating, as identified in subsection (7) of this section))~~ may not be attached to the equipment or stored on the job site.

(e) A person may not use vehicle-mounted winches. A person 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.

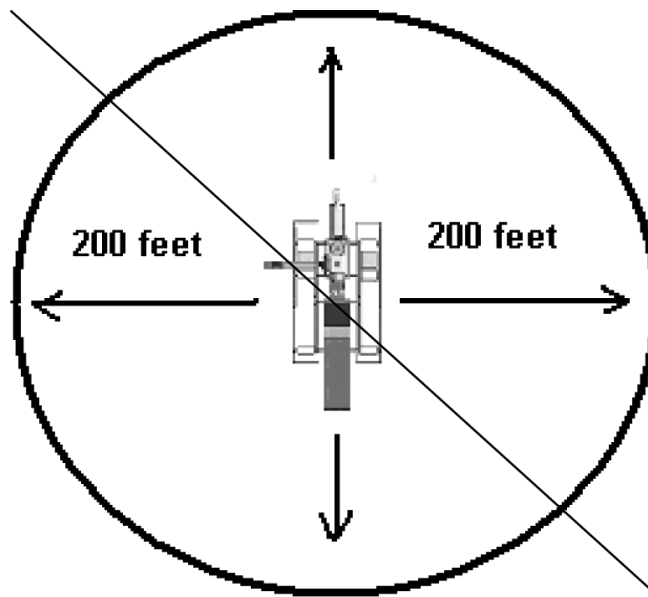
(f) Equipment separation:

(i) A person 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.

(ii) When operating any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), ~~((suction dredge;))~~ power sluice/suction dredge combination, high-banker, or power sluice within the wetted perimeter, a person's equipment must be

at least two hundred feet from all others also operating this type of equipment or a suction dredge. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred foot radius. ((See Figure 6.))

(iii) When operating any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), ((~~suction dredge,~~)) power sluice/suction dredge combination, high-banker, or power sluice outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter, a person's equipment must be at least two hundred feet from all others also operating this type of equipment or a suction dredge. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred-foot radius. ((See Figure 6.



~~Figure 6: Equipment separation requirement.))~~

(g) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person 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 a screen with a surface area of at least one hundred square inches.

(h) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem

is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(i) A person 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 a person's mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

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

(k) A person must not disturb existing fish habitat improvement structures or stream channel improvements.

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

(m) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(n) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(o) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site.

(p) A person may not excavate, collect, or remove aggregate from the toe of the slope. A person also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or might deliver, sediment to the wetted perimeter or frequent scour zone. See Figures ((7 and 8)) 5 and 6.

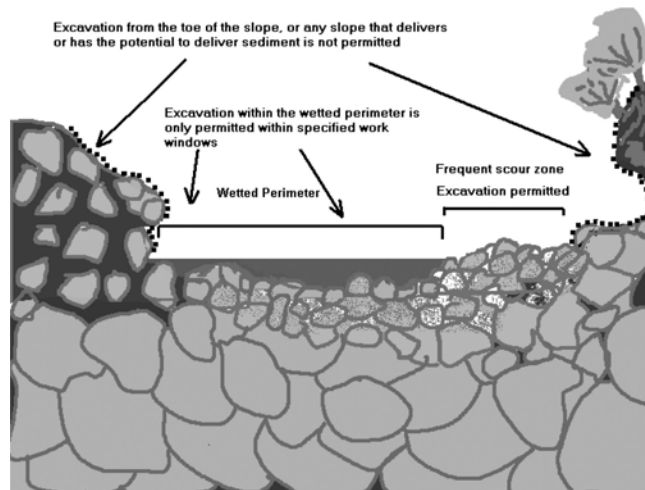


Figure ((7)) 5: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.

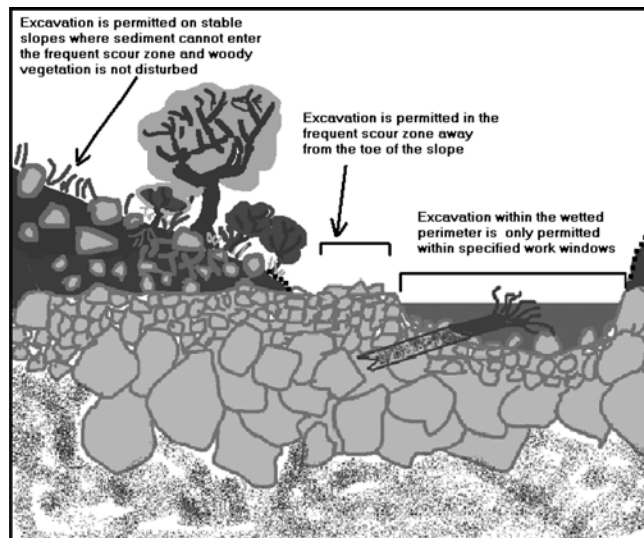


Figure ((8)) 6: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicates areas where excavation is not permitted.

(q) A person 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. A person may not divert the body of water outside of the wetted perimeter.

(r) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

(s) A person may process aggregate collected from the frequent scour zone:

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

(ii) Only in the frequent scour zone or upland areas landward of the frequent scour zone if a person uses 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 larger than three, but less than ten square feet, including ganged equipment. A person may not discharge tailings to the wetted perimeter when using this equipment. However, a person may discharge wastewater to the wetted perimeter if its entry point into the wetted perimeter is at least two hundred feet from any other wastewater discharge entry point.

(t) A person may process aggregate collected from upland areas landward of the frequent scour zone:

(i) At any location if a person uses 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. A person must classify the aggregate at the excavation site

before processing with this equipment within the wetted perimeter or frequent scour zone.

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

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

(u) A person may use pressurized water only for crevicing or for redistributing dredge tailings within the wetted perimeter. No other use of pressurized water is permitted.

(v) A person 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 a person crevices landward of the frequent scour zone, no sediment or wastewater may be discharged into the wetted perimeter or the frequent scour zone.

(w) A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(x) A person may not disturb redds. If a person observes or encounters redds or actively spawning fish when collecting or processing aggregate, a person must relocate the operation.

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

(6) Mineral prospecting on ocean beaches:

(a) A person may mineral prospect year-round on ocean beaches of the state. A person must follow the rules listed below, and must have the *Gold and Fish* pamphlet on the job site when working on ocean beaches of the state, except as noted in this subsection.

(b) A person may mineral prospect only between the line of ordinary high tide and the line of extreme low tide on beaches within the Seashore Conservation Area set under RCW 79A.05.605 and managed by Washington state parks and recreation commission.

(c) No written or pamphlet HPA is required to mineral prospect south of the Copalis River, if a person operates landward of the upper limit of ghost shrimp burrowing in the beach; waterward of the ordinary high tide line; and a person does not use fresh water from fish-bearing streams during operations. See Figure ((9)) 7.

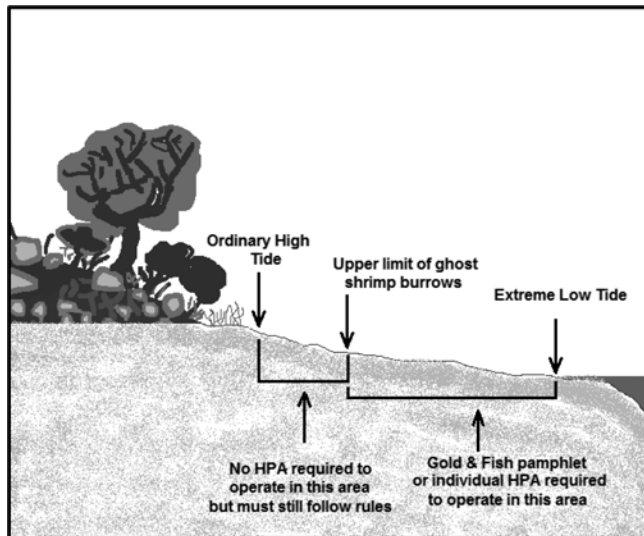


Figure ((9)) 7. Beach area where no written or pamphlet HPA is required.

(d) A person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

- (i) Pans;
- (ii) Spiral wheels;

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

~~(iv) ((Suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 nozzle size;~~

~~((v)) 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 must 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 nozzle size))~~; and~~

~~((vi))~~ (v) High-bankers and power sluices, when used only as high-bankers or 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.

(e) The suction dredge intake nozzle and hose of power sluice/suction dredge combinations may not be attached to the equipment or stored on the job site.

(f) When operated in fish-bearing freshwater streams, the widest point of a sluice, including attachments, must not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

~~((f))~~ (g) A person may not use vehicle-mounted winches. A person 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.

~~((g))~~ (h) Under RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person 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 a screen with a surface area of at least one hundred square inches.

~~((h))~~ (i) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water and beach, and contact the Washington military department emergency management division. A person may not return the equipment to the water or beach until the problem is corrected. A person must store fuel and lubricants away from the water inside a vehicle or landward of the beach, and in the shade when possible.

~~((i))~~ (j) A person may work only from one-half hour before official sunrise to one-half hour after official sunset. If a person uses mineral prospecting equipment in a fish-bearing freshwater stream and the equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

~~((j))~~ (k) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.

~~((k))~~ (l) A person may work in only one excavation site at a time. However, a person may use a second excavation site as a settling pond. Multiple persons may work within a single excavation site.

~~((l))~~ (m) A person must backfill all trenches, depressions, or holes created in the beach during project activities before moving to another excavation site (except during use as a settling pond) or leaving an excavation site.

~~((m))~~ (n) A person 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 of a fish-bearing freshwater stream, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

~~((n))~~ (o) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

~~((o))~~ (p) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter. No other use of pressurized water is permitted.

~~((p))~~ (q) A person may not disturb live razor clams or other shellfish within the bed. If a person observes or encounters live razor clams or other shellfish during excavation, the person must relocate the operation.

~~((q))~~ (r) If at any time, as a result of project activities, a person observes a fish kill or fish life in distress, a person must immediately stop operations and notify the department, and the Washington military department emergency management division of the problem. A person may not resume work until the department gives approval. The department will require additional measures to mitigate the prospecting impacts.

(7) Authorized work times ~~((and mineral prospecting equipment restrictions))~~ by specific state waters for mineral prospecting and placer mining projects:

(a) A person may conduct mineral prospecting and placer mining under subsections (5) and (6) of this section only in the state waters ~~((, with the equipment restrictions,))~~ and during the times specified in the following table of authorized work times.

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

(c) The work time for state waters identified in the table of authorized work times applies to all its tributaries, unless otherwise indicated. Some state waters occur in multiple counties. Check the table for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that water body.

(d) Where a tributary is identified as a boundary, that boundary is 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 ~~((10))~~ 8.

(e) Mineral prospecting and placer mining within water bodies identified in the table of authorized work times as "submit application" are not authorized under the *Gold and Fish* pamphlet. A person must obtain a standard written ~~((individual))~~ HPA to work in these water bodies.

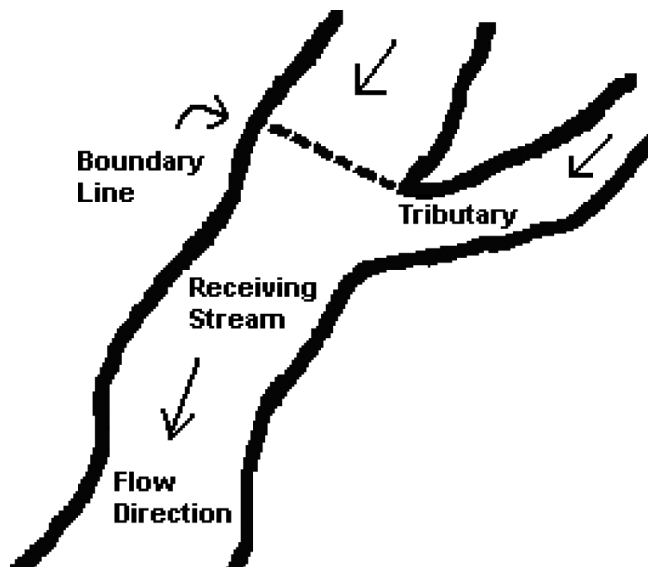


Figure ~~((10))~~ 8: Where the boundary is located if a tributary listed as a boundary.

~~((f))~~ Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be four inches or less, but must be no greater than four and one-quarter inches to account for manufacturing tolerances and possible deforma-

tion of the nozzle, is authorized only in the state waters identified in the table of authorized work times, 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.

(g) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be five inches or less, but must 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 state waters specifically identified in the table of authorized work times. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. A person 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.)

**Table ((3)) 1
Authorized Work Times ((and Mineral Prospecting Equipment Restric-
tions)) 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 a Person 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 a Person 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
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
Ten Mile 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 Wasteway (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	-	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Antoine Creek (49.0294) - Mouth to falls at river mile 1.0	July 1 - February 28	✗	-
Antoine Creek (49.0294) - Upstream of falls at river mile 1.0	July 1 - March 31	✗	-
Chelan River (47.0052) - Mouth to Chelan Dam	July 16 - September 30	✗	✗
Colockum Creek (40.0760)	July 1 - October 31	✗	-
Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	✗	✗
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	✗	-
Crum Canyon (46.0107)	July 16 - March 31	✗	-
Mad River (46.0125)	July 16 - July 31	✗	-
Indian Creek (46.0128)	July 16 - February 28	✗	-
Lake Chelan (47.0052)	Submit Application	-	-
Railroad Creek (47.0410)	July 16 - September 30	✗	-
Stehekin River (47.0508)	Submit Application	-	-
Twenty-Five Mile Creek (47.0195)	July 16 - September 30	✗	-
Other Lake Chelan tributaries outside of North Cascades National Park	July 1 - August 15	✗	-
Other Lake Chelan tributaries within North Cascades National Park	Submit Application	-	-
Number 1 Canyon (45.0011)	July 1 - February 28	✗	-
Number 2 Canyon (45.0012)	July 1 - February 28	✗	-
Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue	July 1 - September 30	✗	-
Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue	July 1 - February 28	✗	-
Stemilt Creek (40.0808) - Mouth to falls	July 1 - September 30	✗	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	✗	-
Wenatchee River (45.0030) - Mouth to Hwy 2 Bridge in Leavenworth	July 15 - September 30	✗	✗
Wenatchee River (45.0030) - Hwy 2 Bridge in Leavenworth to Lake Wenatchee	July 15 - August 15	✗	✗

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Beaver Creek (45.0751)	July 1 - September 30	✗	-
Chiwaukum Creek (45.0700)	July 1 - July 31	✗	-
Chiwawa River (45.0759) - Mouth to Phelps Creek	July 1 - July 31	✗	✗
Chiwawa River (45.0759) - Upstream of Phelps Creek	July 1 - July 31	✗	-
Deep Creek (45.0764)	July 1 - February 28	✗	-
Phelps Creek (45.0875)	July 16 - August 15	✗	-
Icicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	✗	✗
Icicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	✗	-
Fourth of July Creek (45.0525)	July 1 - February 28	✗	-
Lake Wenatchee (45.0030)	Submit Application	-	-
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	✗	✗
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	-	-
White River (45.1116) - Mouth to White River Falls	July 1 - July 31	✗	✗
White River (45.1116) - Upstream of White River Falls	July 1 - February 28	✗	-
Nason Creek (45.0888)	July 1 - July 31	✗	-
Peshastin Creek (45.0232) - Mouth to Etienne Creek	July 16 - August 15	✗	-
Peshastin Creek (45.0232) - Upstream of Etienne Creek	August 1 - February 28	✗	-
Ingalls Creek (45.0273) - Mouth to Cascade Creek	Submit Application	-	-
Ingalls Creek (45.0273) - Upstream of Cascade Creek	July 16 - February 28	✗	-
Etienne Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	-	-
Etienne Creek (45.0323) - Upstream of falls at stream mile 2.9	July 16 - February 28	✗	-
Ruby Creek (45.0318)	July 16 - February 28	✗	-
Tronson Creek (45.0346)	August 1 - February 28	✗	-
Scotty Creek (45.0376)	August 1 - February 28	✗	-
Shaser Creek (45.0365)	August 1 - February 28	✗	-
Clallam County	July 16 - September 15	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction-Intake Nozzle Inside Diameter
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	-
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	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Lake River (28.0020)	January 1 - December 31	✗	✗
Burnt Bridge Creek (28.0143)	August 1 - August 31	✗	-
Salmon Creek (28.0059)	August 1 - August 31	✗	-
Whipple Creek (28.0038)	August 1 - September 30	✗	-
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	✗	✗
Cedar Creek (27.0339)	August 1 - September 15	✗	-
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Canyon Creek (27.0442)	July 16 - February 28	✗	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - August 15	✗	✗
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	✗	✗
Columbia County	July 16 - September 30	✗	-
Touchet River (32.0097)	August 1 - August 15	✗	✗
Grande Ronde River tributaries (35.2192)	July 16 - August 15	✗	-
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Tucannon River (35.0009)	July 16 - August 15	✗	✗
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	✗	✗
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	✗	-
Cowlitz County	July 16 - September 30	✗	-
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls	August 1 - August 31	✗	✗
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls	August 1 - August 31	✗	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	✗	-
Burke Creek (27.0148)	August 1 - August 31	✗	-
Burris Creek (27.0151)	August 1 - August 31	✗	-
Bybee Creek (27.0142)	August 1 - August 31	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Canyon Creek (27.0147)	August 1 - August 31	✗	-
Coal Creek (25.0340)	July 16 - September 15	✗	-
Clark Creek (25.0371)	August 1 - August 31	✗	-
Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5	July 16 - August 15	✗	✗
Coweeman River (26.0003) - Mouth to Baird Creek	August 1 - August 31	✗	✗
Coweeman River (26.0003) - Upstream of Baird Creek	August 1 - August 31	✗	-
Cowlitz River (26.0002) - Tributaries below barrier dam to mouth	July 16 - September 30	✗	-
Owl Creek (26.1441)	July 16 - September 15	✗	-
Toutle River (26.0227)	July 16 - August 15	✗	✗
North Fork Toutle River (26.0314) - Mouth to Debris Dam	July 16 - August 15	✗	✗
North Fork Toutle River (26.0314) - Upstream of Debris Dam	July 16 - August 15	✗	-
Green River (26.0323) - Mouth to Shultz Creek	July 16 - September 30	✗	✗
Green River (26.0323) - Upstream of Shultz Creek	July 16 - September 30	✗	-
South Fork Toutle (26.0248) - Mouth to Bear Creek	July 16 - September 15	✗	✗
South Fork Toutle (26.0248) - Upstream of Bear Creek	July 16 - September 15	✗	-
Tributaries to Silver Lake	July 16 - September 30	✗	-
Germany Creek (25.0313)	July 16 - September 15	✗	-
Kalama River (27.0002) - Mouth to Kalama Falls	August 1 - August 15	✗	✗
Kalama River (27.0002) - Upstream of Kalama Falls	August 1 - August 15	✗	-
Lewis River (27.0168) - Mouth to East Fork Lewis River	August 1 - August 15	✗	✗
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	✗	✗
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Mill Creek (25.0284)	July 16 - September 15	✗	-
Schoolhouse Creek (27.0139)	August 1 - August 31	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Douglas County	July 1 - September 30	✗	–
Columbia River	See Below	–	–
Douglas Creek Canyon (44.0146)	May 16 - January 31	✗	–
Foster Creek (50.0065)	August 1 - April 15	✗	–
McCarteney Creek (44.0002)	July 1 - February 28	✗	–
Pine/Corbaley Canyon Creek (44.0779)	September 16 - April 15	✗	–
Rock Island Creek (44.0630)	July 1 - September 30	✗	–
Ferry County	July 1 - August 31	✗	–
Columbia River	See Below	–	–
Kettle River (60.0002)	June 16 - August 31	✗	✗
Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge	Submit Application	–	–
Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge	June 16 - February 28	✗	–
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	–	–
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	✗	–
Goosmus Creek (60.0254)	June 16 - February 28	✗	–
Toroda Creek (60.0410)	July 1 - September 30	✗	–
San Poil River (52.0004)	June 16 - September 30	✗	✗
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	✗	–
Granite Creek (52.0099) - Upstream of Powerhouse Dam	June 16 - February 28	✗	–
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	✗	✗
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	✗	–
Gold Creek (52.0197)	June 16 - February 28	✗	–
Franklin County	June 1 - September 30	✗	–
Columbia River	See Below	–	–
Snake River	See Below	–	–
Palouse River (34.0003)	July 16 - February 28	✗	✗

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North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	✗	–
Garfield County	July 16 - September 30	✗	–
Snake River (35.0003)	See Below	–	–
Alpowa Creek (35.1440)	July 16 - December 15	✗	–
Asotin Creek (35.1716)	July 16 - August 15	✗	–
Deadman Creek (35.0688)	July 16 - December 15	✗	–
Grande Ronde River tributaries (35.2192)	July 16 - August 15	✗	–
Meadow Creek (35.0689)	July 16 - December 15	✗	–
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	✗	✗
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	✗	–
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	✗	–
Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	✗	–
Grant County	July 1 - October 31	✗	–
Columbia River	See Below	–	–
Crab Creek (41.0002)	July 16 - September 15	✗	✗
Grays Harbor County	July 16 - October 15	✗	–
Chehalis River (22.0190/23.0190) - Mouth to Porter Creek	August 1 - August 31	✗	✗
Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls	August 1 - August 15	✗	✗
Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls	August 1 - August 15	✗	–
Cedar Creek (23.0570)	August 1 - September 30	✗	–
Cloquallum Creek (22.0501)	August 1 - September 30	✗	–
Porter Creek (23.0543)	August 1 - September 30	✗	–
Satsop River (22.0360)	August 1 - August 31	✗	✗
Wishkah River (22.0191)	August 1 - October 15	✗	✗
Wynoochee River (22.0260)	August 1 - September 30	✗	✗
Copalis River (21.0767)	August 1 - October 15	✗	✗
Elk River (22.1333)	July 1 - October 31	✗	✗
Hoquiam River (22.0137)	August 1 - October 15	✗	✗
Humtulpis River (22.0004) - Mouth to Forks	August 1 - September 30	✗	✗

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Humtulpips 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	-
Dugwalla 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	-
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	-

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Queets River (21.0001)	August 1 - August 15	✗	✗
Matheny Creek (21.0165)	August 1 - August 15	✗	-
Sams River (21.0205)	August 1 - August 15	✗	✗
Quinault River (21.0398)	August 1 - August 15	✗	✗
Salmon Creek (17.0245)	July 16 - August 31	✗	-
Skokomish River (16.0001)	August 1 - August 31	✗	✗
Snow Creek (17.0219)	July 16 - August 31	✗	-
Tarboo Creek (17.0129)	August 1 - September 30	✗	-
Thorndyke Creek (17.0170)	August 1 - October 15	✗	-
King County	July 16 - September 30	✗	-
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	✗	✗
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	✗	-
Issaquah Creek (08.0178)	August 1 - August 31	✗	-
Sammamish River (08.0057)	August 1 - August 31	✗	-
Steele Creek (08.0379)	July 16 - February 28	✗	-
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	✗	✗
Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek	August 1 - August 31	✗	-
Lake Washington tributaries (08.LKWA)	August 1 - August 31	✗	-
Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls	August 1 - August 15	✗	✗
Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork	July 16 - February 28	✗	✗
Patterson Creek (07.0376)	July 16 - September 30	✗	-
Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek	July 16 - February 28	✗	✗
Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek	July 16 - February 28	✗	-
Goat Creek (07.0754)	July 16 - February 28	✗	-
North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek	July 16 - February 28	✗	✗
North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28	✗	-

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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	-
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	-

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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	-
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	-
Whiskey Dick Creek (40.0591)	July 1 - February 28	X	-

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Yakima River (39.0002) - Roza Dam to Teanaway River	August 1 - August 31	✗	✗
Naches River (38.0003) - Tieton River to Bumping River	July 1 - August 15	✗	✗
Little Naches River (38.0852) - Mouth to Matthew Creek	July 16 - August 15	✗	✗
Little Naches River (38.0852) - Upstream of Matthew Creek	July 16 - August 15	✗	-
Pileup Creek (38.0932)	July 16 - August 31	✗	-
Gold Creek (38.MISC)	July 16 - February 28	✗	-
Swauk Creek (39.1157)	July 16 - September 30	✗	-
Baker Creek (39.1157)	July 16 - September 30	✗	-
First Creek (39.1157)	July 16 - September 30	✗	-
Iron Creek (39.1157)	July 16 - September 30	✗	-
Williams Creek (39.1157)	July 16 - September 30	✗	-
Boulder Creek (39.1157)	July 16 - February 28	✗	-
Cougar Gulch (39.1157)	July 16 - February 28	✗	-
Lion Gulch (39.1157)	July 16 - February 28	✗	-
Yakima River (39.0002) - Teanaway River to Easton Dam	August 1 - August 31	✗	✗
Yakima River (39.0002) - Upstream of Easton Dam	August 1 - August 31	✗	✗
Cle Elum River (39.1434) - Mouth to dam	July 16 - August 31	✗	✗
Cle Elum River (39.1434) - Upstream of Cle Elum Dam	Submit Application	-	-
Big Boulder Creek (39.1434MISC)	August 1 - February 28	✗	-
Camp Creek (39.1434MISC)	August 1 - February 28	✗	-
Fortune Creek (39.1434MISC)	August 1 - August 15	✗	-
South Fork Fortune Creek (39.1434MISC)	August 1 - February 28	✗	-
Howson Creek (39.1434)	July 16 - February 28	✗	-
Little Salmon Le Sac Creek (39.1482)	August 1 - August 15	✗	-
Paris Creek (39.1434MISC)	August 1 - February 28	✗	-
Salmon Le Sac Creek (39.1520)	August 1 - February 28	✗	-

