

**WAC 220-660-110 Authorized work times in freshwater areas. (1)**

**Description:** The department authorizes work during less critical times of the year to reduce the risk of impacts to fish life at sensitive life stages. In-water work is not allowed during critical times of the year unless a person can implement mitigation measures to eliminate risk to fish life.

(2) **Fish life concerns:** Work in or near watercourses can harm fish life including incubating eggs and fry, juveniles, spawning adults, and other sensitive life history stages. Therefore, work must occur at times of the year when the risk to fish life is reduced or can be avoided.

(3) **Determining authorized work times:**

(a) The department has the discretion to modify timing windows depending on actual site conditions (such as hydrology, run timing, and fish presence) and the risk of the proposed work to fish life. The department must specify authorized work times for hydraulic projects in or near waters of the state when it issues HPAs. When determining the authorized work times, the department will use the information below to determine the appropriate timing window for each project individually. Work timing considers:

(i) Life history stages of the fish and shellfish species present:

(A) Presence or absence of spawning, incubating, rearing, migrating, and other critical habitat that supports fish life at or near the job site; and

(B) The migration timing of juveniles and adults in both fresh and saltwater.

(ii) The expected impact of construction activities, equipment type, and access;

(iii) Best management practices proposed by the applicant, including proposed plans to:

(A) Control, contain, and manage sediment and erosion at the job site;

(B) Contain and manage wastewater at the job site;

(C) Isolate the impacts of the work using appropriate job site isolation techniques; and

(D) Minimize damage to riparian, wetland, and aquatic vegetation at the job site.

(iv) Mitigation measures volunteered or imposed upon the project;

(v) Existing or predicted weather conditions or flow during construction activities; and

(vi) Other circumstances and conditions pertaining to the proper protection of fish life.

(b) The department must publish on its public website the times when spawning salmonids, their incubating eggs and fry, or other critical life history stage are least likely to be within Washington state fresh waters.

[Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-110, filed 12/30/14, effective 7/1/15.]