

**WAC 220-660-040 Applicability of hydraulic project approval authority.** (1) **When an HPA is required:** A person must obtain an HPA from the department before conducting a hydraulic project, unless the activity is exempt from this requirement as provided in subsection (2) of this section.

(2) **No HPA is required for the following hydraulic projects:**

(a) Installing oyster stakes, boundary markers, or property line markers by hand or with hand-held tools;

(b) Driving across an established ford (RCW 77.55.031);

(c) Remedial actions by the department of ecology or a person under a consent decree, order, or agreed order under RCW 70.105D.090 (RCW 77.55.061). Although no HPA is required, the department of ecology must ensure compliance with the substantive requirements of this chapter;

(d) Landscape management plans approved by the department and the department of natural resources under RCW 76.09.350(2) serve as an HPA for the life of the plan if fish are selected as one of the public resources covered under the plan (RCW 77.55.201);

(e) Removing derelict fishing gear according to the guidelines described in RCW 77.12.865 (RCW 77.55.041);

(f) Removing crab pots and other shellfish gear under a permit issued under RCW 77.70.500;

(g) An activity conducted solely to remove or control *Spartina* (RCW 77.55.051);

(h) An activity conducted solely to remove or control purple loosestrife performed with hand-held tools, hand-held equipment, or equipment carried by a person (RCW 77.55.051);

(i) Installing or removing a portable boat hoist in a lake if the hoist:

(i) Is not permanently installed;

(ii) Does not have a frame length greater than fifteen feet;

(iii) Does not have armoring or other structures installed for a foundation or protection;

(iv) Does not have a canopy;

(v) Is not installed or removed using equipment operated on the bed;

(vi) Is not installed at the inlet or outlet of any stream;

(vii) Does not require any dredging, filling, pile driving, or any other bed modifications during installation or removal;

(viii) Is not modified during or after installation by adding docks, ramps, floats, or other structures that add surface area to the hoist or allow for moorage of additional watercraft; and

(ix) Is not installed in any of the following sockeye salmon-bearing lakes during times of the year when spawning and egg incubation is occurring in beach areas:

**Table 1**

**Authorized Work Times to Install Portable Boat Hoists in Lakes with Sockeye Spawning Beaches**

Lake Name and Water Resource Inventory Area ((WRIA) in parentheses)	Authorized Work Times
Baker (04)	June 15 - August 15
Cle Elum (39)	September 1 - March 31
Osoyoos (49)	May 15 - September 30
Ozette (20)	August 1 - October 31

Pleasant (20)	August 1 - October 31
Sammamish (08)	July 15 - September 30
Washington (08)	July 15 - September 30

(j) Installing, maintaining, or removing scientific measurement devices if:

(i) All work conducted waterward of the OHWL is done by hand or with hand-held tools;

(ii) The project does not create a blockage to fish passage, even temporarily; and

(iii) The project does not include dewatering the job site, placing fill or concrete, or excavating or grading the bed or bank.

(k) Forest practices hydraulic projects, as defined in chapter 76.09 RCW and governed in Title 222 WAC; and

(l) Installation or maintenance of tideland and floating private sector commercial fish and shellfish culture facilities (RCW 77.12.047). However, an HPA is required to construct accessory hydraulic structures, such as bulkheads or boat ramps.

[Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-040, filed 12/30/14, effective 7/1/15.]