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Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application	-	-
Kachess River (39.1739) - Below dam	July 16 - August 15	✗	✗
Box Canyon Creek (39.1765)	Submit Application	-	-
Mineral Creek (39.1792)	August 1 - August 15	✗	-
Lake Keechelus (39.1842) tributaries	July 16 - August 15	✗	-
Gold Creek (Lake Keechelus) (39.1842)	Submit Application	-	-
Manastash Creek (39.0988)	July 16 - September 30	✗	-
Naneum Creek (39.0821)	July 16 - September 30	✗	-
Taneum Creek (39.1081) - Mouth to I-90	July 16 - August 31	✗	-
Taneum Creek (39.1157) - Upstream of I-90	July 16 - September 30	✗	-
Teanaway River (39.1236)	July 16 - August 31	✗	✗
NF Teanaway River (39.1260)	Submit Application	-	-
Umtanum Creek (39.0553)	July 16 - September 30	✗	-
Wenas Creek, Below dam (39.0032)	July 16 - October 15	✗	-
Wenas Creek, Upstream of Wenas Lake (39.0032)	July 16 - February 28	✗	-
Other Yakima River tributaries not listed	July 16 - August 31	✗	-
Kitsap County	July 16 - October 15	✗	-
Anderson Creek (15.0211)	August 1 - November 15	✗	-
Barker Creek (15.0255)	August 1 - September 30	✗	-
Big Beef Creek (15.0389)	August 1 - August 15	✗	-
Big Scandia Creek (15.0280)	August 1 - September 30	✗	-
Blackjack Creek (15.0203)	August 1 - September 30	✗	-
Burley Creek (15.0056)	August 1 - September 30	✗	-
Chico Creek (15.0229)	August 1 - October 15	✗	-
Clear Creek (15.0249)	August 1 - September 30	✗	-
Curley Creek (15.0185)	August 1 - September 30	✗	-
Dewatto River (15.0420)	August 1 - August 15	✗	-
Dogfish Creek (15.0285)	August 1 - August 15	✗	-
Gorst Creek (15.0216)	August 1 - August 15	✗	-
Grovers Creek (15.0299)	August 1 - August 31	✗	-
Johnson Creek (15.0387)	August 1 - October 31	✗	-
Ollala Creek (15.0107)	August 1 - September 30	✗	-

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Ross Creek (15.0209)	August 1 - November 15	✗	-
Salmonberry Creek (15.0188)	August 1 - November 30	✗	-
Seabeck Creek (15.0400)	August 1 - August 15	✗	-
Steele Creek (15.0273)	August 1 - September 30	✗	-
Tahuya River (15.0446)	August 1 - August 31	✗	✗
Union River (15.0503)	August 1 - August 31	✗	✗
Klickitat County	July 15 - September 30	✗	-
Alder Creek (31.0459)	August 1 - September 30	✗	-
Chapman Creek (31.0192)	August 1 - September 30	✗	-
Glade Creek (31.0851)	August 1 - September 30	✗	-
Juniper Canyon Creek (31.0378)	August 1 - September 30	✗	-
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	✗	✗
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	✗	-
Pine Creek (31.0354)	August 1 - September 30	✗	-
Rock Creek (31.0014)	August 1 - September 30	✗	-
Six Prong Creek (31.0465)	August 1 - September 30	✗	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	✗	✗
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	✗	-
Wood Gulch Creek (31.0263)	August 1 - September 30	✗	-
Lewis County	August 1 - September 30	✗	-
Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River	August 1 - August 15	✗	✗
Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River	August 1 - August 31	✗	✗
Newaukum River (23.0882) - Mouth to South Fork	August 1 - August 31	✗	✗

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Newaukum River (23.0882) - Upstream of South Fork	August 1 - August 31	✗	-
Skookumchuck River (23.0761)	August 1 - August 31	✗	✗
Cowlitz River (26.0002)	August 1 - August 15	✗	✗
Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)	August 1 - August 15	✗	✗
Cispus River (26.0668) - Squaw Creek to Chambers Creek	July 16 - February 28	✗	✗
Cispus River (26.0668) - Upstream of Chambers Creek	July 16 - February 28	✗	-
Yellowjacket Creek (26.0757)	August 1 - August 15	✗	-
McCoy Creek (26.0766) - Mouth to lower falls	August 1 - August 15	✗	-
McCoy Creek (26.0766) - Upstream of lower falls	July 16 - February 28	✗	-
Walupt Creek (26.1010)	Submit Application	-	-
Packwood Lake tributaries	August 16 - September 15	✗	-
Tilton River (26.0560) - Mouth to North Fork	August 1 - September 30	✗	✗
Tilton River (26.0560) - Upstream of North Fork	August 1 - September 30	✗	-
Toutle River (26.0227)	August 1 - August 31	✗	✗
North Fork Toutle River (26.0314)	July 16 - August 15	✗	✗
Green River (26.0323)	July 16 - September 30	✗	✗
Deschutes River (13.0028)	July 16 - August 31	✗	✗
Little Deschutes River (13.0110)	July 16 - February 28	✗	-
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	✗	✗
Lincoln County	June 16 - February 28	✗	-
Columbia River	See Below	-	-
Hawk Creek (53.0101) - Mouth to falls	June 16 - August 31	✗	-
Hawk Creek (53.0101) - Upstream of falls	June 16 - February 28	✗	-
Upper Crab Creek (42.0001)	June 16 - February 28	✗	-
Wilson Creek (43.0020)	June 16 - February 28	✗	-
Mason County	August 1 - October 15	✗	-

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Cloquallum Creek (22.0501)	August 1 - September 30	✗	-
Coulter Creek (15.0002)	August 1 - August 31	✗	-
Dewatto River (15.0420)	August 1 - August 31	✗	-
Goldsborough Creek (14.0035)	August 1 - October 15	✗	-
John Creek (16.0253)	August 1 - August 31	✗	-
Hamma Hamma River (16.0251) - Mouth to falls	August 1 - August 31	✗	-
Johns Creek (14.0049)	August 1 - August 15	✗	-
Lilliwaup River (16.0230) - Mouth to falls	August 1 - August 31	✗	✗
Lilliwaup River (16.0230) - Upstream of falls	August 1 - February 28	✗	-
Mill Creek (14.0029)	August 1 - August 15	✗	-
Satsop River (22.0360)	August 1 - August 31	✗	-
Schaerer Creek (16.0326)	August 1 - August 31	✗	-
Sherwood Creek (14.0094)	August 1 - August 15	✗	-
Skokomish River (16.0001) - Mouth to Forks	August 1 - August 31	✗	✗
Skokomish River (16.0001) - Upstream of Forks	August 1 - August 31	✗	-
Tahuya River (15.0446)	August 1 - August 31	✗	-
Twano Creek (14.0134)	August 1 - October 31	✗	-
Union River (15.0503)	August 1 - August 31	✗	✗
Okanogan County	July 1 - August 15	✗	-
Aneas Creek (49.0243) - Mouth to falls	July 16 - August 31	✗	-
Aneas Creek (49.0243) - Upstream of falls	July 1 - March 31	✗	-
Chewiliken Creek (49.0232) - Mouth to falls	July 16 - August 31	✗	-
Chewiliken Creek (49.0232) - Upstream of falls	July 1 - March 31	✗	-
Chiliwist Creek (49.0034) - Mouth to falls	July 16 - August 31	✗	-
Chiliwist Creek (49.0034) - Upstream of falls	July 1 - March 31	✗	-
Foster Creek (50.0065)	July 1 - February 28	✗	-
Methow River (48.0007) - Columbia confluence to Twisp River	July 1 - July 31	✗	✗
Methow River tributaries between Black Canyon Creek and Gold Creek	July 1 - February 28	✗	-

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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	-	-

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Libby Creek (48.0203) - Upstream of Hornet Draw	July 1 - February 28	✗	-
Methow River (48.0007) - Twisp River to Goat Creek	July 1 - July 31	✗	✗
Methow River (48.0007) - Upstream of Goat Creek	July 1 - July 31	✗	-
Chewuch River (48.0728) - Mouth to Meadow Creek	July 1 - July 31	✗	✗
Chewuch River (48.0728) - Upstream of Meadow Creek	July 1 - February 28	✗	-
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	✗	-
Goat Creek (48.1364) - Mouth to 500 feet upstream of Montana Creek	Submit Application	-	-
Goat Creek (48.1364) - 500 feet Upstream of Montana Creek to Roundup Creek	July 1 - February 28	✗	-
Goat Creek (48.1364) - Upstream of Roundup Creek	Submit Application	-	-
Lost River (48.0592)	July 16 - August 15	✗	✗
Twisp River (48.0374)	July 1 - July 31	✗	✗
Buttermilk Creek (48.0466)	Submit Application	-	-
North Creek (48.0674)	Submit Application	-	-
North Fork Twisp River (48.0691)	July 1 - February 28	✗	-
South Creek (48.0641) - Upstream of Louis Creek	July 1 - February 28	✗	-
South Creek (48.0641) - Mouth to Louis Creek	Submit Application	-	-
South Fork Twisp River (48.0698)	July 1 - February 28	✗	-
Wolf Creek (48.1300)	Submit Application	-	-
Myers Creek (60.0517)	July 1 - February 28	✗	-
Bolster Creek (60.0517)	July 1 - February 28	✗	-
Ethel Creek (60.0517)	July 1 - February 28	✗	-
Gold Creek (60.0517)	July 1 - February 28	✗	-
Mary Ann Creek (60.0517)	July 1 - February 28	✗	-
North Fork Mary Ann Creek (60.0517)	July 1 - February 28	✗	-
Okanogan River (49.0019) - Mouth to Zosel Dam	July 1 - August 31	✗	✗

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Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0	July 1 - February 28	✗	-
Antoine Creek (49.0294) - Upstream of falls	July 1 - March 31	✗	-
Bonaparte Creek (49.0246) - Upstream of falls	July 1 - March 31	✗	-
Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0	July 1 - February 28	✗	-
Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4	July 1 - February 28	✗	-
Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4	July 1 - March 31	✗	-
Mosquito Creek (49.0321) - Mouth to falls	July 1 - August 31	✗	-
Mosquito Creek (49.0321) - Upstream of falls	July 1 - March 31	✗	-
Nine Mile Creek (49.0516)	July 1 - February 28	✗	-
Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4	July 1 - February 28	✗	-
Omak Creek (49.0138) - Upstream of falls	July 1 - March 31	✗	-
Salmon Creek (49.0079) - Mouth to diversion	July 1 - August 31	✗	-
Salmon Creek (49.0079) - Upstream of diversion	July 1 - February 28	✗	-
Similkameen River (49.0325) - Mouth to Enloe Dam	July 1 - August 31	✗	✗
Similkameen River (49.0325) - Enloe Dam to Palmer Creek	June 1 - October 31	✗	✗
Similkameen River (49.0325) - Upstream of Palmer Creek	July 1 - October 31	✗	✗
Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake	July 1 - August 31	✗	-
Cecile Creek (49.0447)	July 1 - February 28	✗	-
Chopaka Creek (49.0357)	July 1 - February 28	✗	-
Toats Coulee Creek (49.0368)	July 1 - February 28	✗	-
Cougar Creek (49.0368)	July 1 - February 28	✗	-
Siwash Creek (49.0284) - Falls to headwaters	July 1 - March 31	✗	-

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Siwash Creek (49.0284) - Mouth to falls at river mile 1.4	July 1 - February 28	✗	-
Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8	July 1 - February 28	✗	-
Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8	July 1 - March 31	✗	-
Tunk Creek (49.0211) - Mouth to falls	July 1 - February 28	✗	-
Tunk Creek (49.0211) - Upstream of falls	July 1 - March 31	✗	-
San Poil River (52.0004)	June 16 - September 30	✗	✗
West Fork San Poil (52.0192)	June 16 - September 30	✗	✗
Gold Creek (52.0197)	June 16 - February 28	✗	-
Toroda Creek (60.0410)	July 1 - September 30	✗	-
Pacific County	August 1 - September 30	✗	-
Bear River (24.0689)	August 1 - September 30	✗	✗
Bone River (24.0405)	August 1 - September 30	✗	-
Chehalis River (22.0190/23.0190)	August 1 - August 15	✗	✗
Columbia River	See Below	-	-
Chinook River (24.MISC)	August 1 - September 30	✗	✗
Grays River (25.0093)	July 16 - September 15	✗	✗
Naselle River (24.0543)	August 1 - September 15	✗	✗
Nemah River (24.0460)	August 1 - September 30	✗	✗
Niawiakum River (24.0417)	August 1 - September 30	✗	-
North River (24.0034)	August 1 - September 30	✗	✗
Palix River (24.0426)	August 1 - September 30	✗	-
Willapa River (24.0251)	August 1 - September 30	✗	✗
Pend Oreille County	July 1 - August 31	✗	-
Little Spokane River (55.0003)	August 1 - March 15	✗	-
West Branch Little Spokane River (55.0439)	August 1 - March 15	✗	-
Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek	August 1 - August 31	✗	-
Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek	July 16 - February 28	✗	-
Pend Oreille River (62.0002)	Submit Application	-	-

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Big Muddy Creek (62.0279)	August 1 - March 15	X	-
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	-
Marmust 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

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Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall	July 16 - August 15	✗	✗
Carbon River (10.0413)	July 16 - August 15	✗	✗
Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream	July 16 - August 31	✗	-
Cayada Creek (10.0525) - Upstream of the falls	January 1 - December 31	✗	-
South Prairie Creek (10.0429)	July 16 - August 15	✗	-
Voight Creek (10.0414) - Mouth to falls at river mile 4.0	July 16 - August 31	✗	-
Voight Creek (10.0414) - Upstream of falls river mile 4.0	July 16 - February 28	✗	-
White River (10.0031)	July 16 - August 15	✗	✗
Clearwater River (10.0080)	July 16 - August 15	✗	✗
Greenwater River (10.0122)	July 16 - August 15	✗	✗
Huckleberry Creek (10.0253)	July 16 - August 15	✗	-
West Fork White River (10.0186)	July 16 - August 15	✗	✗
Sequalitchew Creek (12.0019)	July 16 - September 30	✗	-
San Juan County	July 1 - August 31	✗	-
Cascade Creek (02.0057), Orcas Island - Upstream of Lower Falls	July 1 - February 28	✗	-
Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth	July 1 - October 31	✗	-
Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)	June 16 - October 15	✗	-
False Bay Creek (02.MISC) - San Juan Island; mouth to lake	July 1 - October 31	✗	-
Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay	July 1 - October 15	✗	-
Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile	July 1 - October 15	✗	-

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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	-	-
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)	Submit Application	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	Submit Application	-	-

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South Fork Nooksack River (01.0246) - Falls at river mile 30 to Wanlick Creek	Submit Application	-	-
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
Skamania County	July 15 - September 15	✗	-
Columbia River	See Below	-	-
Cispus River (26.0668)	August 1 - August 15	✗	✗
Cispus River (26.0668) tributaries located in Skamania County	August 1 - October 31	✗	-
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	✗	✗
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	✗	-
Green River (26.0323) (Tributary of North Fork Toutle River)	July 16 - September 30	✗	✗
Hamilton Creek (28.0303)	August 1 - August 31	✗	-
Hardy Creek (28.0303)	August 1 - August 31	✗	-
Little White Salmon River (29.0131) - Mouth to Hatchery	July 16 - August 15	✗	✗
Little White Salmon River (29.0131) - Hatchery to Cabbage Creek	July 16 - January 31	✗	✗
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	✗	-
North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls	July 16 - August 15	✗	✗
Canyon Creek (27.0442)	July 16 - February 28	✗	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - February 28	✗	✗
Washougal River (28.0159) - Mouth to Stebbins Creek	August 1 - August 31	✗	✗
Washougal River (28.0159) - Upstream of Stebbins Creek	August 1 - August 31	✗	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	✗	✗

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White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	✗	-
Wind River (29.0023)	August 1 - August 15	✗	✗
Woodward Creek (28.0298)	August 1 - August 31	✗	-
Snohomish County	July 16 - September 15	✗	-
Lake Washington tributaries	August 1 - August 15	✗	-
Sauk River (04.0673) - Mouth to Forks	August 1 - August 15	✗	✗
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	✗	-
Suiattle River (04.0710)	August 1 - August 15	✗	✗
Snohomish River (07.0012) - Mouth to Highway 9	August 1 - October 31	✗	✗
Snohomish River (07.0012) - Upstream of Highway 9	August 1 - August 15	✗	✗
Pilchuck River (07.0125) - Mouth to city of Snohomish Diversion Dam	August 1 - August 31	✗	✗
Pilchuck River (07.0125) - City of Snohomish Diversion Dam to Boulder Creek	August 1 - September 15	✗	✗
Pilchuck River (07.0125) - Upstream of Boulder Creek	August 1 - September 15	✗	-
Skykomish River (07.0012) - Mouth to Forks	August 1 - August 15	✗	✗
Deer Creek (05.0173) - Mouth to stream mile 0.5	August 1 - August 31	✗	-
Deer Creek (05.0173) - Upstream of stream mile 0.5	August 1 - February 28	✗	-
North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls	August 1 - August 31	✗	✗
North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls	August 1 - August 31	✗	✗
North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek	August 1 - February 28	✗	✗
North Fork Skykomish River (07.0982) - Upstream of West Cady Creek	August 1 - February 28	✗	-
Howard Creek (07.1042)	July 16 - February 28	✗	-
Silver Creek (07.1053) - Mouth to Lake Gulch	August 1 - August 31	✗	-
Silver Creek (07.1053) - Upstream of Lake Gulch	August 1 - February 28	✗	-

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Troublesome Creek (07.1085)	August 1 - February 28	✗	-
West Fork Troublesome Creek (07.1092)	August 1 - August 31	✗	-
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	✗	✗
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	✗	✗
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	✗	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	✗	✗
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	✗	✗
Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4	August 1 - August 31	✗	✗
Sultan River (07.0881) - Diversion Dam to anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam)	August 1 - August 31	✗	✗
Sultan River (07.0881) anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam) to Elk Creek	July 16 - February 28	✗	✗
Sultan River (07.0881) - Upstream of Elk Creek	July 16 - February 28	✗	-
Wallace River (07.0940) - Mouth to Wallace Falls	August 1 - August 31	✗	✗
Wallace River (07.0940) - Upstream of Wallace Falls	August 1 - February 28	✗	-
Olney Creek (07.0946) - Mouth to Olney Falls	August 1 - August 31	✗	-
Olney Creek (07.0946) - Upstream of Olney Falls	August 1 - February 28	✗	-
Snoqualmie River Mouth to falls (07.0219)	August 1 - August 15	✗	✗
All other Snohomish River tributaries	August 1 - August 31	✗	-
Stillaguamish River (05.0001) - Mouth to Forks	August 1 - August 31	✗	✗
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	✗	✗

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North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	✗	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	✗	-
South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek	August 1 - August 15	✗	✗
South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek	August 1 - August 15	✗	-
Spokane County	June 16 - August 31	✗	-
Latah Creek (56.0003)	June 16 - August 31	✗	-
Little Spokane River (55.0600) - Mouth to Deer Creek	June 16 - August 31	✗	✗
Little Spokane River (55.0600) - Upstream of Deer Creek	June 16 - August 31	✗	-
Spokane River (57.0001)	June 16 - August 31	✗	✗
Stevens County	July 16 - August 31	✗	-
Columbia River	See Below	-	-
Big Sheep Creek (61.0150)	July 16 - August 15	✗	-
Colville River (59.0002) - Mouth to the falls	July 16 - September 30	✗	✗
Colville River (59.0002) - Upstream of the falls	July 16 - September 30	✗	✗
Deep Creek (61.0195)	July 16 - August 15	✗	-
Onion Creek (61.0098)	July 16 - August 15	✗	-
Sheep Creek (59.0861)	July 16 - September 30	✗	-
Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River	July 16 - February 28	✗	-
Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. border	July 16 - February 28	✗	-
Tributaries of Little Spokane River (55.0600)	June 16 - August 31	✗	-
Calispel Creek (62.0628)	August 1 - August 31	✗	-
Other tributaries to the Pend Oreille River in Stevens County	July 1 - August 31	✗	-
Thurston County	July 16 - September 15	✗	-
Cedar Creek (23.0570)	August 1 - September 30	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Chehalis River (22.0190/23.0190) - Upstream of Porter Creek	August 1 - August 15	✗	✗
Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir	August 1 - August 31	✗	✗
Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir	August 1 - August 31	✗	-
Deschutes River (13.0028) - Mouth to Deschutes Falls	July 16 - August 31	✗	✗
Deschutes River (13.0028) - Upstream of Deschutes Falls	July 16 - August 31	✗	-
Ellis Creek (13.0022)	May 16 - September 30	✗	-
Little Deschutes River (13.0110)	July 16 - February 28	✗	-
McLane Creek (13.0138)	August 1 - October 31	✗	-
Percival Creek (13.0029)	July 16 - August 31	✗	-
Nisqually River (11.0008)	July 16 - August 31	✗	✗
Tributaries of Nisqually River (11.0008)	July 16 - August 31	✗	-
Porter Creek (23.0543)	August 1 - September 30	✗	-
Schneider Creek (14.0009)	August 1 - October 31	✗	-
Waddell Creek (23.0677)	August 1 - September 30	✗	-
Woodard Creek (13.0012)	July 16 - August 31	✗	-
Woodland Creek (13.0006)	July 16 - September 30	✗	-
Wahkiakum County	July 16 - September 15	✗	-
Columbia River	See Below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	✗	-
Deep River (25.0011)	July 16 - September 15	✗	✗
Elochoman River (25.0236)	July 16 - September 15	✗	✗
Grays River (25.0093)	July 16 - September 15	✗	✗
Mill Creek (25.0284)	July 16 - September 15	✗	-
Naselle River (24.0543)	July 16 - September 15	✗	✗
Skamokowa Creek (25.0194)	July 16 - September 15	✗	-
Walla Walla County	July 16 - September 30	✗	-
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	✗	✗
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	✗	-
Touchet River (32.0097) - Mouth to Forks	August 1 - August 15	✗	✗

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Whatcom County	July 16 - August 15	✗	-
Damfino Creek (00.0032)	July 16 - August 31	✗	-
Nooksack River (01.0120)	Submit Application	-	-
Cascade Creek (02.0057) - Mouth to FR 37	Submit Application	-	-
Cascade Creek (02.0057) - Upstream of FR 37	July 16 - February 28	✗	-
Middle Fork Nooksack River (01.0339) - Mouth to city of Bellingham Diversion Dam	Submit Application	-	-
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	Submit Application	-	-
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	-	-
Barometer Creek (01.0513)	July 16 - February 28	✗	-
Ruth Creek (01.0531)	July 16 - February 28	✗	-
Swamp Creek (01.0518)	July 16 - February 28	✗	-
Wells Creek (02.0057)	Submit Application	-	-
Bar Creek (01.0500)	July 16 - February 28	✗	-
South Fork Nooksack (01.0246) - Mouth to Wanlick Creek	Submit Application	-	-
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	Submit Application	-	-
Samish River (03.0005)	July 16 - August 15	✗	-
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	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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 tributaries (03.0176/04.0176)	Submit Application	-	-
Ruby Creek (04.2199)	Submit Application	-	-
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	-	-
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	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
North Fork Canyon Creek (04.2583) - Upstream of Elk Creek	October 1 - February 28	✗	-
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	✗	-
Granite Creek (04.2313) - Mouth to East Creek	Submit Application	-	-
Granite Creek (04.2313) - Upstream of East Creek and tributaries	October 1 - February 28	✗	-
Saar Creek (00.0003)	August 1 - September 30	✗	-
Silesia Creek (00.0042) - Canadian border to Middle Fork	July 16 - August 15	✗	-
Silesia Creek (00.0042) - Middle Fork to National Park boundary	July 16 - February 28	✗	-
Rapid Creek (00.0048)	July 16 - February 28	✗	-
West Fork Silesia Creek (00.0044)	July 16 - February 28	✗	-
Winchester Creek (00.0045)	July 16 - February 28	✗	-
Whitman County	July 16 - December 15	✗	-
Snake River (35.0002)	See Below	-	-
Alkali Flats Creek (35.0570)	July 16 - December 15	✗	-
Almota Creek (35.1017)	July 16 - December 15	✗	-
Little Almota Creek (35.1018)	July 16 - December 15	✗	-
Palouse River (34.0003) - Mouth to Palouse Falls	July 16 - September 30	✗	✗
Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	✗	✗
Penewawa Creek (35.0916)	July 16 - December 15	✗	-
Wawawi Canyon Creek (35.1165)	July 16 - December 15	✗	-
Yakima County	June 1 - September 15	✗	-
Glade Creek (31.0851)	August 1 - September 30	✗	-
Klickitat River (30.0002)	Submit Application	-	-
Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam	June 1 - September 15	✗	✗
Ahtanum Creek (37.1382)	June 16 - September 30	✗	-

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction-Intake Nozzle Inside Diameter
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 feet above falls	August 1 - February 28	X	-
Union Creek (38.1045) - Mouth to 500 feet 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

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Little Naches River (38.0852) - Upstream of Matthews Creek	July 16 - August 15	✗	–
Crow Creek (38.0858)	July 16 - August 15	✗	–
Nile Creek (38.0692)	July 16 - October 15	✗	–
Rattlesnake Creek (38.0518)	July 16 - August 15	✗	–
Tieton River (38.0166) - Mouth to Rimrock Dam	July 1 - August 31	✗	✗
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	✗	–
Clear Creek (38.0317)	July 16 - February 28	✗	–
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	✗	–
Indian Creek (38.0302)	Submit Application	–	–
Tributaries of Tieton River below Rimrock Dam	July 16 - February 28	✗	–
Umtanum Creek (39.0553)	July 16 - September 30	✗	–
Wenas Creek (39.0032)	July 16 - October 15	✗	–
Other Yakima River tributaries	July 16 - August 31	✗	–
Columbia River	–	–	–
Mouth to the I-205 Bridge	August 1 - March 31	✗	✗
I-205 Bridge to Bonneville Dam	July 16 - September 15	✗	✗
Bonneville Dam to Snake River	July 16 - February 28	✗	✗
Snake River to Priest Rapids Dam	July 16 - September 30	✗	✗
Priest Rapids Dam to Mouth of Crab Creek	July 16 - February 28	✗	✗
Mouth of Crab Creek to Wanapum Dam	July 16 - September 30	✗	✗
Wanapum Dam to the SR 285 bridge in South Wenatchee	July 16 - February 28	✗	✗
SR 285 bridge in South Wenatchee to the SR 2 bridge	July 16 - September 30	✗	✗

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 a Person 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 a Person May Use Mineral Prospecting Equipment With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	✗	✗
From one mile downstream of the Chelan River to the SR 97 bridge	July 16 - September 30	✗	✗
From SR 97 bridge to Chief Joseph Dam	July 16 - February 28	✗	✗
Chief Joseph Dam to Grand Coulee Dam	June 16 - March 31	✗	✗
Grand Coulee Dam to Canadian border	Submit Application	-	-
All Columbia River tributaries	See County Listings	-	-
Snake River	-	✗	-
Mouth to Ice Harbor Dam	July 16 - September 30	✗	✗
Ice Harbor Dam to Mouth of Clearwater River	July 16 - March 31	✗	✗
Mouth of Clearwater River to state line	August 1 - August 31	✗	✗
All Snake River tributaries	See County Listings	-	-
Lakes	Submit Application	-	-
Strait of Juan de Fuca, Puget Sound, Hood Canal	Submit Application	-	-
Ocean beaches within the Seashore Conservation Area established under RCW 79A.05.605	January 1 - December 31	✗	✗
All waters within Indian tribal reservation, National Park, state park, or wilderness boundaries, except those within the Seashore Conservation Area established under RCW 79A.05.605	Submit Application	-	-))

NEW SECTION

WAC 220-660-305 Suction dredging. (1) **Description:** Suction dredging projects excavate, process, and classify aggregate using small motorized or nonmotorized equipment that removes aggregate from the bed, banks, or uplands by means of vacuum created by water flowing through a tube or hose. Bulb sniffers are not considered suction dredges. The rules in this section apply to using motorized and nonmotorized suction dredges. See WAC 220-660-300 for mineral prospecting with equipment other than suction dredges.

(2) **Fish life concerns:** Suction dredging can harm fish life and habitat that supports fish life.

(a) Direct impacts from suction dredging can include:

(i) Mortality from the physical effects of disturbing eggs or fry incubating within the bed;

(ii) Mortality from passing vulnerable fish through suction dredges; and

(iii) Lower environmental productivity resulting from habitat modifications such as altered stream beds or lowered water quality.

(b) Indirect impacts can include changes in food resources and human disturbances.

(c) The department minimizes impacts of suction dredging by restricting the type of mining equipment allowed, limiting excavation zones within streams, and setting allowable timing windows.

(d) Aquatic invasive species can be transported on or in suction dredges and spread between water bodies. This can harm all life stages of fish life and permanently harm, destroy, or alter ecosystems.

(3) **General requirements:**

(a) Before conducting any suction dredging activity, a person must obtain the approval of the department through the issuance of a standard single site written HPA or standard multisite written HPA as described in WAC 220-660-050. The department must deny an HPA when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless enough mitigation can be assured by provisioning 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.

(b) When seeking a single site or multisite standard HPA, a person must identify the upstream and downstream extent of each suction dredging location within a stream. The location of each site can be no greater than the length contained within a registered mining claim, if the project occurs on a claim, or one thousand three hundred linear feet of stream, if the project does not occur on a claim.

(c) Nothing in chapter 220-660 WAC relieves a person of the duty to obtain landowner permission and any other required permits before conducting any mineral prospecting activity.

(4) **Aquatic invasive species prevention:**

(a) All suction dredge equipment that has been used in waters outside of Washington state must be inspected for the presence of aquatic invasive species by an authorized department employee or agent before being used in waters of the state.

(b) All suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.

(5) **Suction dredging in fresh waters:**

(a) A person may suction dredge in fresh waters of the state only during the times and with the mineral prospecting equipment limitations identified in subsection (7) of this section.

(b) When suction dredging, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Motorized or nonmotorized suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 nozzle size. See Figure 1.



Figure 1: Suction dredge intake nozzle

(ii) Power sluice/suction dredge combinations, when configured and operated as suction dredges, that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 suction intake nozzle may be no greater than one inch larger than the nozzle size. See Figure 1.

(c) The suction intake nozzle and hose of suction dredges and power sluice/suction dredge combinations configured and operated as suction dredges must not exceed the diameters allowed in the listing for the stream or stream reach where a person is operating, as identified in subsection (7) of this section.

(d) Except when operating a dryland dredge, a person may not excavate aggregate outside of the wetted perimeter.

(e) When operating a dryland dredge:

(i) A person may not excavate, collect, or remove aggregate from the toe of the slope. A person also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or might deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 2 and 3.

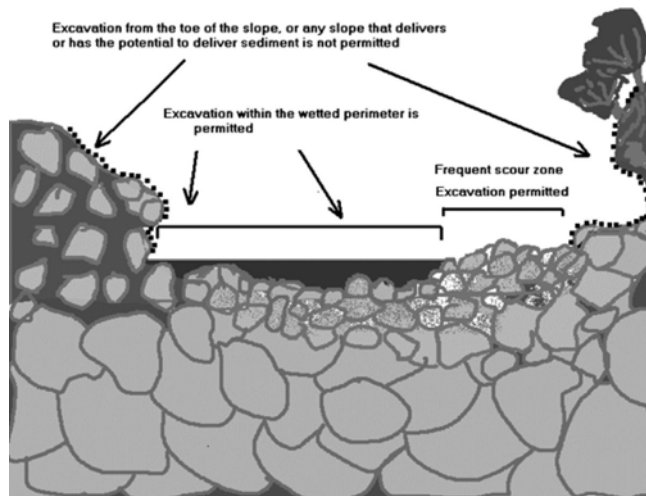


Figure 2: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites when operating a dryland dredge. Dashed lines indicate areas where excavation is not permitted.

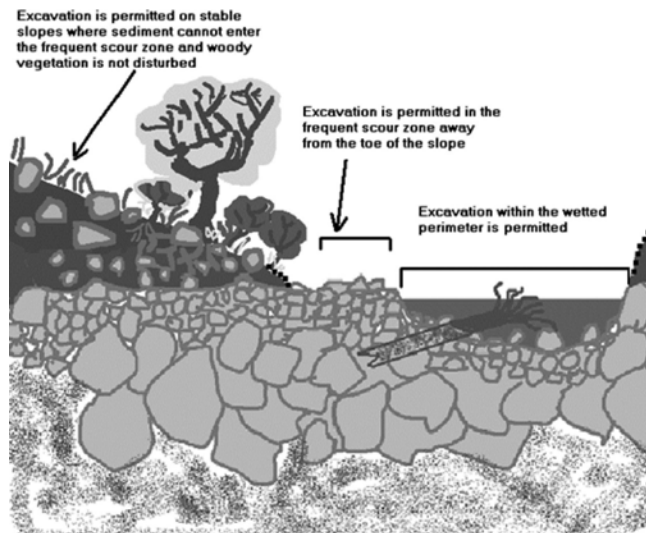


Figure 3: Permitted and prohibited excavation sites in a typical body of water under rules for dryland dredging. Dashed lines indicate areas where excavation is not permitted.

(ii) A person must process aggregate collected from upland areas landward of the frequent scour zone only at an upland location landward of the frequent scour zone. A person may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

(f) A person may not use vehicle-mounted winches. A person 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.

(g) When operating a suction dredge or power sluice/suction dredge combination configured and operated as a suction dredge, a person's equipment must be at least two hundred feet from all others also operating this type of equipment or any sluice or rocker box with a riffle area larger than three square feet (including ganged equip-

ment), high-banker, or power sluice. This separation is measured as a radius from the center of the equipment the person is operating. A person may locate this equipment closer than two hundred feet if only one piece of equipment is actually operating within that two hundred foot radius.

(h) As provided in RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person 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 a screen with a surface area of at least one hundred square inches.

(i) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter or frequent scour zone. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water, and contact the Washington military department emergency management division. A person may not return the equipment to the water until the problem is corrected. A person must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(j) A person 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 a person's mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

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

(l) A person must not disturb existing fish habitat improvement structures or stream channel improvements.

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

(n) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(o) A person must fill all excavation sites and level all tailing piles before moving to another excavation site or abandoning an excavation site.

(p) A person may not excavate, collect, or remove aggregate from the toe of the slope.

(q) A person 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. A person may not divert the body of water outside of the wetted perimeter.

(r) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter, for crevicing using a dryland dredge, or for introducing water under low pressure to an ex-

cavation site from the nozzle of a dryland dredge. No other use of pressurized water is permitted.

(s) A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

(t) A person may not disturb redds. If a person observes or encounters redds or actively spawning fish when collecting or processing aggregate, a person must relocate the operation.

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

(6) **Suction dredging on ocean beaches:** A person may suction dredge year-round on ocean beaches of the state. A person must follow the rules listed below:

(a) A person may suction dredge only between the line of ordinary high tide and the line of extreme low tide on beaches within the sea-shore conservation area set under RCW 79A.05.605 and managed by Washington state parks and recreation commission.

(b) When suction dredging, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Motorized or nonmotorized suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 nozzle size;

(ii) Power sluice/suction dredge combinations, when configured and operated as suction dredges, that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 suction intake nozzle may be no greater than one inch larger than the nozzle size.

(c) A person may not use vehicle-mounted winches. A person 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.

(d) Under RCW 77.57.010 and 77.57.070, any device a person uses for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake. A person 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 a screen with a surface area of at least one hundred square inches.

(e) All equipment fueling and servicing must be done so that petroleum products do not enter the wetted perimeter. If a petroleum sheen or spill is observed, a person must immediately stop work, remove the equipment from the body of water and beach, and contact the Washington military department emergency management division. A person may not return the equipment to the water or beach until the problem

is corrected. A person must store fuel and lubricants away from the water inside a vehicle or landward of the beach, and in the shade when possible.

(f) A person may work only from one-half hour before official sunrise to one-half hour after official sunset. If a person uses mineral prospecting equipment in a fish-bearing freshwater stream and the equipment exceeds one-half the width of the wetted perimeter of the stream, a person must remove the equipment from the wetted perimeter or move it so that at least fifty percent of the wetted perimeter is free of equipment from one-half hour after official sunset to one-half hour before official sunrise.

(g) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.

(h) A person must backfill all trenches, depressions, or holes created in the beach during project activities before moving to another excavation site (except during use as a settling pond) or leaving an excavation site.

(i) A person may partially divert a body of water into suction dredges. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter of a fish-bearing stream, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

(j) A person may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. Before abandoning the site, a person must remove artificial materials used to construct a diversion structure and restore the site to its approximate original condition.

(k) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter, for crevicing using a dryland dredge, or for introducing water under low pressure to an excavation site from the nozzle of a dryland dredge. No other use of pressurized water is permitted.

(l) A person may not disturb live razor clams or other shellfish within the bed. If a person observes or encounters live razor clams or other shellfish during excavation, the person must relocate the operation.

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

(7) Authorized work times and suction dredge restrictions by specific state waters for suction dredging projects:

(a) A person may suction dredge under subsection (5) of this section in any of the state waters, with the equipment restrictions, and during the times specified in the following table of authorized work times following issuance of a standard single site or multisite written HPA.

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

(c) The work time for state waters identified in the table of authorized work times applies to all its tributaries, unless otherwise indicated. Some state waters occur in multiple counties. Check the ta-

ble for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that water body.

(d) Where a tributary is identified as a boundary, that boundary is 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 4.

(e) A person wishing to suction dredge within water bodies identified in the table of authorized work times as "submit application" or at different work times or using different equipment than listed in the following table of authorized work times must obtain a standard single site or multisite written HPA to work in these water bodies.

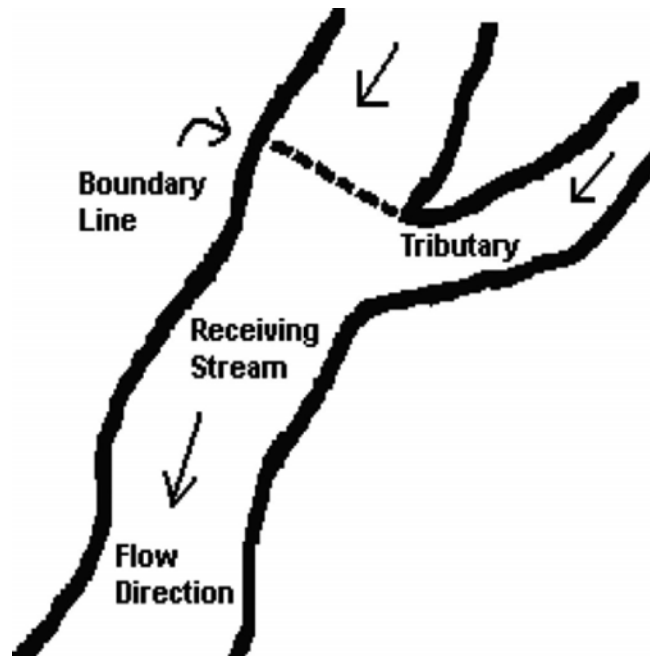


Figure 4: Where the boundary is located if a tributary listed as a boundary.

(f) Suction dredging using suction dredges that have suction intake nozzles with inside diameters that should be four inches or less, but must 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 state waters identified in the table of authorized work times, 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.

(g) Suction dredging using suction dredges that have suction intake nozzles with inside diameters that should be five inches or less, but must 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 state waters specifically identified in the table of authorized work times. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. A person may use only suction dredges 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.

Table 1
Authorized Work Times and Suction Dredge Restrictions by Specific
State Waters for Mineral Suction Dredge Projects

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges 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
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
Ten Mile 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 Wasteway (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	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	–
Wenatchee River (45.0030) - Mouth to Hwy 2 Bridge in Leavenworth	July 15 - September 30	X	X
Wenatchee River (45.0030) - Hwy 2 Bridge in Leavenworth to Lake Wenatchee	July 15 - August 15	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	–	–

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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 Etienne Creek	July 16 - August 15	X	-
Peshastin Creek (45.0232) - Upstream of Etienne 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	-
Etienne Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	-	-
Etienne 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	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	-
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	-
Burriss 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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	-
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	–

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	X	-
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
Humtulpis River (22.0004) - Mouth to Forks	August 1 - September 30	X	X
Humtulpis 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
Quinalt 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	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	–
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
Quinalt 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	–

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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	-
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

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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	-
Whiskey 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	-

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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	-
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	-

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Wenas Creek, Below dam (39.0032)	July 16 - October 15	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 - August 15	X	–
Gorst Creek (15.0216)	August 1 - August 15	X	–
Grovers Creek (15.0299)	August 1 - August 31	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	–
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

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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	-

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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
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	-

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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
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	–

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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	–
Goat Creek (48.1364) - Mouth to 500 feet upstream of Montana Creek	Submit Application	–	–
Goat Creek (48.1364) - 500 feet Upstream of Montana Creek to Roundup Creek	July 1 - February 28	X	–

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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	-

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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	-
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) - Enloe Dam to Palmer Creek	June 1 - October 31	X	X
Similkameen River (49.0325) - Upstream of Palmer Creek	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

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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	-
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	-
Marmust 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	-

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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	–
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	–

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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	-

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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	–	–
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)	Submit Application	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	Submit Application	–	–
South Fork Nooksack River (01.0246) - Falls at river mile 30 to Wanlick Creek	Submit Application	–	–
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	Submit Application	–	–
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

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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	-
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

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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
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 31	X	X
Sultan River (07.0881) - Diversion Dam to anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback Dam)	August 1 - August 31	X	X

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Sultan River (07.0881) anadromous fish blockage at river mile 15.7 (0.7 river miles downstream from Culmback 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	-

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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	-
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	-

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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
Skamokawa 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
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)	Submit Application	-	-
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	Submit Application	-	-
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	Submit Application	-	-
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	-	-

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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	Submit Application	–	–
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	Submit Application	–	–
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 tributaries (03.0176/04.0176)	Submit Application	–	–
Ruby Creek (04.2199)	Submit Application	–	–
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	–	–
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	–	–

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	–	–

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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
Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	X	X
Penewawa Creek (35.0916)	July 16 - December 15	X	-
Wawawai 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 feet above falls	August 1 - February 28	X	-

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Union Creek (38.1045) - Mouth to 500 feet 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	–
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	–


Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
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	–	–
Strait of Juan de Fuca, Puget Sound, Hood Canal	Submit Application	–	–

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Suction Dredging is Allowed Only Between These Dates	State Waters (and tributaries, unless otherwise indicated) in Which a Person May Use Suction Dredges With a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	State Waters (NOT including tributaries) in Which a Person May Use Suction Dredges With a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter
Ocean beaches within the Seashore Conservation Area established under RCW 79A.05.605	January 1 - December 31	X	X
All waters within Indian tribal reservation, National Park, state park, or wilderness boundaries, except those within the Seashore Conservation Area established under RCW 79A.05.605	Submit Application	-	-

(8) **Suction dredge activity reporting.** By February 1st of each year, a person issued a suction dredge HPA must report to the department regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.



Washington
Department of
**FISH and
WILDLIFE**

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Draft Small Business Economic Impact Statement

Pursuant to Regulatory Fairness Act (chapter 19.85 RCW)

Hydraulic Code Rules Chapter 220-660 WAC 2019 HPA Suction Dredge Rule Making

WAC 220-660-305 Suction Dredging [Proposed new Section]

This proposal requires standard Hydraulic Project Approval permits for use of suction dredge, dryland dredge, and suction dredge/highbanking combination equipment for mineral prospecting and mining, establishes reporting requirements for that use, and requires equipment decontamination to prevent the spread of aquatic invasive species.

Washington Department of Fish and Wildlife
Habitat Program
Protection Division
Olympia, Washington

DRAFT February 22, 2019

***Mission
of the
Washington Department of Fish and Wildlife***

*To preserve, protect and perpetuate fish, wildlife, and ecosystems
while providing sustainable fish and wildlife
recreational and commercial opportunities.*

Persons with disabilities who need to receive this information in an alternative format or who need reasonable accommodations to participate in WDFW-sponsored public meetings or other activities may contact the ADA Manager by phone (360-902-2349), TDD (360-902-2207), or by email at ADAProgram@dfw.wa.gov . For more information, see http://wdfw.wa.gov/accessibility/reasonable_request.html.

SECTION 1: Describe rule and compliance requirements

1.1 Background

The state Legislature gave the Washington Department of Fish and Wildlife (WDFW) the responsibility to preserve, protect, and perpetuate all fish and shellfish resources of the state. To help achieve this mandate, the Legislature passed a state law in 1943 called *Protection of Fish Life*. Now titled *Construction projects in state waters* and codified as [Chapter 77.55 RCW](#), the entire text of the statute can be found at: <http://app.leg.wa.gov/RCW/default.aspx?cite=77.55>.

Under the authority of Chapter 77.55 RCW, WDFW issues a construction permit called a Hydraulic Project Approval (HPA). The sole purpose of the HPA is to protect fish life from construction and other work that affects the flow or bed of state waters. HPAs are site-specific, meaning that provisions are tailored to the site conditions and species that might be affected by each particular project. The HPA contains conditions that a permittee must follow in order to mitigate¹ impacts to fish life caused by the project.

Chapter 77.135 RCW - Invasive Species - provides authority for WDFW to address invasive species using an integrated management approach. Authority is conveyed for WDFW to adopt rules to require clean/drain/dry or other decontamination methods and to require inspections for aquatic conveyances entering Washington State.

WDFW promulgates rules to implement Chapter 77.55 RCW under [chapter 220-660 WAC](#) - *Hydraulic Code Rules*. This WAC chapter establishes regulations for administration of the HPA program. The Hydraulic Code Rules set forth definitions, administrative procedures for obtaining an HPA, steps for HPA appeals and civil compliance, and criteria generally used by WDFW to review and condition hydraulic projects to protect fish life.

One type of hydraulic project regulated by WDFW is placer² mineral prospecting and mining using motorized and nonmotorized prospecting and mining equipment. Pursuant to RCW 77.55.091 and WAC 220-660-050(9), WDFW distributes WAC 220-660-300 as the "Gold and Fish Pamphlet," which describes methods of, and restrictions for, mineral prospecting and mining. A person³ does not need to apply for a standard HPA if they are conducting mineral prospecting activities in accordance with the Gold and Fish Pamphlet. Persons who want exceptions to provisions in the Gold and Fish Pamphlet must apply for standard HPAs.

On April 14, 2018, the Fish and Wildlife Commission (Commission) directed WDFW to propose rule changes that will remove suction dredging as an activity authorized under the Gold and Fish Pamphlet. New rules are needed to require suction dredgers to apply for standard HPAs. The

¹ "Mitigation" is defined in WAC 220-660-030(100) to mean sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts to fish life or habitat that supports fish life.

² "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals. WAC 220-660-030(113)

³ A "person" is defined in WAC 220-660-030(112) as meaning "an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization." This term is used throughout this SBEIS to refer to individuals and businesses.

Commission also directed WDFW to propose rules that require suction dredgers⁴ to report their activities annually and rules that prevent dredgers from spreading aquatic invasive species.

The Commission gave three reasons why these changes were needed. First, no application is required to work under the Gold and Fish Pamphlet. As a result, WDFW doesn't know how many dredges are operating statewide and where or when they are being operated. Obtaining this information would improve WDFW's ability to assess the potential risks to fish life, including potential cumulative impacts, and to target inspections to ensure dredgers are complying with HPA provisions.

Second, WDFW is concerned that Washington will experience an increase in dredgers as a consequence of Oregon's expanded restrictions on suction dredging that became effective January 1, 2018. The reason WDFW is concerned about this problem is because Oregon experienced a significant increase in suction dredgers, from 656 permitted placer miners in 2008 to 1,095 permitted placer miners in 2010, that Oregon Department of State Lands attributed to the moratorium California placed on suction dredging in 2009. WDFW currently does not know how many out-of-state dredgers work under the pamphlet, and would have no way of knowing how many more were coming into Washington to dredge resulting from the new Oregon rules. Again, without this information, WDFW can't accurately assess the risk to fish life.

Third, WDFW assumes that an increase in the number of out-of-state dredgers would increase the risk of aquatic invasive species coming into the state. Dredgers, like other watercraft, could also spread aquatic invasive species in-state when they move their equipment from waterbody to waterbody. Although chapter 77.135 requires inspections and decontamination for aquatic invasive species, the Gold and Fish Pamphlet does not explicitly require inspections of dredges coming into the state, nor does the pamphlet include best practices to prevent the spread of aquatic invasive species in-state. Once non-native species become established in a new environment, where their natural enemies are missing, these invaders can spread rapidly. Aquatic invasive species can out-compete native species and disrupt efforts to recover naturally-reproducing salmon, steelhead, and trout stocks.

Refer to Sections 1 and 3 of the *2019 HPA Suction Dredge Rule Making Regulatory Analysis* ("Regulatory Analysis") document for more about the history of and need for the proposal. Section 4 of that document discusses how the proposed rule meets the general goals and specific objectives of the statutes. The Regulatory Analysis is available at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

1.2 Compliance requirements of the proposed rule

RCW 19.85.040(1) "A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements."

⁴ The terms "suction dredgers," "dredgers," "miners," and "mineral prospectors" are used interchangeably throughout this document and refer to persons who would be required to comply with the proposed rules unless the context clearly indicates otherwise.

In order to implement the Commission’s directive, WDFW developed rule proposals for WAC sections 220-660-030 (Definitions) to refine and clarify the suction dredging definitions, and 220-660-300 (Mineral Prospecting) to remove suction dredging as an authorized activity under the Gold and Fish Pamphlet. Changes in these two sections correct errors and clarify language without changing the effect of that language and do not create compliance requirements for suction dredgers; because of this, these sections are not discussed further in this analysis. A proposed new WAC section 220-660-305 contains new rules for suction dredging that impose requirements that miners must comply with, and this WAC section is the subject of this SBEIS analysis.

Compliance requirements of the proposed rule are provided on Table 1.

Table 1 Compliance requirements of proposed WAC 220-660-305

Rule	Requirement	WAC
<i>“Suction Dredge HPA-Required Rule”</i>	All suction dredgers are required to apply for a standard written HPA.	WAC 220-660-305(3)(a)
<i>“Aquatic Invasive Species Rule”</i>	All suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species prior to use in state waters; Suction dredgers are required to implement methods to prevent the spread of aquatic invasive species.	WAC 220-660-305(4)
<i>“Annual Reporting Rule”</i>	All suction dredge owners are required to submit an annual activity report.	WAC 220-660-305(8)

1.3 Professional Services Required

One goal of WDFW’s HPA Application system is that applicants should not require the assistance of professional services in order to complete an application. WDFW provides free support services during normal business hours to persons having difficulty establishing an account, starting an application, completing an application, and submitting that application.

HPAs for mineral prospecting projects that move less than 50 cubic yards of material are exempt from SEPA under WAC 197-11-835(2)⁵. Applicants wishing to move less than 50 cubic yards can cite this exemption to complete the SEPA requirements of the HPA application. Applicants wishing to move 50 cubic yards or more of material must complete a SEPA checklist and submit it to the SEPA lead agency so that the lead agency can make a determination about the effects of the project on the environment.

⁵ WAC 197-11-835 *“The following activities of the department of fish and wildlife are exempted:”... “(2) Hydraulic project approvals where there is no other agency with jurisdiction [besides the department of fish and wildlife] requiring a nonexempt permit, except for proposals involving removal of fifty or more cubic yards of streambed materials ...”*

One reason many HPA applicants might need professional services is to obtain engineering advice and engineer-certified plans and specifications to file with their HPA application. Because suction dredging is not a construction activity, engineered plans and specifications are not required to complete the application. As a result, applicants are unlikely to use professional services.

Professional services relating to maintaining a computer and internet connection would be included under “Administrative Costs.”

Refer to section 6 (cost-benefit analysis) of the Regulatory Analysis for more about economic considerations relating to the rule. The Regulatory Analysis document is available at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

SECTION 2 Identify Businesses - Minor Cost Threshold

RCW 19.85.040(2)(c) “Provide a list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.”

RCW 19.85.020(1) “Industry” means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States department of commerce, or the North American industry classification system as published by the executive office of the president and the office of management and budget.’

RCW 19.85.020(2) “Minor cost” means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll.’

This rule making activity regulates placer gold prospecting and mining in Washington using motorized and nonmotorized suction dredging equipment, including suction dredges, dryland dredges and suction dredge/highbanker combination equipment. Any business that would need an HPA to conduct motorized and nonmotorized suction dredging for placer mining would be required to comply with the proposed rules.

WDFW took several steps to attempt to identify businesses that would need an HPA to conduct suction dredging. The first step WDFW took was to identify industries by four-digit North American Industry Classification System (NAICS) codes. Mineral prospecting and mining businesses directly regulated by WDFW fit under the 4-digit NAICS code 2122 for metal ore mining.

WDFW collected and reviewed data relating to businesses under the 2122 industry code. WDFW learned by contacting NAICS 2122 businesses (Section 2.1) that businesses under this code are not required to obtain an HPA in order to conduct their work because their work does not meet the definition of a hydraulic project⁶. Of the nineteen businesses we contacted, none responded

⁶ WAC 220-660-030(76) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

letting us know they are required to comply with WAC 220-660-300 or would be required to comply with the proposed rules.

These results led WDFW into several additional areas of inquiry, which are described further in sections 2.2 through 2.5. After searching for businesses using multiple criteria, and distributing two different surveys, only two people self-identified as owning a business for which a suction dredge HPA would be needed, and neither provided information that helped WDFW complete the analysis. This research led WDFW to conclude that identifying mineral prospecting businesses on the basis of business name, business owner, or 4-digit NAICS code does not help us identify the businesses required to comply with the proposed rule. Because of this, it is difficult to obtain the kinds of data needed to complete the SBEIS analysis.

Considering these information constraints, WDFW decided to rely upon survey data (section 2.5) from the mineral prospectors themselves to estimate the costs to comply with the rule, and to otherwise do the best we could to make the estimates required in the SBEIS with the available data. Ultimately, WDFW relies upon steps to lessen impacts imposed by the proposed rule on small businesses and other persons (section 6).

The following subsections provide more detail on the research WDFW conducted to identify businesses that might be required to comply with the proposed rule, and our conclusions based on that research.

2.1 Metal ore mining businesses - NAICS 2122

WDFW looked at two aspects for businesses in the NAICS industry code 2122 for metal ore mining.

2.1.1 SBEIS tools

To identify businesses that might be affected by the suction dredge rule proposals, WDFW first examined the NAICS list of industries to identify which industries are directly regulated by WAC 220-660-300. Mineral prospecting and mining businesses directly regulated by WDFW fit under the 4-digit NAICS code 2122 for metal ore mining. Table 2 presents data from the SBEIS tools⁷ for the NAICS code 2122 for metal ore mining.

⁷ "SBEIS Tools" include document templates, spreadsheets, examples, and other guidance provided by the Governor's Office of Regulatory Innovation and Assistance, the state Auditor's Office, and the Office of Financial Management: https://www.oria.wa.gov/site/alias_oria/934/Regulatory-Fairness-Act-Support.aspx

Table 2 Businesses data for businesses identified under industry classification code 2122

Industry 4-digit or 6-digit 2012 NAICS Code	NAICS Code Definition	Number of Establishments	TOTAL Annual Payroll	TOTAL Annual Revenue	AVG Annual Payroll	AVG Annual Revenue	1% of Annual Payroll	<0.3% of annual revenue or income or \$100
2122	Metal ore mining	11	D	\$455,958,000.	D	\$41,450,727	D	\$124,352

Source: Washington State Auditor *PA_RegReform4_minor_cost_tool.xlsx*, which uses data from the 2012 Economic Census of the United States.

Codes: “D” means data are withheld to avoid disclosing data for individual companies; data are included in higher level totals.

Numbers of employees in Washington under this NAICS code is range “e”: 250 to 499 employees. The actual number is withheld to avoid disclosing data for individual companies.

Note: There are 30 nonemployer establishments with a nonemployer value for of sales, receipts, revenue, or business done of \$1,581,000, according to the census data. These data were not carried forward into the “Minor Cost Calculator” tab.

According to the U.S. Census Bureau QuickFacts, “a nonemployer business is one that has no paid employees, has annual business receipts of \$1,000 or more (\$1 or more in the construction industries), and is subject to federal income taxes.

Nonemployer businesses are generally small, such as real estate agents and independent contractors. Nonemployers constitute nearly three-quarters of all businesses, but they contribute less than four percent of overall sales and receipts data.

Nonemployers are not included in the counts of establishments from the Economic Census or County Business Patterns.

“Generally, an establishment is a single physical location at which business is conducted or services or industrial operations are performed. However, for nonemployers, each distinct business income tax return filed by a nonemployer business is counted as an establishment. Nonemployer businesses may operate from a home address or a separate physical location. A business is assigned to a county location based on the business owner’s mailing address, which may not be the same as the physical location of the business.

“Nonemployer statistics data originate chiefly from administrative records of the Internal Revenue Service, Bureau of Labor Statistics, and the Social Security Administration. Data are primarily comprised of sole proprietorship businesses, although a portion of the data is derived from partnership and corporation businesses. These data undergo complex processing, editing, and analytical review at the Census Bureau to distinguish nonemployers from employers, correct and complete data items, and form the final nonemployer universe.” <https://www.census.gov/quickfacts/fact/note/US/NES010216>

WDFW made several observations about this information. First, there are so few businesses in this industry in Washington that employment and payroll data are masked by the U.S. Census Bureau to avoid disclosing information for individual companies. Second, the provided revenue data (e.g., average annual business revenue of \$41 million) do not seem to fit the kind of business WDFW assumes would be required to comply with the proposed suction dredging rule. This determination is based on anecdotal information provided by miners in 2017⁸ indicating that the average miner yields 3 grams of gold per day and that miners average 20 days of suction dredging per year. 3 grams of gold times 20 days per year equals 60 grams of gold per year, worth

⁸ Wheeler, S. and W.S. Brown. October and November 2017. Personal Communications.

\$2,495.40 today⁹. WDFW would expect the average annual revenue for a business involving suction dredging to be closer to \$2,500 than \$41 million. Because of this, WDFW determined that data from the SBEIS tools were of limited utility in developing the SBEIS analysis.

2.1.2 Business search by NAICS code

After reviewing the Census Bureau data, WDFW decided to contact the businesses under the 2122 NAICS code and ask them directly about their expected costs to comply with the proposed rule. Washington Department of Revenue (Revenue) maintains a database of businesses¹⁰ that are registered with Revenue or the Secretary of State. WDFW requested a listing and contact information for NAICS 2122 businesses from Revenue, and a list of nineteen businesses was received from Revenue on September 12, 2018. The records request returned businesses in categories including corporations, limited liability companies or partnerships, and sole proprietorships. We developed a survey to determine whether the businesses on the list conduct suction dredging, which is currently regulated under the Gold and Fish Pamphlet or standard HPA. The survey also asked the businesses to provide their number of employees and payroll, their income, and the business costs they would associate with compliance with the rule proposals.

WDFW mailed certified letters on October 8, 2018 to each of the nineteen businesses asking them to return a survey with questions about their business to help us determine whether and how they would be impacted by the rule proposals. We included pre-paid return envelopes for the surveys and mailed the letters with certified letter tracking and return receipts.

Each of the nineteen mailings has been accounted for: six were undeliverable, either because the address is no longer valid or because no one was able to accept the letter; eleven were received by the business but they have not responded; and two survey responses were received by WDFW indicating the businesses are not currently regulated under WAC 220-660-300.

Of the NAICS 2122 businesses we contacted, none responded letting us know they are required to comply with WAC 220-660-300. Because of this, WDFW determined that even though NAICS code 2122 seems to be most closely aligned with the business activity regulated by WDFW, data associated with this code did not identify affected businesses.

2.2 Business research

In October 2017, WDFW conducted further research to find businesses with “prospecting” or “gold mining” in the business name. Primary online tools were business data bases maintained by Department of Licensing, Department of Revenue, and Office of the Secretary of State¹¹, and web searches using Google. On September 10, 2018, we reviewed information on these businesses

⁹ <https://goldprice.org/> Gold spot price at \$41.59 U.S. dollars per gram. Accessed on January 16, 2019 at 5:15pm Eastern Standard Time.

¹⁰ Department of Licensing: <http://www.dol.wa.gov/business/checkstatus.html?hcwp>
Department of Revenue: <https://secure.dor.wa.gov/gteunauth/#1>

¹¹ Note that business information from Licensing, Revenue, and Secretary of State is now available using the Revenue “Business Lookup” tool instead of the separate searches conducted in 2017.

with the Department of Revenue business lookup tool¹² to note “closed” or “inactive” businesses and to collect the NAICS codes registered for those businesses.

For the thirty businesses we reviewed, eleven have been closed, administratively dissolved, or no records could be found, and NAICS codes were not provided for six of the active businesses. None of the other businesses identified with NAICS codes are associated with the NAICS 2122 (metal ore mining) industry, and the codes they are associated with vary widely, including 813410, Civic and Social Organizations; 339999, All other miscellaneous manufacturing; 423810, Construction and mining (except oil well) machinery and equipment merchant wholesalers; 443142, Electronics Stores; 451110, Sporting goods stores; 453998, All other misc. store retailers; 453998, All other miscellaneous store retailers (except tobacco stores); 531390, Other activities related to Real Estate; 532412, Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing; 561499, All other business support services; 611710, Educational Support Services; 812990, All other personal services; 926110, Administration of general economic programs; and 999990, Non-Revenue.

2.3 HPA holders' business status

Another approach WDFW used to identify businesses was to begin with a list of suction dredge HPA holders (i.e. persons who requested exceptions to the Gold and Fish Pamphlet). WDFW searched the Revenue Business Lookup Tool to determine whether any of the 159 current¹³ suction dredge HPA holders have registered businesses that would require a suction dredge HPA.

The search located five current businesses and one former business that could be directly related to mineral prospecting because they are mineral prospecting clubs or nonprofit organizations; none are for-profit businesses.

None of the other businesses that were identified with an NAICS code were associated with the NAICS 2122 (metal ore mining) industry and, again, the industries represented varied widely. Industry codes included 111998 - All Other Miscellaneous Crop Farming, 112519 - Other Aquaculture, 115210 - Support Activities for Animal Production, 236115 - New Single-Family Housing Construction (except For-Sale Builders), 236118 - Residential Remodelers, 238990 - All Other Specialty Trade Contractors, 325411 - Medicinal and Botanical Manufacturing, 336611 - Ship Building and Repairing, 524298 - All Other Insurance Related Activities, 531210 - Offices of Real Estate Agents and Brokers, 561730 - Landscaping Services, 561790 - Other Services to Buildings and Dwellings, 811111 - General Automotive Repair, 811420 - Reupholstery and Furniture Repair, and 813110 - Religious Organizations. WDFW is unable to determine whether businesses on this list are impacted by the proposed rules.

When we conducted the research described in sections 2.2 and 2.3, we expected the results would add to our list of businesses involved in metal ore mining (NAICS 2122) or we would discover other NAICS codes to include in our small business analysis. Instead, we observed that most of the businesses among these results are identified in widely differing industries (i.e. have

¹² <https://secure.dor.wa.gov/gteunauth/#1>

¹³ Persons with HPA permits for mineral prospecting in freshwater with suction dredge equipment as of 11/14/2018.

NAICS codes that indicate primary activities that are very different from gold mining or metals mining) or have no identified industry.

At this point, WDFW concluded that 1) Even though NAICS code 2122 seems to be most closely aligned with the business activity regulated by WDFW, “2122” businesses don’t adequately represent mineral prospecting conducted under WAC 220-660-300; 2) it’s impractical to determine whether a business is affected under this proposal based solely on searches using the Department of Revenue Business Lookup Tool, and 3) suction dredge-related businesses in non-mining industry codes are not likely to be fairly represented by using payroll and income census data for those industry codes in the SBEIS analysis.

Because of the data limitations experienced to this point, WDFW decided to try a survey approach to reach individuals more likely to own businesses required to comply with suction dredging rules (Section 2.4).

2.4 Survey 1 - Collect data on effort and costs

In September 2018, WDFW distributed about 100 surveys to collect data about suction dredging effort and costs, and to identify suction dredging businesses. Surveys were emailed to miners who attended public listening sessions in 2016 and in summer 2018 (and who provided their email addresses to WDFW). We also sent emails to mining organization officers (whose email addresses were found online) requesting that they distribute the survey to organization members (industry representatives report over 1,100 active miners in seven non-profit mining organizations¹⁴). Email survey distribution totaled 46 recipients. In addition, WDFW handed out about 50 surveys at three organization meetings attended in October 2018. The survey was also available online via Survey Monkey from September 19 through October 31, 2018. Most who participated in the survey submitted their responses using the online version.

The surveys requested such information as the amount of time it would take miners to complete the HPA application (under the new rules), number of days and number of different sites mined, and information about payroll and income for mineral prospecting businesses.

In order to promote the survey, WDFW staff attended three mining organization meetings (Table 7). WDFW explained the rule proposals to club members, answered questions, and explained the surveys and the importance of survey data in rule development.

WDFW received nineteen survey responses. Of the nineteen respondents, eleven provided data relating to hours to apply for an HPA, number of sites, number of days spent dredging, costs to report, and costs to suction dredge; the other responses were blank or included only a comment. None of the respondents indicated they own businesses engaged in suction dredging, and no information on business costs, payroll, or business income was received from respondents.

2.5 Survey 2 - costs to comply with proposed rules

WDFW determined that a broader survey distribution approach was necessary, with survey questions focusing on the data needed to determine costs to comply with the proposed rule. This second survey was distributed on January 4, 2019. This survey was sent to the same email list as

¹⁴ Wheeler, S. and W.S. Brown. October and November 2017. Personal Communications.

the initial survey, including club officers for distribution to club members, and was also sent to every suction dredger having an HPA who had provided WDFW with an email address. A total of 154 surveys were directly emailed to HPA holders, individual mineral prospectors, and representatives of mineral prospecting interests. WDFW assumed this approach would be more likely than the research described in sections 2.1 through 2.4 to have reached businesses required to comply with suction dredging rules in order to conduct their business activities.

Survey 2 results presented in Section 3 provide most of the data for the SBEIS analysis.

2.6 Minor cost threshold

WDFW concluded that neither the SBEIS tools nor the research completed in steps described in sections 2.1 through 2.5 can help us identify the minor cost thresholds.

Identify the minor cost thresholds for that industry.

Pursuant to RCW 19.85.020(2), "Minor cost" means *"a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll."*

WDFW determined that neither industry code 2122 nor any other industry identified during our research provides data that are representative of the businesses required to comply with the proposed rule. WDFW does not have payroll, employment, or business revenue data for businesses of any size required to comply with the proposed rule. Therefore, the minor cost threshold for this analysis is determined to be \$100 (Table 3). Any costs imposed on a small business that are over \$100 would be considered for this analysis to be more than minor and potentially disproportionate.

Table 3 Small Business Industry Classification and Minor Cost Thresholds

North American Industry Classification System (NAICS) code	2122
NAICS Business Description	Metal ore mining
# of businesses in Washington	Nineteen (from Revenue on September 12, 2018)
Minor Cost Threshold = the greater of <0.3% of annual revenue or income, or \$100	Average annual receipts for businesses that would be regulated under proposed WAC 220-660-305 are unknown, so we use \$100 for this analysis.
Minor Cost Threshold = 1% of annual payroll	Average annual payroll for businesses that would be regulated under proposed WAC 220-660-305 is unknown, so we use \$0.00 for this analysis.
Applicable minor cost threshold	\$100

SECTION 3 Costs of Compliance

RCW 19.85.040(1) “...It [the SBEIS] shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, professional services, and increased administrative costs...”

WDFW offers two estimates for costs to comply for each of the proposals. The first (“*Direct survey results*”) uses Survey 2 responses for costs to comply and the second method (“*Hourly-cost method*”) uses estimates based on Survey 2 responses for hours per task and a cost per hour established by WDFW.

Because there are no industry records of annual payroll to help us estimate costs per hour for the suction dredging industry, WDFW referenced mining labor data provided by the Bureau of Labor Statistics¹⁵. We chose the worker type we think mostly closely matches the work of a suction dredger - Continuous Mining Machine Operator - which earned an average hourly wage of \$28.19 in 2017. We are using this figure to estimate hourly costs per individual for the time taken to comply with the proposals.

Most HPAs are issued for a 5-year period pursuant to WAC 220-660-050(14)(a). Pursuant to WAC 220-660-050(b)(ii)(A), a standard multi-site HPA can authorize work at multiple project sites if: (I) All project sites are within the same water resource inventory area (WRIA) or tidal reference area; (II) The primary hydraulic project is the same at each site so there is little variability in HPA provisions across all sites; and (III) Work will be conducted at no more than five project sites to ensure department staff has sufficient time to conduct site reviews.

3.1 Summary of survey responses - costs to comply

WDFW surveyed suction dredgers to determine what they think their costs will be to comply with the rule proposals. A summary of survey responses is provided on Table 4. We use the median of responses (the middle value in the list of responses) because the data received contained outliers that would influence a standard mean or average (sum of responses divided by the number of responses).

We asked survey respondents to provide costs to comply with the “*Suction Dredge HPA-Required Rule*,” the “*Aquatic Invasive Species Rule*,” and the “*Annual Reporting Rule*.” Cost categories on the survey included equipment, supplies, labor, professional services, administrative costs, and “other” costs. We did not ask respondents to explain what they included for each cost estimate. Most respondents left answers blank if the question did not apply to them or they did not wish to respond.

¹⁵ Bureau of Labor Statistics. Industries at a Glance Statistics for Metals Ore Mining NAICS 2122. Occupation: Continuous Mining Machine Operator (a worker who extracts raw materials from the ground for commercial and other uses by operating self-propelled mining machines that rip coal, metal and nonmetal ores, rock, stone, or sand from the mine face and load it onto conveyors or into shuttle cars in a continuous operation.) Downloaded October 25, 2018 from https://www.bls.gov/oes/current/naics4_212200.htm#47-0000. Note that the machine referenced for this occupation is nothing like the suction dredge equipment used in Washington, but it was the closest occupation we could find for the U.S. metal ore mining industry as a whole.

Table 4 Median suction dredge survey responses - January 2019

Item	Median Responses	
Survey respondents	25	
Time to apply for an HPA	2 hours 15 minutes	
Number of sites in an average year	4.5 sites	
Time to decontaminate (Aquatic Invasive Species)	2 hours 30 minutes	
Time to record and submit reports	4 hours	
Costs (& jobs lost) to comply with “ <i>Suction Dredge HPA-Required Rule</i> ”	\$784	6 jobs lost
Costs (& jobs lost) to comply with “ <i>Aquatic Invasive Species Rule</i> ”	\$500	4 jobs lost
Costs (& jobs lost) to comply with “ <i>Annual Reporting Rule</i> ”	\$695	6 jobs lost
Percent of respondents who decontaminated in 2018	84%	
Own a business for which a written suction dredge HPA would be required	1 person responded “yes” ¹⁶	
Number of employees	[no responses]	
Average annual payroll	[no responses]	
Average annual income/revenue	[no responses]	
Costs to comply would reduce income	1 person responded “yes”	
Average annual value of minerals	\$300	

3.1.1 Costs to comply with the *Suction Dredge HPA-Required Rule*

Each person wishing to lawfully conduct suction dredging in Washington State will be required to obtain an HPA. A person is not required to apply for an HPA; however, an HPA is required if a person wishes to conduct the activity. The median response for number of sites was 4.5, so we are assuming for these analyses that only one HPA is needed per person. WDFW also assumes that each of those HPAs would be issued for a 5-year period as allowed under WAC 220-660-050(14)(a).

Direct survey results

The median of survey responses was \$784 to comply with the *Suction Dredge HPA-Required Rule*. If each HPA is valid for 5 years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$784 divided by 5, or \$156.80 per year.

Hourly-cost method

If a person takes 2 hours and 15 minutes (median survey response) to complete an HPA application, that costs \$63.43 in labor. If each HPA is valid for 5 years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$63.43 divided by 5, or \$12.69 per year.

¹⁶ Another individual contacted WDFW to say he owns a mining business and did not receive the survey. We mailed him the survey, but as of February 19, 2019 WDFW had not received a completed survey from him.

3.1.2 Costs to comply with the Aquatic Invasive Species Rule

New rules are proposed specifying that all suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species. Further, all suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.

“Clean-Drain-Dry” decontamination steps published on the WDFW web site can be undertaken by the average person using supplies commonly available: hot water, brushes, and household cleaning liquid¹⁷. Dredgers report that cleaning and drying out their equipment is a regular activity associated with dredging because they want to ensure that all the gold collected by the equipment is recovered. Eighty-four percent of survey respondents indicated they took decontamination steps in 2018.

The proposed rules also require persons bringing a suction dredge into Washington from out-of-state to have their equipment inspected for the presence of aquatic invasive species prior to using that equipment to suction dredge in Washington. Inspections for the presence of aquatic invasive species are available at major highway entry points into the state, so persons bringing a suction dredge into Washington can arrange their entry so they are inspected as they cross the state line. Certificates of inspection are available on request at the time the inspection is completed. Inspections and certificates are provided at no cost.

Direct survey results

The median survey response is \$500 per year to comply with the proposed aquatic invasive species decontamination rule.

Hourly-cost method

If a person takes 2 hours and 30 minutes (median survey response) to comply with the proposed aquatic invasive species decontamination rule, that costs \$70.47 in labor.

3.1.3 Costs to comply with the Annual Reporting Rule

The proposal contains a reporting requirement indicating that HPA holders must report annually to WDFW regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.

Direct survey results

The median survey response is \$695 to create and return annual activity reports under the proposal.

Hourly-cost method

If a person takes 4 hours (median survey response) to complete and submit an annual report, that costs \$112.76 in labor.

¹⁷ <https://wdfw.wa.gov/ais/youcanhelp.html>

3.2 Lost sales or revenues and lost jobs

RCW 19.85.040(1) "...It [The SBEIS] shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue..."

One survey respondent indicated they owned a business¹⁷ that would require a suction dredge HPA under the proposed rules. No respondents provided number of employees, annual payroll, or annual revenue or income information. One respondent indicated that the costs to comply would reduce his/her revenue or income, but did not provide any details or estimates for the amount of the reduction. Some respondents indicated that jobs would be lost because of complying with the rule, but provided no detail for those losses. Results are summarized on Table 4.

3.3 Summary of costs to comply

Based on two methods used to estimate costs to comply with the rule proposals, total annual cost might range from \$195.92 to \$1,351.80 per person (Table 5).

Table 5 Annual Costs of the Three Rule Proposals

Rule	Lost Jobs	First-year Cost per Person	Annual Cost per Person
"Suction Dredge HPA-Required Rule"	6	\$63.43 to \$784	\$12.69 to \$156.80
"Aquatic Invasive Species Rule"	4	\$70.47 to \$500	\$70.47 to \$500
"Annual Reporting Rule"	6	\$112.76 to \$695	\$112.76 to \$695
TOTAL ANNUAL COST			\$195.92 to \$1,351.80
Annual Lost Revenue	[no information provided]		
Lost jobs	16	Sum of jobs reported lost by 25 survey respondents	

SECTION 4 More than Minor Costs

RCW 19.85.030(1)(a) "In the adoption of a rule under chapter [34.05 RCW](#), an agency shall prepare a small business economic impact statement: (i) If the proposed rule will impose more than minor costs on businesses in an industry; ..."

RCW 19.85.020(2) "'Minor cost' means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll...'

Based on the costs of compliance estimated in section 3 and summarized on Table 5, the estimated costs for an individual or business to comply with the proposal surpass the minor cost threshold of \$100 shown on Table 3.

SECTION 5 Disproportionate Impact on Small Businesses

RCW 19.85.040(1) “...To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: (a) Cost per employee; (b) Cost per hour of labor; or (c) Cost per one hundred dollars of sales.”

Two persons identified themselves as businesses require to comply with the proposed rule; no other survey respondents self-identified as businesses. One survey respondent identified as a small business but did not report employee numbers. Another person contacted WDFW to identify himself as a mining business, but did not return a survey¹⁷. WDFW is unable to distinguish the cost of compliance between small businesses and the ten percent of businesses that are the largest businesses required to comply.

SECTION 6 Steps to Reduce Costs to Individuals or Small Businesses

RCW 19.85.030(2) “Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW [19.85.040](#) [i.e. in Section 5 of this document], the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:” [Note: RCW 19.85.030(2)(a) through (f) lists the methods, which are also listed under items (a) through (f) in Table 6 of this document].

RCW 19.85.030(3) “If a proposed rule affects only small businesses, the proposing agency must consider all mitigation options defined in this chapter.”

RCW 19.85.030(4) “In the absence of sufficient data to calculate disproportionate impacts, an agency whose rule imposes more than minor costs must mitigate the costs to small businesses, where legal and feasible, as defined in this chapter.”

RCW 19.85.030(5) “If the agency determines it cannot reduce the costs imposed by the rule on small businesses, the agency must provide a clear explanation of why it has made that determination.”

RCW 19.85.040(2) “A small business economic impact statement must also include: (a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses...”

The goals and objectives of the statutes that the proposed rule is intended to implement are discussed fully in section 3 of the Regulatory Analysis, available at:

<https://wdfw.wa.gov/licensing/hpa/rulemaking/> .

Table 6 Required methods of reducing costs imposed by the rule on small businesses

RCW 19.85.030 (2) Requirements		WDFW response
Sub-section	Method	
a)	Reducing, modifying, or eliminating substantive regulatory requirements	WDFW considered reducing, modifying, or eliminating substantive regulatory requirements in the proposal. None of these elements can be further reduced and still meet the stated objective of the statute upon which the rule is based - that is, to ensure adequate protection of fish life.
b)	Simplifying, reducing, or eliminating recordkeeping and reporting requirements	WDFW has worked with miners to reduce reporting requirements and will continue to work on ways to minimize reporting while still achieving the stated objective of the statute upon which the rule is based - to ensure adequate protection of fish life.
c)	Reducing the frequency of inspections	The rule serves to clarify the inspection requirement of the Aquatic Invasive Species statute ¹⁸ , and does not address the frequency with which inspections are required.
d)	Delaying compliance timetables	The rule does not address the compliance timetables.
e)	Reducing or modifying fine schedules for noncompliance; or	The rule does not affect fines for noncompliance.
f)	Any other mitigation techniques, including those suggested by small businesses or small business advocates.	WDFW has been and will continue working with miners to identify and implement actions to lessen impacts to miners; Other techniques are discussed in Section 6.1.

6.1 Other actions considered to lessen costs to businesses

- 1) WDFW considered issuing HPAs to nonprofit associations (clubs) on claim areas intended to be used only by club members. This approach could potentially reduce the number of HPAs individuals would need to obtain and therefore the number of applications WDFW would need to review. Each club’s executive officers would be accepting responsibility for compliance with all HPA conditions and applicable rules by everyone using the club claim (instead of responsibility for compliance lying with the individual doing the mining under

¹⁸ [Chapter 77.135 RCW - Invasive Species](#)

their own HPAs). Upon hearing this proposal, mineral prospecting club executive officers expressed concern over this approach, and it is no longer being actively pursued.

Clubs are entities that can legally apply for HPAs under current rules (no change to the definition of “person” is being proposed), so this alternative is still available if clubs choose to implement this approach. Nothing in the proposed rule prohibits a club from applying for an HPA.

- 2) Mineral prospectors suggested that WDFW continue to allow suction dredging under the Gold and Fish Pamphlet.

This approach does not meet the goal of the statute upon which the rule is based - that is, to ensure adequate protection of fish life - because the Commission concluded that enumerating the number of suction dredging HPAs and knowing where the work is occurring is necessary to ensure protection of fish life.

- 3) Prospectors suggested that WDFW issue statewide HPAs if an applicant agrees to adhere to the provisions and timing restrictions that currently apply under the Gold and Fish Pamphlet.

This approach does not meet the objective of the statute upon which the rule is based - that is, to ensure adequate protection of fish life - because the Commission concluded that knowing where the work is occurring is necessary in order to ensure protection of fish life.

- 4) Prospectors suggest that aquatic invasive species decontamination measures aren't needed in rule because every mining club requires decontamination as a condition of the use of club resources.

Statute and rule for implementation of clean and drain requirements (Chapter 77.135 RCW and Chapter 220-640 WAC) place this responsibility on the owner/operator of the aquatic conveyance or equipment involved.

- 5) Mineral prospectors suggested that WDFW not require reporting.

Reporting is needed so WDFW can determine how many dredges were operated statewide on a given date; where and when they were operated, and how much bed material was dredged. This information is important to ensure protection of fish life. Reporting is necessary in order to understand if there are potential unaddressed effects to fish life.

6.2 Additional steps WDFW has taken to lessen impacts

Several steps were taken during the preproposal period and prior to reduce costs to comply with the proposal:

- WDFW will continue to offer an HPA application that is easier to complete than the Joint Aquatic Resources Permit Application (JARPA) used by other agencies.
- The Commission limited the scope of the rule change proposal to suction dredge equipment and methods, thus reducing the proportion of the regulated community required to comply with the proposal.

- The Commission declined an early recommendation to prohibit suction dredging in federally-designated Endangered Species Act Critical Habitat, a proposal that would limit this activity in a significant portion of the state.
- After considering a more extensive annual reporting scheme, WDFW reduced the required elements of annual reporting to the minimum needed to meet the statutory objectives.

Additional steps WDFW plans to take to minimize costs to those who must comply with the new rules:

- WDFW will provide outreach and training materials to individuals and mining clubs for how to apply for an HPA and comply with reporting requirements.
- WDFW will work to implement an online annual reporting mechanism and other methods that minimize the impact of the requirement to file annual activity reports.

SECTION 7 Involving stakeholders in rule development

RCW 19.85.040(2) “A small business economic impact statement must also include... (b) A description of how the agency will involve small businesses in the development of the rule.”

RCW 19.85.040(3) “To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW [34.05.310\(2\)](#) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.”

Because requiring applications and reporting are integral to the objectives for rule making, WDFW took advantage of many opportunities to communicate the objectives of rule making to those affected, and to obtain information from affected persons about how the rules would impact them. WDFW mounted a significant outreach effort during the preproposal period in the summer of 2018 to get input about how the rule should be written and what the impacts would be from meeting the Commission’s rule making objectives; those events are summarized on Table 7.

Table 7 Stakeholder contact events

Date(s)	Person(s)	Activity
7/13/2018	News Release	Advertising public meeting dates, purpose, and locations
7/16/2018 - Wenatchee 7/17/2018 - Spokane 7/19/2018 - Olympia 7/25/2018 - Everett	Public	Public listening sessions: WDFW held four public listening sessions around the state that were attended by mineral prospectors, mining group representatives, and other diverse interests. WDFW presented the general objectives and timeline for rule making, answered questions, and sought

Date(s)	Person(s)	Activity
		feedback from attendees about how rules can be crafted to meet the rule making objectives.
8/8/2018 - Olympia 9/12/2018 - Olympia	Ad hoc stakeholder work group	<p>WDFW assembled an ad hoc working group [pursuant to RCW 34.05.310(2)] to help the agency develop proposed rules, discuss how rules could be crafted to meet the rule making objectives, and assist in the assessment of the costs of the proposed rule. The working group included seven miners (including Citizens Alliance for Property Rights) and eight persons representing other interests (Trout Unlimited, Fish Not Gold, Cascade Forest Conservancy, Snoqualmie Tribe, and Clark-Skamania Flyfishers). Two six-hour meetings were held, facilitated by Rachel Aronson of Triangle Associates.</p> <p>The dynamics of the group did not allow for extensive exploration of the costs of the proposed rule.</p> <p>WDFW worked with the miner group to determine ways to shape the application and reporting requirements to minimize the impact to those affected by the new rules.</p>
9/10/2018 9/12/2018	Washington Department of Revenue	Contacted Revenue Research and Fiscal Analysis Division for list of businesses registered under NAICS 2122 and contact information. Received list on 9/12. Refer to section 2.1 for more information about this topic.
9/19/2018	Mineral prospectors attending public listening sessions in 2016 and earlier in 2018; Mining organization leaders for distribution to members.	WDFW distributed an initial survey to mineral prospectors to collect data about current levels of suction dredge mining activity, the time it will take for miners to complete an application (under new rules), and other information about mineral prospecting costs and benefits. See section 2.4 for discussions of the survey and results.
10/4/2018 - Tacoma 10/12/2018 - Everett 10/15/2018 - Puyallup	Washington Prospectors Mining Association, South Sound Chapter; Gold Prospectors of Association of America, Everett	Staff met with three mining associations at their regular monthly meetings to present information about the rule proposals, respond to questions, explain the mineral prospector surveys and request survey participation. See section 2.4 for a discussion of these visits.

Date(s)	Person(s)	Activity
	Chapter; and Bedrock Prospectors	
10/8/2018	Businesses identified by Department of Revenue under North American Industry Classification System (NAICS) code 2122	Distributed a survey to businesses identified under NAICS industry code 2122. Refer to section 2.1 for a discussion of this survey and results.
1/4/2019	Distributed Survey 2 to mineral prospectors	WDFW distributed a second survey to mineral prospectors to collect data about costs to comply with aspects of proposed rules. See section 2.5 for a discussion of the survey and results.

SECTION 8 Number of jobs created or lost

RCW 19.85.040(2) "A small business economic impact statement must also include... (d) An estimate of the number of jobs that will be created or lost as the result of compliance with the proposed rule."

Survey respondents identified that 16 jobs would be lost as a result of compliance with the proposed rules. No other information was provided by survey respondents about the nature of these jobs or the reason for the loss.

SECTION 9 Summarize results of small business analysis

Costs to comply with the proposal currently surpass the small business minor cost threshold of \$100. Costs to comply range from \$195.92 to \$1,351.80 per person per year. There is insufficient information to determine disproportionate impacts. Mitigation steps taken are presented in Section 6. Survey respondents indicate 16 jobs would be lost.

SECTION 10 Report Preparation


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Draft Regulatory Analysis

Incorporating:

Cost-Benefit Analysis

Least Burdensome Alternatives Analysis

Administrative Procedure Act Determinations

Hydraulic Code Rules Chapter 220-660 WAC

2019 HPA Suction Dredge Rule Making

WAC 220-660-030 Definitions

WAC 220-660-300 Mineral Prospecting

WAC 220-660-305 Suction Dredging [New Section]

Washington Department of Fish and Wildlife
Habitat Program
Protection Division
Olympia, Washington

DRAFT February 22, 2019

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of the
Washington Department of Fish and Wildlife***

*To preserve, protect and perpetuate fish, wildlife, and ecosystems
while providing sustainable fish and wildlife
recreational and commercial opportunities.*

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INTRODUCTION

This report presents Washington Department of Fish and Wildlife (WDFW) analyses and determinations pursuant to the Administrative Procedure Act (APA), chapter 34.05 Revised Code of Washington (RCW), for proposed amendments to Hydraulic Code Rules in 220-660-030, 220-660-300, and new section 220-660-305 of the Washington Administrative Code (WAC). Analyses pursuant to the Regulatory Fairness Act, chapter 19.85 RCW, are provided in a separate document entitled *2019 HPA Suction Dredge Rule Making Small Business Economic Impact Statement*.

WDFW writes and adopts Hydraulic Code Rules to implement Chapter 77.55 RCW titled *Construction Projects in State Waters* and also known as the *Hydraulic Code*.

This document is organized in relation to the APA determinations listed under RCW 34.05.328 for significant legislative rules, as follows:

- [Section 1](#) Describes the rule and explains why it's needed.
- [Section 2](#) Contains a notification that a significant legislative rule analysis is required.
- [Section 3](#) Provides goals and objectives for the statute governing the rule, for the rule, and for this specific rule making activity.
- [Section 4](#) Discusses how the proposed rule meets the goals and objectives discussed in section 3.
- [Section 5](#) Presents information on outreach during the preproposal period.
- [Section 6](#) Provides a cost-benefit analysis.
- [Section 7](#) Provides a discussion and determination of the least burdensome alternative.
- [Section 8](#) Explores the relationship of the proposal to other state and federal laws, includes a determination that the proposal applies equally to public and private entities, describes coordination with state and federal agencies, and explains the difference between the proposal and other state or federal laws.
- [Section 9](#) Provides a list of sources of information as required by RCW 34.05.271(1)(a).

This document is available on WDFW's HPA rule making web page at <https://wdfw.wa.gov/licensing/hpa/rulemaking/>

SECTION 1: Describe the proposed rule and its history

On April 14, 2018, the Fish and Wildlife Commission (Commission) directed WDFW to propose rule changes that will remove suction dredging as an activity authorized under the Gold and Fish Pamphlet. New rules would be needed to require suction dredgers¹ to apply for standard HPAs. The Commission also directed WDFW to propose rules that require suction dredgers to report

¹ The terms "suction dredgers," "dredgers," "miners," and "mineral prospectors" are used interchangeably throughout this document and refer to persons who would be required to comply with the proposed rules unless the context clearly indicated otherwise.

their activities annually and rules that reduce risk that dredgers will spread aquatic invasive species.

1.1 Specific Objectives for this Rule Making

To better assess the risk to fish life, target compliance inspections, and prevent the spread of aquatic invasive species, WDFW’s objectives in this rule making include the following:

- ✓ Remove suction dredging as an allowed method under Gold and Fish Pamphlet rules (section 220-660-300)
- ✓ Develop an individual HPA application method for suction dredging that is streamlined;
- ✓ Develop application and reporting methods to enable WDFW to determine:
 - the number of prospectors engaged in suction dredging and
 - where and how much suction dredging occurs; and
- ✓ Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

1.2 Describe the proposed rule

Table 1 presents the proposed Suction Dredge Rule Change Proposals (Proposals). WDFW has provided an annotated version of the rule changes and assigned sequential rule change numbers to help people comment and also to help readers follow a particular change through analysis discussions. The annotated rule change document is provided on the public WDFW web site as a convenience to reviewers. This numbering will help readers cross reference between the annotated rule changes document, the analyses within this document, and comments we receive during the public comment period. The table presents changes listed in sequential order by change number and WAC subsection number.

Table 1 WDFW 2018 Suction Dredge Rule Change Proposals presented by section and subsection number

Change #	(WAC Subsection) and Change	Description
WAC 220-660-030 Definitions		
Change 1	(36) Update definition of “dredge” to exclude subsurface hard rock mining;	Clarifies that hard rock mining is not included in the definition of dredging, per request from a hard rock mining stakeholder.
Change 2	(37) Add a definition for “dryland dredge”	Definition of dryland dredge is new - this is an emerging use of suction dredge equipment.
Change 3	(118) Delete definition of “prospecting”	Definition of “Prospecting” is redundant to “Mineral Prospecting,” so “prospecting” is proposed for deletion.

Change #	(WAC Subsection) and Change	Description
Change 4	(140) Modify existing definition for “suction dredge” to encompass dryland dredges, gravity dredges, and hand-operated dredges	Changes definition to include additional forms of suction dredge equipment. The definition encompasses typical suction dredges, power sluice/suction dredge combinations, dryland dredges, gravity dredges, and hand-operated dredges (such as the Gold-N-Sand hand dredge). The definition specifically excludes bulb sniffers because operation of this equipment is different from typical suction dredges.
WAC 220-660-300 Mineral prospecting		
Change 5	(1): Remove suction dredges from equipment authorized for use under the Gold and Fish Pamphlet;	Edits to this paragraph in subsection (1) clarify which equipment is covered in this section and specify that suction dredging is not authorized in this section.
Change 6	(2)(a)(ii): Remove fish life impacts specific to suction dredging;	Since dredging is removed from section -300, we are removing this potential impact from the list of fish life concerns from subsection (2) of this section.
Change 7	(3)(b) Delete reference to “individual” HPAs	Corrects an administrative error that has persisted through previous rule changes. Under the description of standard HPAs in WAC 220-660-050, an individual HPA is for a single site. WDFW’s intent has been to allow for both single-site and multi-site HPAs, so we propose eliminating the word “individual”.
Change 8	(5)(b): Change “wetter” to “wetted”	Corrects a typographical error that has persisted through previous rule changes.
Change 9	(5)(b)(iv): Remove technical provisions for suction dredging.	Removes references to technical provisions for suction dredge equipment. Figure 5 is also removed because it is not referenced elsewhere. Subsequent figures are renumbered.
Change 10	(5)(c)(v): Edit content for clarity	Distinguishes power sluice/suction dredge combinations, and removes reference to this equipment being used in suction dredge mode. Combination equipment can’t be used in suction dredge mode under this section.
Change 11	(5)(d): Remove technical provisions for suction dredging and clarify remaining language.	Clarifies that a suction dredge nozzle and hose are not allowed to be attached to combination equipment or stored on site when power sluice/suction dredge combinations are being used as power sluices only. This prevents conversion to suction dredge mode when operating combination equipment under this section.
Change 12	(5)(f)(ii) and (iii): Edit content for clarity	Clarifies that combination equipment, high-banker, or power sluices operating within the wetted perimeter must be at least 200 feet away from other combination, high-banker, power sluice, or suction dredge equipment. The figure is deleted because the text is self-explanatory.

Change #	(WAC Subsection) and Change	Description
Change 13	(6)(1)(d)(iv) and (v) and (6)(1)(e): Remove suction dredge gear under ocean beach prospecting and edit remaining content for clarity.	Removes suction dredge gear as authorized under subsection (6) for ocean beach prospecting, as with changes 9 through 12. Suction dredging on ocean beaches is authorized under new section -305.
Change 14	(7)(e): Delete reference to “individual” HPA.	Corrects an administrative error that has persisted through previous rule changes. Under the description of standard HPAs in WAC 220-660-050, an individual HPA is for a single site. WDFW’s intent has been to allow for both single-site and multi-site HPAs, so we propose eliminating the word “individual”.
Change 15	(7)(f): Edit content for clarity, remove references to suction dredge nozzle sizes in table of authorized work times, and correct a typographical error.	This change includes modifications to introductory language. Also, the right two columns of Table 1 are deleted because suction dredges are removed from this section. The table is still relevant to other mineral prospecting equipment, but that equipment does not have size restrictions that are related to location. Table number is corrected from a typographical error that has persisted through previous rule changes.
WAC 220-660-305 Suction dredging (New Section)		
Note:	Although all information in this section is new, we are only highlighting elements as “changes” that represent differences from or additions to suction dredging requirements brought over verbatim from section -300.	
Change 16	(2)(iv) Adds a description of impacts to fish life from aquatic invasive species.	This language about aquatic invasive species impacts on fish and habitat is new (i.e. did not appear in section -300). The language is needed to tie aquatic invasive species provisions under this section to fish life protection.
Change 17	(3)(a): Identify application methods for suction dredge HPAs: written standard single site, or standard multi-site HPA.	One of two possible types of HPA is required for suction dredging. Standard single-site and standard multisite HPAs are common HPA types defined in 220-660-050 (no changes are proposed to -050). This change is also referred to as the “Suction Dredge HPA Required Rule” in subsequent analyses.
Change 18	(3)(c): Adds specifications for identifying suction dredge sites; limits sites to 1,300 feet or the length contained within a registered mining claim.	Specifies the way applicants identify a suction dredging location, and limits each site to 1,300 linear feet if the project is not on a registered mining claim. The objective of this change is to limit the length of each suction dredging location to a size that can be reasonably surveyed by WDFW biologists within the 45 day application review period.

Change #	(WAC Subsection) and Change	Description
Change 19	(4) Adds requirement to clean equipment to prevent spread of aquatic invasive species	Adds technical provisions intended to provide protection against the spread of aquatic invasive species. These requirements are referred to as “Aquatic Invasive Species Rule” in subsequent analyses.
Change 20	(5)(d) and (e): Creates requirements for use of dryland dredges	Specifies how dryland dredges may be used. These provisions are the same as applied to high-bankers and power sluices in section -300.
Change 21	(5)(r) and (6)(k): allows pressurized water use	Provides for use of pressurized water when operating a dryland dredge using water supplied through a low-pressure valve on the nozzle.
Change 22	(7)(a): Standard single-site or multisite HPA is needed to suction dredge with the equipment and timing restrictions shown in the table	Clarifies that persons with standard single- or multi-site HPAs for suction dredging must adhere to the timing and equipment restrictions in the table unless their HPA indicates an exception has been granted.
Change 23	(7)(e): Exceptions to Table 1 provisions require a standard HPA.	This change requires any person seeking exceptions to the table or wishing to work in “Submit Application waters” to get a standard HPA .
Change 24	(8): Creates requirement to submit annual report regarding the date, amount, type, and location of suction dredging activities.	Specifies that reporting is required by February 1 each year for suction dredging activities regulated under this section. Reporting is a critical for meeting rule change objectives for reporting methods to enable WDFW to determine the number of prospectors engaged in suction dredging and where and how much suction dredging occurs. This change is also referred to as the “Annual Reporting Rule” in subsequent analyses.

1.3 History of this Rule Making Action

On November 10, 2017, Trout Unlimited filed a petition to the Commission that requested the Commission to remove motorized suction dredging as an authorized activity in the Gold and Fish pamphlet (WAC 220-660-300) and, instead, require individual applications for standard HPAs.

On January 5, 2018, WDFW staff briefed the Commission on the Trout Unlimited petition. The Commission denied the petition, but asked for an additional briefing and panel discussion on the science related to mineral prospecting, potential risks to fish life, how the current rule addresses the risks, and other policy considerations.

On February 10, 2018, panels representing WDFW, mineral prospectors, and the environmental community presented the requested information to the Commission. The Commission

also heard public comment from interested parties during the meeting. After this meeting, the Commission requested a future briefing from staff on further aspects of motorized mineral prospecting.

On April 14, 2018, staff provided an additional briefing to the Commission, including the geographic extent of the activity in Washington, the enforceability of the current rule, the extent of the threat from aquatic invasive species resulting from movement of mineral prospecting equipment around the state, a comparison of Washington and neighboring states' regulations, and options and possible timelines for rule development.

On April 14, 2018, following that presentation, the Commission directed staff to commence rule making to meet the objectives as stated in section 1.1.

Refer to Section 5 - Involving Stakeholders - for a timeline of additional milestones related to this rule making activity.

1.3.1 History of regulating mineral prospecting

Before 1980, mineral prospecting required standard HPA permits. In 1980, Washington Departments of Fisheries and Game, which jointly administered the hydraulic code, distributed a "pamphlet" containing regulations for mineral prospecting that specified classification of streams, timing, dredge nozzle size, and sluice box size. At that time, only panning and sluicing could be conducted using the pamphlet; other activities listed in the pamphlet required standard HPAs. The agencies frequently modified and re-issued pamphlets (the agencies merged to form Department of Fish and Wildlife in 1993).

In 1997, the Washington state Legislature passed *Substitute House Bill 1565* requiring WDFW to regulate some types of mineral prospecting through the pamphlet without issuing standard HPAs. WDFW conducted rule making in 1998 and involved mineral prospectors and other interested parties in the development of those rules. Those rules were adopted in 1999, and the new pamphlet was issued. Another stakeholder process and rule update occurred in November 2008, resulting in another pamphlet edition in 2009.

WDFW has continued to update its prospecting rules and the Gold and Fish Pamphlet. In 2015, the entire body of hydraulic code rules was overhauled and moved into a new WAC section (chapter 220-660 WAC). Four mineral prospecting rules were consolidated into one section (WAC 220-660-300) without substantive changes, and authorized work times (work windows) were amended in some areas, requiring a pamphlet update in July 2015. In 2018, mineral prospecting rules were again amended to reflect work window changes in additional water bodies, and a revised pamphlet was issued in June 2018. Currently, certain prospecting activities do not require a standard HPA permit so long as the prospector follows the requirements in the pamphlet. Alternatively, when a miner wants to vary any of the Pamphlet requirements, such as equipment limits or work window timing, that person must apply for a standard HPA permit.

SECTION 2: Significant Legislative Rule Analysis Required

RCW 34.05.328(5)(a) "Except as provided in (b) of this subsection, this section applies to: (i) ... the legislative rules of the department of fish and wildlife implementing

chapter 77.55 RCW;...”

Hydraulic code rules in chapter 220-660 WAC are significant legislative rules as specified in RCW 34.05.328(5)(a)(i). Analyses pursuant to RCW 34.05.328 are provided for this rule proposal.

SECTION 3: Goals and Objectives of the Statute that the Rule Implements

RCW 34.05.328 (1)(a) “Clearly state in detail the general goals and specific objectives of the statute that the rule implements;”

3.1 Chapter 77.55 RCW - the Hydraulic Code - Goals and Objectives

The state Legislature gave WDFW the responsibility to preserve, protect, and perpetuate all fish and shellfish resources of the state, and to

“...authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.” RCW 77.04.012

The Legislature also granted the Commission very broad authority to adopt rules to protect fish life for a wide variety of activities in Washington waters:

The commission may adopt, amend, or repeal rules: specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful; specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful; specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed. RCW 77.12.047.

To help achieve the agency’s mandate, the Legislature passed a state law in 1943 called *Protection of Fish Life*, now recorded as [Chapter 77.55 RCW - Construction projects in state waters](#). The entire text of the statute can be found at: <http://app.leg.wa.gov/RCW/default.aspx?cite=77.55> .

[RCW 77.55.011](#)(11) defines a “hydraulic project” as

“the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwater of the state.”

[RCW 77.55.021](#)(1) states

“...In the event that any person² or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval from the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.”

² A “person” is defined in WAC 220-660-030(112) as meaning “an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization.” This term is used throughout this document to refer to individuals, organizations, and businesses.

The Legislature limited WDFW's regulatory authority: WDFW cannot unreasonably withhold or unreasonably condition the HPA [[RCW 77.55.021](#)(7)(a)], nor can WDFW impose conditions that optimize fish life:

“Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.” [RCW 77.55.231](#)(1)

The Hydraulic Code is intended to ensure that hydraulic projects adequately protect fish life.

3.2 Chapter 77.135 - Aquatic Invasive Species - Goals and Objectives

The introduction to the Aquatic Invasive Species Act addresses the severity of consequences from the spread of aquatic invasive species:

The state's fish, wildlife, and habitat are exceptionally valuable environmental resources for the state's citizens.... Invasive species pose a grave threat to these environmental ...resources, especially to salmon recovery and state and federally listed threatened and endangered species... Because of the significant harm invasive species can cause, invasive species constitute a public nuisance. If allowed to become established, invasive species can threaten human health and cause environmental and economic disasters affecting not only our state, but other states and nations... Prevention of invasive species is a cost-effective, successful, and proven management strategy. Prevention is the state's highest management priority with an emphasis on education and outreach, inspections, and rapid response. **Findings—2014 c 202**³

Chapter 77.135 RCW provides authority for WDFW to address invasive species using an integrated management approach. Authority is conveyed for WDFW to adopt rules to require clean/drain/dry or other decontamination methods and to require inspections for aquatic conveyances entering Washington State⁴. Together, chapters 77.55 and 77.135 express the goal to prevent the spread of aquatic invasive species and to condition hydraulic projects for the protection of fish life.

³ [RCW 77.135.010](#) (1) "Aquatic conveyance" means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. Aquatic conveyances include but are not limited to vessels and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.

(25) "Small vessel" means a management category of aquatic conveyances including every description of vessel on the water used or capable of being used as a means of transportation on the water, except: (a) Inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers; (b) Vessels meeting registration requirements under chapter [88.02](#) RCW; and (c) Seaplanes.

⁴ [RCW 77.135.020](#), [RCW 77.135.100](#), [RCW 77.135.110](#), [RCW 77.135.130](#)

SECTION 4: How the Rule Meets the Objectives of the Statute

RCW 34.05.328 (1)(b): “Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection [i.e. for the statute that the rule implements], and analyze alternatives to rule making and the consequences of not adopting the rule;”

4.1 Why is the Proposed Rule Needed?

The proposed rule is needed in order to increase WDFW understanding about potential unaddressed impacts to fish life from suction dredging and to add provisions to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

The Commission gave three reasons why these changes were needed. First, no application is required to work under the Gold and Fish Pamphlet. As a result, WDFW doesn’t know how many dredges are operating statewide and where or when they are being operated. Obtaining this information would improve WDFW’s ability to assess the potential risks to fish life, including potential cumulative impacts, and to target inspections to ensure dredgers are complying with HPA provisions.

Second, WDFW is concerned that Washington will experience an increase in dredgers as a consequence of Oregon’s expanded restrictions on suction dredging that became effective January 1, 2018. The reason WDFW is concerned about this problem is because Oregon experienced a significant increase in suction dredgers, from 656 permitted placer miners in 2008 to 1,095 permitted placer miners in 2010, that Oregon Department of State Lands attributed to the moratorium California placed on suction dredging in 2009⁵. WDFW currently does not know how many out-of-state dredgers work under the pamphlet, and would have no way of knowing how many more were coming into Washington to dredge resulting from the new Oregon rules. Again, obtaining this information would improve WDFW’s ability to assess the potential risks to fish life.

Third, WDFW assumes that an increase in the number of out-of-state dredgers would increase the risk of aquatic invasive species (AIS) coming into the state. Dredgers, like other watercraft, could also spread aquatic invasive species in-state when they move their equipment from waterbody to waterbody. Although chapter 77.135 requires inspections and decontamination for aquatic invasive species, the Gold and Fish Pamphlet does not explicitly require inspections of dredges coming into the state, nor does the pamphlet include best practices to prevent the spread of aquatic invasive species in-state. Once non-native species become established in a new environment, where their natural enemies are missing, these invaders can spread rapidly. Aquatic invasive species can out-compete native species and disrupt efforts to recover naturally-reproducing salmon, steelhead, and trout stocks.

⁵ Louise Solliday, Director Oregon Department of State Lands. December 14, 2010. Letter to Oregon Governor Theodore R. Kulongoski providing a Status Report on Placer Mining in Oregon.

The proposed rule is needed to ensure suction dredging rules adequately protect fish life. The rule making will allow WDFW to gather important new information that will increase our understanding about potentially-unaddressed impacts to fish life from suction dredging. WDFW will use this new information to determine whether additional rule making is needed in the future to adequately protect fish life. The rule making also adds provisions to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

4.2 Alternatives to rule making?

It would be difficult for WDFW to implement the objectives of this rule making without modifying the hydraulic code rules. Following is a discussion of alternatives to rule making that we considered before filing a preproposal notice of inquiry.

4.2.1 Voluntary compliance

One alternative to rule making is to seek voluntary compliance to meet the Commission's objectives:

- Announcement through several media indicating a change in procedure for permitting suction dredging under the hydraulic code rules.
- Announcement through media that annual suction dredge activity reporting is needed.
- Announcement through various media and in standard HPAs that new provisions are necessary to prevent the spread of aquatic invasive species.
- Voluntary compliance with all three announcements.

Concerns with this approach include:

- It would be difficult to reach all potential persons whose activity qualifies them for special suction dredging application and reporting methods.
- People are unlikely to comply because it costs them more time and is inconvenient to comply, and because there would be no consequences for noncompliance. This is because WDFW doesn't have sufficient authority to impose consequences for noncompliance with a voluntary program.
- Requiring a standard HPA and implementing activities reporting on a voluntary basis only solves part of the problem - the essential problem remains: we don't know who to contact to inform them of the new requests.

A change having the magnitude of the proposal has not been done without rule changes. WDFW isn't sure how people would know an HPA is needed (instead of continuing to suction dredge under the Gold and Fish pamphlet) or that reporting is required without the publicity caused by a rule change proposal and the subsequent rule making public process and participation.

The challenge to implementing annual reporting for suction dredgers is that only some of the persons who conduct suction dredging activities are known to us. Asking known⁶ dredgers to submit annual reports would be a good start, but would not give us the information we need on the extent of suction dredging activity in Washington.

Another alternative would be to amend the pamphlet to include the reporting and aquatic invasive species rule changes. Under this alternative, WDFW would have no way to know whether a person did not comply with the new rules unless that person made themselves known to WDFW.

4.2.2 WDFW monitoring program

WDFW could mount a suction dredging monitoring program to attempt to collect the data stated in the rule making objectives. Without knowing exact locations where suction dredge activity is occurring, WDFW would expend a lot of resources finding locations to survey. Once locations were identified, surveys similar in scale to sport and commercial salmon fishing catch and effort sampling would be necessary to collect the data needed to provide answers to the questions posed in the Commission's direction to WDFW staff. The resources needed to identify locations and survey suction dredging participants would likely far exceed those needed to process HPA applications and compile activity reporting data as specified in the proposed rule.

4.2.3 Alternatives for aquatic invasive species provisions

Achieving aquatic invasive species (AIS) restrictions is an interesting problem. Technically, clean/drain/dry or decontamination to prevent the spread of aquatic invasive species is already required for "aquatic conveyances" by the AIS statute - chapter 77.135 RCW - however there are no rules specifying requirements for suction dredgers. Also, most of the mineral prospecting non-profit organizations (clubs) having suction dredge members dredging in Washington require their members to take measures to prevent the spread of aquatic invasive species, with consequences for not doing so.

One alternative is to continue to include provisions in HPAs that require inspection and decontamination for HPA permittees without adding this requirement in the HPA rules.

Another alternative is to promulgate rules for this requirement in chapter 220-640 WAC invasive species rules instead of in chapter 220-660 WAC hydraulic code rules. The benefit to this approach is that all invasive species rules remain together in the same WAC section, potentially avoiding inconsistent application of the responsibilities conveyed by chapter 77.135 RCW. On the other hand, the advantage of including these requirements with suction dredging rules in chapter 220-660 WAC is that all HPA-related suction dredge rules occur in the same WAC section, potentially reducing confusion for permittees.

A third alternative is to rely on prospecting club bylaws and enforcement of those bylaws. Club members argue that violating club bylaws carries a heavier consequence to members than

⁶ Known dredgers include persons holding HPAs for suction dredging, as well as club officers and others who are active participants in WDFW HPA stakeholder activities and have made their suction dredging interests known to us.

noncompliance with state rules. However, clubs might not apply the requirements uniformly, and non-club members would not know the requirements if WDFW did not include them in rule.

4.3 Consequences of not adopting the rule

By not adopting the rule, conditions with respect to suction dredge permitting under the hydraulic code rules would remain as they are today. That is, persons wishing to conduct suction dredging and willing to comply with the restrictions and time periods identified in the Gold and Fish pamphlet would continue to suction dredge under the pamphlet. Persons wishing for exceptions to pamphlet equipment, timing, and operational provisions would be required to apply for a standard HPA, as they are today.

WDFW would continue to be unable to account for the numbers and locations of suction dredging activity in Washington. As noted above, WDFW is unable to account for numbers, times, and locations of suction dredging activity conducted under the Gold and Fish pamphlet. This also means the contribution of out-of-state dredgers to Washington suction dredging effort remains unknown. WDFW is increasingly concerned that inability to assess dredging pressure poses a risk to fish life in high-effort locations.

There would be no change in the overall implementation of measures to prevent the spread of aquatic invasive species. Non-club-member dredgers would continue to be unaware of aquatic invasive species clean/drain/dry or decontamination requirements, and dredgers entering Washington from out of state would remain confused about whether inspections are needed when they enter Washington. More people moving between water bodies without taking AIS precautions increases the risk of introduction of aquatic invasive species into waters, increasing risk to native fish species.

SECTION 5 Involving stakeholders in rule development

WDFW mounted a significant outreach effort during the preproposal period in the summer and fall of 2018 to get input about how the rule should be written and what the impacts would be from meeting the rule making objectives. WDFW also launched a web page⁷ with information on rule making and a way for people to track rule making progress. An email address⁸ was activated for people to submit preproposal comments and formal public comments. Table 2 includes a list of outreach events and milestones during the preproposal period of rule development. Following the table are discussions of key stakeholder elements.

⁷ <https://wdfw.wa.gov/licensing/hpa/rulemaking/>

⁸ HPARules@dfw.wa.gov

Table 2 Stakeholder contact events

Date(s)	Person(s)	Activity
7/9/2018	“Agency family” including Washington Departments of Natural Resources and Ecology U.S. Fish and Wildlife Service National Marine Fisheries Service U.S. Army Corps of Engineers U.S. Forest Service	WDFW presented the general objectives for rule making and sought feedback from federal agencies on how WDFW can construct proposed rules that meet WDFW needs while avoiding impact to activities and permitting by other agencies. Refer to section 8.4.1 for more on coordination with state and federal agencies.
7/13/2018	News Release	Advertising public meeting dates, purpose, and locations
7/16/2018 - Wenatchee 7/17/2018 - Spokane 7/19/2018 - Olympia 7/25/2018 - Everett	Public	Public listening sessions were held. Refer to section 5.1 for more information.
7/18/2018	Chelan County Natural Resources Department Habitat Subcommittee	WDFW presented the general objectives and timeline for rule making, answered questions, and sought feedback from members.
8/1/2018	Upper Columbia United Tribes	WDFW presented the general objectives for rule making and sought feedback from tribal representatives. See section 8.4.2 for more about discussions with tribal representatives.
8/2/2018	Yakama Nation staff	
8/9/2018	Northwest Indian Fisheries Commission	
8/8/2018 - Olympia 9/12/2018 - Olympia	Ad hoc stakeholder work group	WDFW assembled an ad hoc working group to help the WDFW develop proposed rules and discuss how rules could be crafted to meet the rule making objectives. Refer to section 5.2 for more information on this activity.
9/20/2018	Hydraulic Code Implementation Citizen Advisory Group	WDFW presented an update on the rule making process, a member presented a video demonstration of mineral prospecting work, and staff walked the group through pre-draft proposed rules in order to get comments on the proposals. The group conveyed a majority statement to WDFW requesting an expansion of the scope of rule making.
9/10/2018 9/12/2018	Washington Department of Revenue	Contacted Revenue Research and Fiscal Analysis Division for list of businesses registered under NAICS 2122 and contact information. Received list on 9/12. Refer to section 5.3 for more information about this topic.

Date(s)	Person(s)	Activity
9/19/2018	About 100 surveys distributed to individuals and clubs.	Survey 1: WDFW distributed a survey to mineral prospectors to collect data about current levels of suction dredge mining activity, the time it will take for miners to complete an application (under new rules), and other information about mineral prospecting costs and benefits. See section 5.4 for a discussion of the survey and results.
10/4/2018 - Tacoma 10/12/2018 - Everett 10/15/2018 - Puyallup	Washington Prospectors Mining Association South Sound Chapter Gold Prospectors of Association of America Everett Chapter Bedrock Prospectors	Staff met with three mining non-profit associations/clubs or club chapters at their regular monthly meetings to present information about the proposed rule changes, respond to questions, explain the mineral prospector survey and request survey participation.
10/8/2018	Businesses identified by Department of Revenue under NAICS code 2122	"2122 Survey:" Distributed a survey to businesses identified under NAICS industry code 2122. Refer to section 5.3 for a discussion of this survey and results.
1/4/2019	Distributed Survey 2 to mineral prospectors receiving the first survey and to current suction dredge HPA holders.	Survey 2: WDFW distributed a second survey to mineral prospectors to collect data about costs to comply with aspects of proposed rules. See section 5.5 for a discussion of the survey and results.

5.1 Public listening sessions

WDFW held four public listening sessions around the state that were attended by mineral prospectors, mining group representatives, anglers, landowners, representatives of federal and state agencies, and environmental organizations. The sessions were announced through a media release distributed July 13, 2018, and turnout was diverse at all of the meetings. WDFW presented the general objectives and timeline for rule making, answered questions, and sought feedback from attendees about how rules can be crafted to meet the rule making objectives. A summary of input received at the four listening sessions is available on request.

5.2 Ad hoc stakeholder work group

WDFW assembled an ad hoc working group to help the WDFW develop proposed rules, discuss how rules could be crafted to meet the rule making objectives, and assist in the assessment of the costs of the proposed rule. The working group included seven miners (including a representative of Citizens Alliance for Property Rights) and eight people representing other interests (Trout Unlimited, Fish Not Gold, Cascade Forest Conservancy, Snoqualmie Tribe, and Clark-Skamania Flyfishers). Two six-hour meetings were held, facilitated by Rachel Aronson of Triangle Associates.

The dynamics of the group did not allow for extensive exploration of the costs of the proposed rule. WDFW staff worked with the miner group to determine ways to shape the application and reporting requirements to minimize the impact to those affected by the new rules.

A summary of these sessions is available on request.

5.3 “2122 Survey” - Surveying businesses identified with the metal ore mining industry

When WDFW began to develop the documents necessary to accompany rule change proposals, we considered how we might get information from miners and mining businesses about the economic impacts of the proposed rule. First, we needed to identify miners and mining businesses to whom we could reach out for that information. Washington Department of Revenue (Revenue) maintains a database of businesses⁹ that are registered with Revenue or the Secretary of State and WDFW requested a listing and contact information from Revenue for North American Industry Classification System (NAICS) code 2122 businesses - businesses involved in metal ore mining.

We received a list of nineteen businesses from Revenue on September 12, 2018. The records request returned businesses in categories including corporations, limited liability companies or partnerships, and sole proprietorships. We developed a survey to determine whether the businesses on the list conduct suction dredging that is currently regulated under the Gold and Fish Pamphlet or under standard HPA under rules in WAC 220-660-300¹⁰ and, if so, to get information about number of employees and payroll, mining-related income, and the business costs they would associate with compliance with the rule proposals.

WDFW mailed certified letters on October 8, 2018 to each of the nineteen businesses asking them to return a survey with questions about their business to help us determine whether and how they would be impacted by the rule proposals. We included pre-paid return envelopes for the surveys and mailed the letters with certified letter tracking and return receipts.

Each of the nineteen mailings has been accounted for. Six were undeliverable, either because the address is no longer valid or because no one was able to accept the letter; eleven were received by the business but they have not responded; and two survey responses were received by WDFW indicating the businesses are not currently regulated under WAC 220-660-300.

⁹ Department of Licensing: <http://www.dol.wa.gov/business/checkstatus.html?hcwp>
Department of Revenue: https://secure.dor.wa.gov/gteunauth/_/#1

¹⁰ A business that conducts or has conducted suction dredging activity under WAC 220-660-300 is a business that might be impacted by the rule change proposal under proposed WAC section 220-660-305. A business that does not conduct suction dredging activity, or conducts suction dredging under a different HPA rule section, would not be impacted by the rule proposal.

Persons and businesses that conduct industrial- or commercial-scale mining generally don't use suction dredges or are regulated under state or federal laws and rules administered by other agencies, such as Washington Departments of Natural Resources or Ecology and/or federal industrial mining regulators. These individuals and businesses might identify themselves as gold or metal ore mining businesses but are typically not regulated by chapter 220-660-300 WAC. If these businesses conduct their work in or near water, they might require an HPA issued under a different section of HPA rule.

Of the NAICS 2122 businesses we contacted, none responded letting us know they are required to comply with WAC 220-660-300. Because of this, WDFW determined that even though NAICS code 2122 seems to be most closely aligned with the business activity regulated by WDFW, data associated with this code did not identify affected businesses.

Because of this, WDFW embarked on further research to identify stakeholders with which to connect. For more about this research, refer to the 2019 HPA Suction Dredge Rule Making Small Business Economic Impact Statement, available at: <https://wdfw.wa.gov/licensing/hpa/rulemaking/>.

5.4 Survey 1 - Collect data on effort and costs

WDFW developed a survey to share primarily among known suction dredgers to attempt to answer some of the economic impact questions. In September 2018, WDFW distributed about 100 surveys to collect data about current levels of suction dredge mining activity. Surveys were emailed to miners who attended public listening sessions in 2016 and in summer 2018 (and who provided their email addresses to WDFW). We also sent emails to mining organization officers (whose email addresses were found online) requesting that the officers distribute the survey to organization members (industry representatives report over 1,100 active miners in seven non-profit mining organizations¹¹). Email distribution totaled 46. In addition, staff handed out about 50 surveys at three organization meetings attended in October 2018. The survey was also available online via Survey Monkey and open from September 19 through October 31, 2018. Most who participated in the survey submitted their responses using the online version.

The surveys requested such information as the amount of time it would take miners to complete the HPA application (under the new rules), number of days and number of different sites mined, costs to go suction dredging, and information about payroll and income for mineral prospecting businesses.

WDFW received nineteen survey responses. Of the nineteen respondents, eleven provided hours to apply, number of sites, number of days, costs to report, and costs to suction dredge; the other responses were blank or only included a comment. None of the respondents indicated they own businesses engaged in suction dredging, and no information on business costs, payroll, or business income was received from respondents.

In order to promote the survey, WDFW staff attended three mining organization meetings (Table 2). Staff explained the proposed rule changes to club members, answered questions, and explained the surveys and the importance of survey data in rule development.

Data from Survey 1 that are used for the cost/benefit analysis include the costs to go suction dredging and value of gold retrieved (Table 3). Costs provided in response to Survey 1 do not include the costs to comply with the rule proposals. We use the median of responses (the middle value in the list of responses) because the data received contained outliers that would influence a standard mean or average (sum of responses divided by the number of responses).

¹¹ Wheeler, S. and W.S. Brown. October and November 2017. Personal Communications.

Table 3 Survey 1 responses for costs to go suction dredging per year and value of gold retrieved

Statistic	Annual costs to go dredging*	Value of gold retrieved**
Median	\$1,028	\$989
Minimum response	\$180	\$79
Maximum response	\$6,700	\$4,911

* Includes transportation, food, lodging, fuel for dredge, and miscellaneous costs such as National Forest passes and costs to maintain federal mining claims.

** From <https://goldprice.org/> gold spot price at \$39.48 U.S. dollars per gram, accessed on Wednesday, October 24, 2018 at 10am PDT.

5.5 Survey 2 - costs to comply with proposed rules

WDFW determined that a broader survey distribution approach was necessary, with survey questions focusing on the data needed to determine costs to comply with the proposed rule. This second survey was distributed on January 4, 2019. This survey was sent to the same email list as the initial survey, including club officers for distribution to club members, and was also sent to every suction dredger having an HPA who had provided WDFW with an email address. A total of 154 surveys were directly emailed to HPA holders, individual mineral prospectors, and representatives of mineral prospecting interests. As before, club officers shared the surveys with club members. WDFW assumed this approach would be more likely than the previous survey to reach businesses required to comply with suction dredging rules in order to conduct their business activities.

Survey 2 results provide most of the data for the 2019 HPA Suction Dredge Rule Making Small Business Economic Impact Statement and the cost/benefit analysis presented in Section 6.

5.5.1 Summary of Survey 2 responses

WDFW surveyed suction dredgers to determine what they think their costs will be to comply with the rule proposals. A summary of twenty-five Survey 2 responses received through January 31, 2019 is provided on Table 4. We use the median of responses (the middle value in the list of responses) because the data received contained outliers that would influence a standard mean or average (sum of responses divided by the number of responses).

We asked survey respondents to provide costs to comply with the “*Suction Dredge HPA-Required Rule,*” the “*Aquatic Invasive Species Rule,*” and the “*Annual Reporting Rule.*” Cost categories on the survey included equipment, supplies, labor, professional services, administrative costs, and “other” costs. We did not ask respondents to explain what they included for each cost estimate. Most respondents left answers blank if the question did not apply to them, they did not know how to respond, or did not wish to respond.

Table 4 Median suction dredge survey responses - from Survey 2 (January 2019)

Item	Median Responses	
Survey respondents	25 total returned surveys	
Time to apply for an HPA	2 hours 15 minutes	
Number of sites per year	4.5 sites	
Number of days suction dredging per year	28 days	
Time to decontaminate (Aquatic Invasive Species)	2 hours 30 minutes	
Time to record and submit reports	4 hours	
Median costs (& sum of jobs lost) to comply with “Suction Dredge HPA-Required Rule”	\$784	(6 jobs lost)
Median costs (& sum of jobs lost) to comply with “Aquatic Invasive Species Rule”	\$500	(4 jobs lost)
Median costs (& sum of jobs lost) to comply with “Annual Reporting Rule”	\$695	(6 jobs lost)
Percent of respondents who performed AIS decontamination in 2018	84%	
Own a business for which a written suction dredge HPA would be required	1 person responded “yes”	
Number of employees	[no responses]	
Average annual payroll	[no responses]	
Average annual income/revenue	[no responses]	
Costs to comply would reduce income	1 person responded “yes”	
Median annual value of minerals	\$300	

SECTION 6: Cost-Benefit Analysis

RCW 34.05.328 (1)(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

6.1 Which rules require analysis?

In order to implement the Commission’s directive, WDFW developed rule proposals for WAC sections 220-660-030 (Definitions) to refine and clarify the suction dredging definitions, and 220-660-300 (Mineral Prospecting) to remove suction dredging as an authorized activity under the Gold and Fish Pamphlet. Changes in these two sections correct errors and clarify language without changing the effect of that language and do not create compliance requirements for suction dredgers; because of this, these sections are not discussed further in this analysis.

A proposed new section 220-660-305 contains new rules for suction dredging that impose requirements that miners must comply with. There are three compliance aspects we will analyze (Table 5).

Table 5 Compliance requirements of proposed WAC 220-660-305

Type of Requirement	Requirement	WAC	Change Number
<i>“Suction Dredge HPA Required Rule”</i>	All suction dredgers are required to apply for a standard written HPA.	WAC 220-660-305(3)(a)	Change 17
<i>“Aquatic Invasive Species Rule”</i>	All suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species prior to use in state waters; Suction dredgers are required to implement methods to prevent the spread of aquatic invasive species.	WAC 220-660-305(4)	Change 19
<i>“Annual Reporting Rule”</i>	All suction dredge owners are required to submit an annual activity report.	WAC 220-660-305(8)	Change 24

6.2 Key variables to determine costs

Here are some of the challenges WDFW faces when estimating costs and benefits attributable to these rule changes:

- **WDFW does not know how many persons suction dredge in Washington:** No application is required to work under the Gold and Fish Pamphlet, so WDFW doesn’t have direct data on how many dredges are operating statewide and where or when they are being operated. Not only is collecting this information one of the objectives of rule making, this information is important in assessing how many persons will submit suction dredge applications. See section 6.2.1 for more discussion of this problem.
- **WDFW doesn’t know how many different sites each dredger uses each year, or their locations.** Results of the second survey showed a range of 1 to 25 sites mined each year, and we use the median of 4.5 sites (from Table 4) for this analysis.
- **WDFW is unsure how many suction dredgers are already implementing measures to prevent the spread of aquatic invasive species.** Eighty-four percent of respondents to Survey 2 indicate they implemented decontamination measures in 2018 (from Table 4). Nevertheless, we assume for this analysis that all suction dredgers will be implementing aquatic invasive species clean/drain/dry or decontamination procedures for the first time

upon implementation of the proposed rules, and we use median results from Survey 2 to complete cost/benefit calculations.

- **Suction dredging effort each year varies widely between individuals.** This conclusion is supported by responses to Survey 2, which showed a range of 5 to 120 days dredged each year at 1 to 25 sites. Because of this wide range, we use the median Survey 2 responses to inform the cost/benefit analysis.

6.2.1 How many people?

WDFW assumes that the majority of suction dredging is conducted under existing Gold and Fish pamphlet rules. Persons wishing to prospect in streams without authorized work times¹² or vary any of the pamphlet requirements such as equipment limits or work window timing are required to submit standard applications under current rules. WDFW HPA application data show that 271 suction dredge HPAs are currently active¹³. These permits are held by 159 individuals.

Because WDFW lacks a basis on which to estimate the number of persons who suction dredge in Washington, we considered a number of estimation methods to determine the number of suction dredgers that would be required to comply with the proposed rule.

- Estimates provided by the mining community indicate that there are 1,140 active miners in Washington¹⁴.
- Miners indicated there are 130 suction dredges among club members in Washington. However, 159 suction dredgers already hold HPAs for suction dredging or suction/dredge/highbanker combination equipment use.
- WDFW also looked at the number of federal mining claims held in Washington (346¹⁵) in an attempt to deduce how many claim holders might be suction dredgers.
- Both WDFW and miner representatives made estimates during the preproposal period for the number of applications that could be expected under the new rules; those estimates ranged from 660 to 10,000.

The bottom line is that WDFW has very little solid information on which to base effort estimates. We used one “solid” data element - the number of active miners provided by miner representatives - and cut that in half to estimate the number of persons who would use suction dredge or suction dredge/highbanker combination equipment for mineral prospecting. The result - 1,140 divided by 2 equals 570 - seems reasonable because it’s neither outrageously high nor too low to risk underestimating costs of the proposal. WDFW recognizes that by using the estimate of 570 suction dredgers (or any other estimate) we could underestimate or overestimate the costs and benefits of the proposal. The reader should be aware of this.

¹² Streams identified as “Submit Application” on the Authorized Work Times table provided in the Gold and Fish pamphlet and as Table 1 in WAC 220-660-300.

¹³ Data collected on October 19, 2018 for the period from 7/17/2018 through 10/8/2018. Does not include permits that are no longer active nor applications for permits not yet issued as of 10/19/2018.

¹⁴ Wheeler, S. and W.S. Brown. October and November 2017. Personal Communication.

¹⁵ Reported by U.S. Bureau of Land Management for 2017.

WDFW estimates 570 suction dredgers will need to comply with the proposed rules.

WDFW assumes that all 570 persons will need to apply for suction dredging permits under the proposal. The 159 persons who currently have HPAs to operate with exceptions to pamphlet provisions will still need additional HPAs to operate in times and areas when they previously operated under the pamphlet.

We don't know how many persons would decide not to apply or how many persons would decide to apply who have never mined before, so did not attempt to estimate either number.

6.2.2 How many sites and applications?

Survey 2 respondents indicate a median of 4.5 sites per person, so WDFW assumes only one multi-site HPA will be needed per person - a multi-site HPA allows up to 5 sites pursuant to WAC 220-660-050(3)(b)(ii)(A)(III).

6.4 Costs to comply

WDFW offers two estimates for costs to comply for each of the proposals. The first ("*Direct survey results*") uses Survey 2 responses for costs to comply and the second method ("*Hourly-cost method*") uses estimates based on Survey 2 responses for hours per task and a cost per hour established by WDFW.

Because there are no industry records of annual payroll to help us estimate costs per hour for the suction dredging industry, WDFW referenced mining labor data provided by the Bureau of Labor Statistics¹⁶. We chose the worker type we think mostly closely matches the work of a suction dredger - Continuous Mining Machine Operator - which earned an average hourly wage of \$28.19 in 2017. We are using this figure to estimate hourly costs per individual for the time taken to comply with the proposals.

Most HPAs are issued for a 5-year period pursuant to WAC 220-660-050(14)(a). Pursuant to WAC 220-660-050(b)(ii)(A), a standard multi-site HPA can authorize work at multiple project sites if: (I) All project sites are within the same water resource inventory area (WRIA) or tidal reference area; (II) The primary hydraulic project is the same at each site so there is little variability in HPA provisions across all sites; and (III) Work will be conducted at no more than five project sites to ensure department staff has sufficient time to conduct site reviews.

6.4.1 Costs to comply with the Suction Dredge HPA-Required Rule

Each person wishing to lawfully conduct suction dredging in Washington State will be required to obtain an HPA. A person is not required to apply for an HPA; however, an HPA is required if a person wishes to conduct the activity. The median response for number of sites was 4.5, so we are assuming for these analyses that only one HPA is needed per person. WDFW also assumes

¹⁶ Bureau of Labor Statistics. Industries at a Glance Statistics for Metals Ore Mining NAICS 2122. Occupation: Continuous Mining Machine Operator (a worker who extracts raw materials from the ground for commercial and other uses by operating self-propelled mining machines that rip coal, metal and nonmetal ores, rock, stone, or sand from the mine face and load it onto conveyors or into shuttle cars in a continuous operation.) Downloaded October 25, 2018 from https://www.bls.gov/oes/current/naics4_212200.htm#47-0000. Note that the machine referenced for this occupation is nothing like the suction dredge equipment used in Washington, but it was the closest occupation we could find for the U.S. metal ore mining industry as a whole.

that each of those HPAs would be issued for a 5-year period as allowed under WAC 220-660-050(14)(a).

There is no application fee, so there is no cost to apply for an HPA other than the labor costs estimated below. WDFW's HPA applications can be completed online using a home computer with an internet connection. Computers and internet connectivity are available for free to the public at most libraries.

Alternatively, a person can download, print (3 pages @ \$.42 per page at Office Depot online), and fill out an application on paper using a \$2 pen, and mail it to WDFW using a \$.10 envelope and \$.55 stamp (total of \$3.91 for supplies and mailing). These costs are not necessary to comply with the proposal.

Professional services are not expected to be needed to aid a person to apply for an HPA. A person needing help with the application can get help from WDFW's HPA Regulatory Services staff during normal business hours.

[Direct survey results](#)

The median of survey responses was \$784 to comply with the **Suction Dredge HPA-Required Rule**. If each permit is valid for 5 years, and each person needs only one permit, then the annual cost per person to complete the application process would be \$784 divided by 5, or \$156.80 per year.

[Hourly-cost method](#)

If a person takes 2 hours and 15 minutes (median survey response) to complete an HPA application, that costs \$63.43 in labor. If each HPA is valid for 5 years, and each person needs only one HPA, then the annual cost per person to complete the application process would be \$63.43 divided by 5, or \$12.69 per year.

6.4.2 Costs to comply with the Aquatic Invasive Species Rule

New rules are proposed specifying that all suction dredge equipment that has been used in waters outside of Washington State must be inspected for the presence of aquatic invasive species. Further, all suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.

"Clean-Drain-Dry" decontamination steps published on the WDFW web site can be undertaken by the average person using supplies commonly available: hot water, brushes, and household cleaning liquid¹⁷. Dredgers report that cleaning and drying out their equipment is a regular activity associated with dredging because they want to ensure that all the gold collected by the equipment is recovered. Eighty-four percent of survey respondents indicated they took decontamination steps in 2018.

The proposed rules also require persons bringing a suction dredge into Washington from out-of-state to have their equipment inspected for the presence of aquatic invasive species prior to using that equipment to suction dredge in Washington. Inspections for the presence of aquatic invasive species are available at major highway entry points into the state, so persons bringing a suction dredge into Washington can arrange their entry so they are inspected as they cross the state line.

¹⁷ <https://wdfw.wa.gov/ais/youcanhelp.html>

Certificates of inspection are available on request at the time the inspection is completed. Inspections and certificates are provided at no cost.

[Direct survey results](#)

The median survey response is \$500 per year to comply with the proposed aquatic invasive species decontamination rule.

[Hourly-cost method](#)

If a person takes 2 hours and 30 minutes (median survey response) to comply with proposed aquatic invasive species decontamination rule, that costs \$70.47 in labor.

6.4.3 Costs to comply with the Annual Reporting Rule

The proposal contains a reporting requirement indicating that permit holders must report annually to WDFW regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.

[Direct survey results](#)

The median survey response is \$695 to create and return annual activity reports under the proposal.

[Hourly-cost method](#)

If a person takes 4 hours (median survey response) to complete and submit an annual report, that costs \$112.76 in labor.

6.5 Income or Revenue

6.5.1 Lost income or revenue

No respondents from Survey 2 provided annual revenue or income information. One respondent indicated that the costs to comply would reduce their revenue or income, but did not provide any details or estimates for the amount of the reduction.

6.5.2 Value of gold recovered

Anecdotal estimates provided by the mining community indicate that miners recover about 3 grams of gold on average per day of suction dredging activity¹⁸. That means a miner could accrue 84 grams of gold in 28 dredging days (median from Table 3) in a year, which would be worth about \$3,494 at \$41.59 per gram¹⁹. The eleven respondents to Survey 1 reported a median of 25 grams recovered annually, for a value²⁰ of \$989 annually (range of \$78.96 to \$4,911 from Table 3). The median response from Survey 2 was \$300 average annual value of gold recovered (Table 4); Survey 2 responses ranged from \$5 to \$5,000 per year in gold recovered. Although one Survey 2

¹⁸ Wheeler, S. and W.S. Brown. October and November 2017. Personal communication.

¹⁹ <https://goldprice.org/> gold spot price at \$41.59 U.S. dollars per gram. Accessed on January 16, 2019 at 5:15pm Eastern Standard Time.

²⁰ Per Table 3, which reports October 24, 2018 gold spot price at \$39.48 U.S. dollars per gram.

respondent indicated revenue would be lost because of the costs to comply with the proposed rules, the respondent did not estimate the losses.

6.5.3 Net costs for the suction dredging activity

Average annual costs to suction dredge were only asked on Survey 1. The median Survey 1 response for annual cost to suction dredge, excluding costs of the dredge and for complying with the proposed rule, was \$1,028 with a range from \$180 to \$6,700 per year.

Based on average cost to dredge of \$1,028 plus the costs to comply with the new rule from Table 4, and a median annual gold revenue of \$989 (Survey 1 from Table 3) to \$300 (Survey 2 from Table 4) to \$3,494 (estimate based on miner data), we conclude that most miners are spending more to engage in the suction dredging activity than they recover in the value of gold retrieved.

Survey respondents did not report income received from selling gold, guiding suction dredge trips, or selling concentrate obtained by suction dredging, so these forms of income are not included in the assessment above.

6.6 Other potential costs

6.6.1 Costs for record storage

Keeping records of a person's HPA applications and HPA permits could be very low cost depending upon the method used to keep the records. A typical application document is three pages long, and a typical HPA for five locations is seven pages long. A person storing 1 application, 1 HPA document, and a reporting document per year for a 5-year permit would be storing or printing up to 15 pages. A file folder can be purchased for \$.39 and copying/printing is \$.42 per page at Office Depot online. So paper copies and file storage would cost \$6.69 for five years or \$1.34 per year. Storing these documents on an electronic device such as a computer or cell phone is virtually free. Storing on a cell phone is a particularly attractive option because electronic versions of an HPA are now²¹ allowed on the work site (whereas formerly a paper copy was required).

6.6.2 Other potential costs

Other potential costs of implementing the proposed rules include loss of mining time because of the delay in receiving an HPA permit. Miners frequently expressed the concern that WDFW will not have the staff capacity to handle the processing of so many new applications at one time and will therefore exceed the 45-day HPA processing period for many applicants. Although this is an acknowledged potential cost, we can't know the magnitude of the problem until applications begin to be submitted. Therefore, we did not attempt to quantify this cost.

6.7 Benefits of Proposals

6.7.1 Benefits of Suction Dredge HPA-Required Rule and Annual Reporting Rule

The primary benefit of the proposal is that WDFW will have better information on which to base future regulatory decisions. Requiring HPAs and annual reporting will help us determine the location, scope, and scale of suction dredging in Washington, which would improve WDFW's ability to assess the potential risks to fish life, including potential cumulative impacts, and to

²¹ This 2018 rule change became effective on July 1, 2018.

target inspections to ensure dredgers are complying with HPA provisions. Requiring applications will also help us determine the number of out-of-state suction dredgers entering Washington to conduct this activity, which will help us determine whether changes in regulation of suction dredging in neighboring states affects the effort in Washington.

6.7.2 Benefits of Aquatic Invasive Species Rule

The rules would increase compliance with aquatic invasive species requirements, thus reducing the risk of spreading aquatic invasive species to and within Washington. Club and non-club-member dredgers alike would better appreciate the need for aquatic invasive species clean/drain/dry or decontamination requirements, and dredgers entering Washington from out of state would understand inspections are needed when they enter Washington. Fewer people would be moving between water bodies without taking AIS precautions. These rules are important to the protection of fish life because they raise awareness of the potential for suction dredging equipment to transmit aquatic invasive species. The benefits of awareness and compliance with aquatic invasive species protections are significant at the individual level because it only takes one carrier to infest a water body. Costs of aquatic invasive species infestations on fish life and fish habitat could be devastating. The benefits of avoiding this devastation are unquantifiable.

6.8 Reducing costs for those who must comply

WDFW has taken several steps to reduce costs to individuals and businesses:

- WDFW proposes to continue to use a simplified HPA application form, which is shorter than the Joint Aquatic Resource Permit Application form while still collecting all the information necessary to evaluate an HPA application. Use of the simplified form is an important component in reducing application costs for individuals and businesses.
- The Commission limited the rule change to suction dredge equipment and methods, thus reducing the proportion of the regulated community required to comply with the proposal.
- After considering a more extensive annual reporting scheme, WDFW reduced the frequency with which reports were to be submitted to WDFW from reporting daily or post-trip to annually.

Additional steps WDFW plans to take to minimize costs to those who must comply with the new rules include providing training materials to individuals and mining clubs for how to apply for an HPA and comply with reporting requirements. WDFW will also work to implement an online mapping tool to help applicants identify the specific site of their project, and an online annual reporting mechanism and other methods that minimize the impact of the requirement to file annual activity reports.

6.9 Recap of costs and benefits and determination

RCW 34.05.328 (1)(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented

Costs to comply with the proposal are summarized on Table 6.

Table 6 Average costs and benefits of the proposal

Costs Summary (discussion section)	Per person per year (whole dollars)	All 570 applicants per year (whole dollars)
“Suction Dredge HPA Required Rule” (6.4.1)	\$13 to \$157	\$7,410 to \$89,490
“Aquatic Invasive Species Rule” (6.4.2)	\$70 to \$500	\$39,900 to \$285,000
“Annual Reporting Rule” (6.4.3)	\$113 to \$695	\$64,410 to \$396,150
Written application supply costs (6.4.1)	\$4	\$2,280
Recordkeeping (6.6.1)	\$1	\$570
Lost revenue	See discussion in section 6.5	
Total Costs	\$201 to \$1,357	\$114,570 to \$773,490
Rule	Benefits summary	
“Suction Dredge HPA Required Rule”	Necessary to evaluate numbers and locations of suction dredging activity	
“Aquatic Invasive Species Rule”	Necessary to reduce risk of spreading aquatic invasive species into and around Washington	
“Annual Reporting Rule”	Necessary to evaluate amount of dredging and whether there are unaddressed impacts to fish life from this activity	

WDFW determines that the benefits of the proposed rules outweigh the costs because 1) understanding the scope and scale of suction dredging activities in Washington is necessary to improve WDFW’s ability to assess the potential risks to fish life, including potential cumulative impacts, and 2) because the rule proposals are intended to avoid the devastation of aquatic invasive species infestations on fish life and fish habitat.

SECTION 7: Least Burdensome Alternative

RCW 34.05.328 (1)(e) Determine, after considering alternative versions of the rule and the analysis required under (b) [Section 4 of this document], (c) [Notification in CR-102], and (d) [Section 6 of this document] of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection [i.e. for the statute being implemented];

7.1 Introduction

In order to propose and adopt significant legislative rules, WDFW must evaluate alternative versions of the rule. Once this analysis is complete WDFW must determine that the rule proposed for adoption is the least burdensome version of the rule that will achieve the goals and objectives

of the authorizing statute(s) as discussed in section 3. Alternatives to rule making are addressed in section 4.2 and consequences of not adopting the proposal are included in section 4.3.

7.2 Alternatives considered

Integral to the Fish and Wildlife Commission’s directive was one Commissioner’s instruction to staff that the rule proposals minimize impacts of the new requirements on suction dredgers. In that spirit, WDFW has consulted with miners through every step of proposed rule development to identify a set of proposed rules that meet the directive of the Commission in the manner least burdensome to miners.

WDFW also conducted significant outreach during the preproposal period to get comments from a wide spectrum of interested people. WDFW received many comments about the development of rules to meet the directive by the Fish and Wildlife Commission. A number of those suggestions have been incorporated into the rule proposals, however a large number of recommendations were not incorporated. Table 7 summarizes comments or alternatives WDFW heard during the preproposal period and responses relating to whether the alternative rule content being suggested meets the goals and objectives of the hydraulic code. The term “*least burdensome alternative*,” when used within this table and subsequently, means “*least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under chapters 77.55 and 77.135 RCW.*”

Table 7 Least Burdensome analysis of alternatives suggested by participants in preproposal discussions

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
Application Alternatives			
Require suction dredgers to use the standard HPA application or a Joint Aquatic Resources Permit Application (JARPA).	None	An application form must contain the information needed to assess potential impacts and provision the HPA to adequately protect fish life. Alternative applications types can achieve this objective more efficiently and are a least burdensome alternative.	No Rule Change
Individual HPAs aren’t needed in order to protect fish life from suction dredging activity. The Gold and Fish pamphlet provides sufficient protection without burdening miners with applications and permits.	WAC 220-660-305(3)(a) Before conducting any suction dredging activity, a person must obtain the approval of the department through the issuance of a standard single site written HPA or standard multisite written	See section 1.1, which explains why the proposed rule change is needed to better assess the risk to fish life, target compliance inspections, and prevent the spread of aquatic invasive species. Issuing standard HPAs will allow us to conduct	Proposed Rule Change

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
<p>Issue statewide HPAs if applicant agrees to adhere to the provisions and timing restrictions that currently apply under the Gold and Fish pamphlet.</p> <p>Do not issue statewide or other similar broad-scale HPAs.</p>	<p>HPA as described in WAC 220-660-050...</p>	<p>monitoring so WDFW can determine where, when, and how much suction dredging is occurring statewide. There is no way to ensure the Gold and Fish pamphlet holders are complying with requirements. The proposed rule change is the least burdensome alternative.</p>	
<p>Include all motorized methods under the new application requirements.</p>	<p>None</p>	<p>The only motorized method the Commission is proposing to remove from the pamphlet is suction dredging. Additional motorized methods might be removed in the future if new information supports this.</p> <p>Removing suction dredging only at this time is the least burdensome alternative.</p>	<p>No Rule Change</p>
<p>Require each suction dredge application to include §303(d) and TMDL information from WA Dept. of Ecology.</p> <p>Require suction dredgers to show proof of application for National Pollution Discharges Elimination System permit under CWA regulations, Aquatic Lands use authorization, and U.S. Forest Service Notice of Intent.</p> <p>Require suction dredgers to provide proof of contact with Washington Department of Archaeology and Historic Preservation and tribes regarding compliance with cultural resources rules.</p>	<p>None</p>	<p>Requiring compliance with other state and federal laws as part of a complete application is not authorized by chapter 77.55 RCW.</p>	<p>No Rule Change</p>

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
<p>Require suction dredgers to provide proof of landowner permission to conduct the suction dredging activity.</p>	<p>None</p>	<p>The HPA also does not convey permission to use public or private property to conduct the project. Applicants must seek permission to use property from the land owner, and this is not an HPA issue.</p> <p>WDFW requires, as part of a complete application, landowner signature granting permission for WDFW staff to access the property (such a signature is not needed for public property because WDFW has agreements with public landowners granting permission).</p> <p>WDFW staff access to land on which a project is being conducted is needed so staff can provide technical assistance to, and conduct inspections on, the hydraulic project.</p> <p>The project proponent has the responsibility to ensure they have landowner permission to conduct the project - this is a matter between the project proponent and landowner - the hydraulic code does not regulate this. Therefore, requiring landowner permission (for the project proponent to conduct the project) before an HPA can be issued is burdensome. The status quo is the least burdensome alternative.</p>	<p>No Rule Change</p>
<p>In the permit applications the applicant shall describe access methods for delivering suction dredge to water. Riparian vegetation</p>	<p>WAC 220-660-305(5)(m) A person may not undermine, move, or disturb large woody material embedded in the</p>	<p>These are current rules in WAC 220-660-300 that are being brought over into the new section.</p>	<p>Proposed Rule Change</p>

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
<p>and woody debris within 200 feet of OHWM that will be altered in any way must be described, and any impacts shall be addressed in the mitigation plan.</p> <p>Require suction dredgers to provide a mitigation plan for restoring the site after work is complete.</p>	<p>slopes or located wholly or partially within the wetted perimeter...</p> <p>WAC 220-660-305(5)(n) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.</p>	<p>The proposed rule change minimizes disturbance to riparian vegetation and woody debris.</p> <p>WAC 220-660-080(5)(a) states "The department may require a mitigation plan for projects with ongoing, complex, and experimental mitigation actions." Thus, a mitigation plan can be required if a permittee needed to offset unavoidable impacts per WAC 220-660-070 (1)(c)</p> <p>Maintaining the current rules in the new section is the least burdensome alternative.</p>	
<p>Require separate application for exceptions to Gold and Fish pamphlet rules.</p>	<p>None</p>	<p>220-660-300(3)(b) already requires this. Maintaining the current rule in the new section is the least burdensome alternative.</p>	<p>No Rule Change</p>
<p>Do not issue suction dredging HPAs to clubs.</p> <p>Issue HPAs to clubs on claim areas intended to be used only by club members.</p>	<p>None – However, some mining club officers have indicated they will require their members to obtain individual HPAs.</p>	<p>A non-profit organization falls under the definition of "person" in WAC 220-660-030(112), and no change is being proposed to this definition. WDFW doesn't have the statutory authority to ban clubs from applying for HPAs.</p> <p>WAC 220-660-030(112) "Person" means an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization.</p>	<p>No Rule change</p>
<p>Require all sites to be located using latitude-longitude coordinates.</p>	<p>None</p>	<p>A complete application for a standard HPA requires location information. The purpose of the location</p>	<p>No Rule Change</p>

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
		information is to inform the biologist where the work is occurring so they can adequately provision the HPA. The biologist may accept GPS coordinates, an address, a river mile or road mile, or a claim name. The current application requirement is the least burdensome alternative.	
<p>Require individual SEPA review of all suction dredging applications.</p> <p>Issue HPAs without restriction of amount of material moved.</p>	None	<p>State Environmental Policy Act (SEPA) compliance is already required. RCW 77.55.021(2)(d) requires all applications to have a notice of compliance with any applicable requirements of the SEPA, unless otherwise provided for.</p> <p>WDFW must comply with SEPA statutes and rules that specify the level of review required. If WDFW is the SEPA lead agency, the amount of material authorized to be moved is limited to less than 50 cubic yards [WAC 197-11-835(2)] unless the applicant completes a SEPA checklist and obtains a SEPA determination.</p>	No Rule Change
Aquatic Invasive Species Alternatives			
Aquatic invasive species decontamination measures aren't needed in rule because every mining club requires decontamination as a condition of the use of club resources.	WAC 220-660-305(4)(b) All suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.	WDFW acknowledges that mining clubs recognize the importance of preventing the spread of aquatic invasive species. However, not all dredgers belong to a club so the rule is needed. The proposed rule change reflects what the clubs already require and thus, is the least burdensome	Proposed Rule Change

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
		alternative that achieves protection of fish life.	
WDFW should inspect all motorized equipment for invasive species prior to entering Washington.	WAC 220-660-305(4)(a) All suction dredge equipment that has been used in waters outside of Washington state must be inspected for the presence of aquatic invasive species by an authorized department employee or agent before being used in waters of the state.	The proposed rule changes require that dredges coming in from out of state be inspected. This is the least burdensome alternative that protects fish life by preventing the spread of aquatic invasive species.	Proposed Rule Change
WDFW should inspect all motorized equipment for invasive species prior to starting work.	WAC 220-660-305(4)(b) All suction dredge equipment used in any water of the state must be decontaminated according to department specification prior to use in a different water of the state.	The statute for implementation of clean and drain requirements (Chapter 77.135 RCW) places this responsibility on the owner/operator of the aquatic conveyance or equipment involved. The proposed rule clarifies the requirements as they apply to suction dredge equipment. The proposed rule change is the least burdensome alternative.	Proposed Rule Change
Include provisions for inspection and decontamination relating to aquatic invasive species as requirements in the Gold and Fish pamphlet.	None	The suggestion is beyond the scope of the direction provided by the Commission for this rule making so the aquatic invasive species provisions will be added to WAC 220-660-305 only. Provisions of chapter 77.135 still apply to all aquatic conveyances regardless of whether those requirements are mentioned in the pamphlet.	No Rule Change

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
Reporting Alternatives			
<p>Don't require annual reporting.</p> <p>Require detailed activity reporting.</p>	<p>WAC 220-660-305(8) By February 1st of each year, a person issued a suction dredge HPA must report to the department regarding the date, amount, type, and location of any suction dredging activity conducted during the preceding calendar year for which the HPA is in effect.</p>	<p>WDFW recognizes that reporting is a new requirement, however, reporting is needed so WDFW can determine how many dredges operate statewide on a given date; where and when they operate and how much bed material is dredged. This information is important to understanding if there are unaddressed effects to fish life.</p> <p>Annual reporting rather than more frequent reporting is the least burdensome alternative. Annual timing will provide timely information.</p>	<p>Proposed Rule Change</p>
Miscellaneous Alternatives			
<p>Consider all life stages of fish when reviewing suction dredging applications.</p>	<p>None</p>	<p>Chapter 77.55 RCW authorizes WDFW to provision HPAs to adequately protect fish life. Since we consider all life stages now, now no rule change is necessary.</p>	<p>No Rule Change</p>
<p>WDFW must ensure permittees are complying with all HPA provisions.</p>	<p>None</p>	<p>Compliance with the permit conditions is a requirement of the HPA now.</p>	<p>No Rule Change</p>
<p>Require a registration sticker for each suction dredge.</p>	<p>None</p>	<p>WDFW doesn't have enough information to indicate whether requiring the registration of suction dredges is necessary to protect fish life. This requirement would be premature and therefore burdensome.</p>	<p>No Rule Change</p>

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
Delay compliance timetables until some date after 2/1/2020	None	<p>Reporting is needed so that WDFW can determine how many dredges operate statewide on a given date; where and when they operate and how much bed material is dredged. This information is important to understanding if there are unaddressed effects to fish life.</p> <p>WDFW plans to implement reporting requirements beginning in 2019, for annual reports due in February 2020. Further delay could delay protection of fish life. This proposed timetable is the least burdensome alternative.</p>	No Rule change
HPAs should include more specific direction to permittees regarding permits needed from other agencies.	WAC 220-660-305(3)(c) Nothing in chapter 220-660 WAC relieves a person of the duty to obtain landowner permission and any other required permits before conducting any mineral prospecting activity.	<p>This is a current rule in WAC 220-660-300(3)(c) that is being brought over into the new section.</p> <p>Each HPA includes a statement advising permittees of their responsibility to comply with other laws. WDFW will continue to work with agencies and suction dredgers to determine the best ways to get the message out. WDFW does not know all of the permits needed so the general disclaimer is prudent.</p>	No Rule Change
Require notice to WDFW prior to commencing work and 24 hours after work is complete.	None	WAC 220-660-050(13)(d) currently gives WDFW the ability to do this. No change is necessary.	No Rule Change
Require fish screens on all suction dredge equipment	WAC 220-660-305(5)(h) As provided in RCW 77.57.010 and 77.57.070, any device a person uses	This is a current rule in WAC 220-660-300(3)(c) that is being brought over into the	Proposed Rule Change

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
	for pumping water from fish-bearing waters must be equipped with a fish guard to prevent fish from entering the pump intake.	new section. No change is necessary.	
Prohibit motorized mineral prospecting if water site temperature (as measured by a digital thermometer with 0.1° F sensitivity) exceeds 63.5° F (or 17.5°C). Thermometers shall be carried by enforcement officers and employed during field visits.	None	Risk posed by drought conditions is a concern for all types of hydraulic projects. Rather than put an increased burden on one applicant group, WDFW prefers to use emergency rulemaking to restrict or prohibit hydraulic projects when water temperatures are high enough to warrant it. This is the least burdensome alternative.	No Rule Change
Avoid issuing suction dredge permits during lamprey spawning seasons in these priority lamprey reintroduction areas: Yakima, Methow, Naches, Walla Walla, and Tucannon.	None	Chapter 77.55 RCW authorizes WDFW to provision HPAs for the protection of all fish life including lamprey. Biologists evaluate the risks to fish life present at the specific project location. No change is necessary.	No Rule Change
Write rules that bring WDFW into compliance with other state or federal laws; specifically the federal endangered species act (ESA) and federal Clean Water Act (CWA). Eliminate suction dredging in ESA Critical Habitat. Prohibit suction dredging in all water bodies with any life stage of ESA-listed fish and other priority fish species. Prohibit mining in the following designated habitat areas: ESA Critical Habitat; Wild Steelhead	None	Chapter 220-660 WAC establishes the rules for the department’s HPA authority: Chapter 77.55 RCW Construction Projects in State Waters. Chapter 77.55 RCW does not authorize WDFW to use the hydraulic code to enforce other local, state and federal laws. <u>RCW 77.55.231(1)</u> says that WDFW “...may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.”	No Rule Change

Alternative/Comment	Proposed Rule Change	WDFW Response	Least Burdensome Alternative
gene banks; Wild and Scenic Rivers; Withdrawn River segments; any other river and streams or segments of rivers and streams re-opened to access for migratory protected fish by removing culverts or other blockages.		<i>(Response is continued in the footnote, below)</i>	
ESA/CWA response continued:	<p>The hydraulic code rules do not require HPA permit holders to take an action that violates requirements of another federal or state law. All hydraulic projects undertaken are done so voluntarily. In addition, authorization to conduct any hydraulic project, including mineral prospecting, does not exempt a person from the requirements of other regulatory authorities or landowners.</p> <p>Prohibiting motorized suction dredging in rivers and creeks based on a federal designation would be a significant change in the department's business practices and a substantial policy decision affecting the mining community. If the Commission adopted a ban it would be contrary to the legislative finding (RCW 34.05.328) that states <i>"unless otherwise authorized, substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature, and that state agencies not use their administrative authority to create or amend regulatory programs."</i></p>		

7.3 Determination: Least Burdensome

After considering alternative versions of the rule in context with the goals and objectives of the authorizing statute, **WDFW determines that the proposed rule represents the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under chapters 77.55 and 77.135 RCW.**

SECTION 8: Remaining APA Determinations

The remaining narrative in this document addresses determinations pursuant to RCW 34.05.328(1)(f) through (1)(i) relating to state and federal laws, equal requirements for public and private applicants, and coordination with state, federal, tribal, and local entities.

8.1 Violation of other state or federal laws

RCW 34.05.328 (1)(f) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

There are no provisions in the Hydraulic Code Rules requiring those to whom they apply to take an action that violates requirements of another federal or state law.

We make this determination because the HPA permit does not compel persons to take an action. The HPA also does not convey permission to use public or private property to conduct the project.

Applicants must seek permission to use property from the land owner.

Finally, authorization by WDFW to conduct any hydraulic project does not exempt anyone from the requirements of other regulatory agencies or landowners.

Every HPA issued in Washington carries the notice that the permit

“... pertains only to requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.”

Consistent with other state authorities, the Hydraulic Code Rules do not regulate whether an action can occur, only the time, place, and manner in which that action can occur in order to adequately protect fish life. Because of this, **WDFW has determined that the proposed rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.**

8.2 Equal Requirements for Public and Private

RCW 34.05.328 (1)(g) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The hydraulic code rules generally apply equally to all HPA applicants whether public or private. Public entities are unlikely to engage in suction dredging for gold recovery, but if they did, requirements would be the same for public and private entities. **WDFW has determined that the rule does not impose more stringent performance requirements on private entities than on public entities.**

8.3 Difference from other state and federal rules

RCW 34.05.328 (1)(h) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: [(i) explicit state statute..., (ii) substantial evidence that the difference is necessary...].

8.3.1 Other federal, state, or local agencies with authority to regulate this subject

WDFW has sole authority to implement the Hydraulic Code Rules (chapter 220-660 WAC) under chapter 77.55 RCW (Construction Projects in State Waters). Pursuant to 77.55.361, Department of Natural Resources has authority to carry out the requirements of the Hydraulic Code for forest practices hydraulic projects regulated under Chapter 76.09 RCW. WDFW and DNR have a process for concurrent review of such projects.

Local and state government regulations pertaining to land use and development, shoreline use, and clean water appear to have overlapping authorities, but have different fundamental purposes. Washington Department of Ecology regulates water diversions, discharges, and

stormwater outfalls, features that could occur concurrently with a project that is regulated under the hydraulic code. Local governments have regulations for the location (such as under the Shoreline Management Act) and methods (building codes) for construction projects. These aspects of a construction project also can co-occur with hydraulic project requirements, but none of these other authorities either duplicates or supersedes the hydraulic code authority.

8.3.2 The rule differs from federal regulations or statutes applicable to the same activity.

The Hydraulic Code regulates hydraulic projects for the protection of fish life. Hydraulic projects are construction projects and other work that effects the natural flow or bed of state waters. Federal protections under the Rivers and Harbors Act, Clean Water Act (U.S. Army Corps of Engineers and Washington Department of Ecology), and Endangered Species Act (U.S. Fish and Wildlife Service and National Marine Fisheries Service) may regulate hydraulic projects, however the purposes for these federal acts are very different from the state Hydraulic Code and rules.

Indeed, local, state, and federal agencies may have jurisdiction over the same project. Table 8 provides an overview of the characteristics of some aquatic permits at the federal, state, and local levels. At each jurisdictional level, priorities and legal mandates determine the resources or interests that are protected and the extent of the protection that is applied. Mitigation requirements also vary according to the agencies' protection priorities and legal mandates. As a result, regulatory efforts may share intentions or could have entirely different animal or habitat protection objectives.

The federal Endangered Species Act (ESA) comes closest to regulating the same subject matter - the protection of fish life. But while the state hydraulic code regulates the manner in which a project is constructed (so that the project is protective of fish life), the federal ESA regulates the "take" or kill of species listed as threatened or endangered under the Act. Federal ESA jurisdiction relates only to animals or plants listed as threatened or endangered under the Act. The state hydraulic code applies to all fish species.

The HPA fills a unique niche because it is the HPA only permit issued solely to protect (all) fish life. In many cases, the HPA is the only permit required for:

- Hydraulic projects in streams too small to be considered a shoreline of the state (relevant to the state Shorelines Management Act) or navigable waters (relevant to Corps of Engineers permitting);
- Hydraulic projects not regulated under the Clean Water Act;
- Hydraulic projects not subject to state or federal landowner notification or permit requirements;
- Hydraulic projects exempt from state or national Environmental Policy Act review (refer to SEPA statute and rules for criteria for SEPA exemption); or
- Hydraulic projects exempt from local permits.

8.3.3 Determination: Difference is necessary

Differences between state HPA authority (and the current rule proposal) and federal authorities are necessary because there are no federal laws or rule protecting all fish life from the effects of

construction projects. **WDFW has determined that the rule differs from any federal regulation or statute applicable to the same activity or subject matter and that the difference is necessary to meet the objectives of the hydraulic code statute.**

8.4 Coordination with state, federal and local laws

RCW 34.05.328 (1)(i) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

8.4.1 Coordination with state and federal agencies

On July 9, 2018, WDFW met with representatives from State Departments of Natural Resources and Ecology, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Army Corps of Engineers, and U.S. Forest Service. At the July 9 meeting, WDFW presented the general objectives for rule making and sought feedback from federal agencies on how WDFW can construct proposed rules that meet WDFW needs while avoiding impact to other WDFW activities and permitting.

After proposed rules are developed, WDFW will meet again with these agencies to discuss the proposal and get further comments. WDFW expects that agencies will also submit formal comment letters during the public comment period for the rules.

Ongoing coordination with federal, state, and local agencies occurs because, while the objectives of regulation are different, projects being reviewed under the HPA program are potentially reviewed by these other jurisdictions as well. WDFW coordinates mitigation requirements with federal agencies so that mitigation required for construction project impacts can satisfy mitigation required for impacts to other authorities; this coordination prevents imposing double the mitigation for the same project impact.

WDFW also solicits input from federal, state, and local agencies on ways to improve HPA program implementation, including both the regulation of projects and with the technical assistance that WDFW provides to other agencies and to project proponents.

Table 8 Comparison of some common aquatic permits

Permit	Agency	Purpose	Trigger activity	Action	Limitations
Hydraulic Project Approval	WDFW	Protect fish/shellfish and their habitats	Projects that use, divert, obstruct, or change the natural flow or bed of salt or fresh state waters.	Construction permit issued with conditions that mitigate impacts	May not optimize conditions for fish or unreasonably restrict a project.
ESA Incidental Take Permit	USFWS, NMFS	Ensure activities are not likely to jeopardize the continued existence of listed species, or destroy or adversely modify their critical habitat	Anyone whose otherwise-lawful activities will result in the “incidental take” of a listed species needs an incidental take permit.	Incidental take permit and terms and conditions	Applies only to ESA-listed species; “take” includes harm to designated critical habitat
Shoreline Substantial Development Permit	Local governments, Ecology	Encourages water-dependent uses, protects shoreline natural resources, and promotes public access.	Any project, permanent or temporary, which interferes with public use of shorelands. Projects in or within 200 feet of marine waters, streams, lakes, and associated wetlands and floodplains.	Development permit issued by local government	Conditional Use and Variance require review by Ecology.
NPDES construction stormwater or general permit	Ecology	Protects and maintains water quality and prevents or minimizes sediment, chemicals, and other pollutants from entering surface water and groundwater.	Construction activities that disturb 1 or more acres of land and have potential stormwater or storm drain discharge to surface water.	Construction permit or general permit with conditions to minimize discharge and/or report	Apply to projects disturbing 1 or more acres of land

Permit	Agency	Purpose	Trigger activity	Action	Limitations
Aquatic Use Authorization	DNR	Allows use of state- owned aquatic lands. Washington State Department of Natural Resources (DNR) determines if aquatic land is state- owned, if it is available for use, and if the use is appropriate.	Project located on, over, through, under, or otherwise impacts state- owned aquatic lands. Aquatic lands are defined as tidelands, shorelands, harbor areas, and the beds of navigable waters.	Use authorization permit or lease	Only for state-owned aquatic lands
Section 404 Permit (Regional, Nationwide, or Individual) for Discharge of Dredge or Fill Material	U.S. Army Corps of Engineers	Restores and maintains chemical, physical, and biological integrity of national waters. Authorized under Section 404 of the Clean Water Act.	Excavating, land clearing, or discharging dredged or fill material into wetlands or other U.S. waters.	Permit to discharge dredged or fill material	Concurrent consultation on 401 Certification, CZM, National Historic Preservation Act, Endangered Species Act, Tribal Trust Issues, and National Environmental Policy Act.

Source: Excerpted from Governor’s Office of Regulatory Innovation and Assistance detailed [comparison of aquatic permits](#) by local, state, and federal agencies.

8.4.2 Consultation with tribes

WDFW held three meetings with tribes: August 1 with Upper Columbia United Tribes representatives in Spokane, August 2 with Yakama Tribal staff in Toppenish, and August 9 at the Northwest Indian Fisheries Commission. Further comment was received at the September 2018 Governor's Centennial Accord meeting with Washington tribes in Suquamish.

Some tribes have expressed that the rulemaking objectives do not go far enough to protect fish life. Many would like to see suction dredging banned or significantly curtailed in salmon waters. WDFW expressed its commitment to increasing compliance inspections and conducting implementation and effectiveness monitoring to increase our understanding of the risks to fish life from suction dredging.

Tribes have also expressed a concern that suction dredging and other mineral prospecting proposes a risk to cultural resources. WDFW's authority under the HPA statute is limited to protection of fish life, so we cannot condition an HPA for the protection of cultural resources.

WDFW has asked tribes to support the department's effort to gain a better understanding of the potential risk of suction dredging activity through reporting, monitoring and compliance inspections. WDFW also offered to work outside of this rulemaking process to identify what steps WDFW can take to reduce the risk to cultural resources from permitted hydraulic projects.

8.4.3 Permittee Responsibilities

Permittees are notified in standard HPA permits and in the Gold and Fish pamphlet that it is the permittee's or miner's responsibility to meet legal requirements of other state, federal, and local agencies in order to conduct mining activity. Permits from and notifications to other regulatory agencies may be required and applicable landowners or claim holders must be consulted before conducting any activity. These responsibilities are independent from permitting under the hydraulic code rules in the Gold and Fish pamphlet or HPA permit.

8.4.4 Determination: Coordinated with other federal, state, and local laws

WDFW has demonstrated that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

SECTION 9: Sources of Information Used

RCW 34.05.271(1)(a) Before taking a significant agency action, the department of fish and wildlife must identify the sources of information reviewed and relied upon by the agency in the course of preparing to take significant agency action. Peer-reviewed literature, if applicable, must be identified, as well as any scientific literature or other sources of information used. The department of fish and wildlife shall make available on the agency's web site the index of records required under RCW 42.56.070 that are relied upon, or invoked, in support of a proposal for significant agency action.

Following are references for material reviewed and relied upon by WDFW in the course of preparing to take this rule making action (Table 9), which is a significant legislative rule pursuant

to RCW 34.05.328(5)(a). Each reference is categorized for its level of peer review pursuant to RCW 34.05.271. A key to the review categories under RCW 34.05.271 is provided on Table 9A.

Table 9 References for material reviewed in preparation for HPA suction dredge rule making

Reference Citation	Category
Alaska Department of Environmental Conservation. 2018. Authorization to Discharge under the Alaska Pollutant Discharge Elimination System for Small Suction Dredge Placer Miners - General Permit Number AKG375000. Effective February 8, 2018.	v
Alaska Department of Fish and Game. 2019. Fish Habitat Permit - Small-Scale Mining - Mat-Su Area. Effective 1/1/2019.	viii
Asplund, T.R. 2000. The effects of motorized Watercraft on Aquatic Ecosystems. Wisconsin Department of Natural Resources Publ-SS-948-00. 21pp.	viii
California Code of Regulations Title 14, Division 1, Subdivision 1, Chapter 8, Section 228. Suction Dredging. Filed 8-4-2014 (Register 2014, No. 32).	v
California Code of Regulations Title 14, Division 1, Subdivision 1, Chapter 8, Section 228.5. Suction Dredge Use Classifications and Special Regulations. Filed 4-27-2012; operative 4-27-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 17).	v
California State Water Resources Control Board. 2018. NPDES - Suction Dredge Mining. Web page on status of developing a statewide general permit . Updated 9/7/2018.	viii
DelCotto, A. 2010. Suction Dredge Mining: The United States Forest Service Hands Miners the Golden Ticket. Environmental Law 40(1021): 1022-1055.	i
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Table 9A Key to RCW 34.05.271 Categories Relating to Level of Peer Review

Category Code	RCW 34.05.271 Section 1(c)
i	Independent peer review: Review is overseen by an independent third party
ii	Internal peer review: Review by staff internal to the department of fish and wildlife;
iii	External peer review: Review by persons that are external to and selected by the department of fish and wildlife;
iv	Open review: Documented open public review process that is not limited to invited organizations or individuals;

v	Legal and policy document: Documents related to the legal framework for the significant agency action including but not limited to: (A) Federal and state statutes; (B) Court and hearings board decisions; (C) Federal and state administrative rules and regulations; and (D) Policy and regulatory documents adopted by local governments;
vi	Data from primary research, monitoring activities, or other sources, but that has not been incorporated as part of documents reviewed under the processes described in (c)(i), (ii), (iii), and (iv) of this subsection;
vii	Records of the best professional judgment of department of fish and wildlife employees or other individuals; or
viii	Other: Sources of information that do not fit into one of the categories identified in this subsection (1)(c).

SECTION 10: For Further Information

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