

WSR 21-09-008

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 8, 2021, 8:20 a.m., effective May 9, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-803 WAC, Acupuncture and Eastern medicine practitioner, the department of health (department) opened chapter 246-803 WAC to amend the rules to implement the following legislation.

SHB 1865 (chapter 308, Laws of 2019):

- (1) Adding new requirements for continuing education;
- (2) Changing "East Asian" to "acupuncture and Eastern medicine";
- (3) Deleting the apprenticeship and tutorial requirements; and
- (4) Making other housekeeping changes.

ESHB 1551 (chapter 76, Laws of 2020). The department amended the rules to remove references to AIDS education and training.

ESHB 2411 (chapter 229, Laws of 2020). The department added new requirements for suicide prevention and education for acupuncture and Eastern medicine practitioners.

Citation of Rules Affected by this Order: New WAC 246-803-420 and 246-803-430; repealing WAC 246-803-120 and 246-803-510; and amending WAC 246-803-010, 246-803-020, 246-803-030, 246-803-040, 246-803-100, 246-803-110, 246-803-130, 246-803-200, 246-803-210, 246-803-220, 246-803-230, 246-803-240, 246-803-300, 246-803-305, 246-803-308, 246-803-310, 246-803-320, 246-803-325, 246-803-400, 246-803-410, and 246-803-990.

Statutory Authority for Adoption: RCW 18.06.160; and SHB 1855 (chapter 308, Laws of 2019).

Other Authority: Chapter 18.06 RCW; SHB 1855 (chapter 308, Laws of 2019), ESHB 2411 (chapter 229, Laws of 2020), and ESHB 1551 (chapter 76, Laws of 2020).

Adopted under notice filed as WSR 21-03-036 on January 13, 2021.

A final cost-benefit analysis is available by contacting Vicki Brown, P.O. Box 47852, phone 360-236-4865, fax 360-236-2901, TTY 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 21, Repealed 2.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 21, Repealed 2.

Date Adopted: April 8, 2021.

Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary

OTS-2571.7

Chapter 246-803 WAC
(~~(EAST ASIAN)~~) ACUPUNCTURE AND EASTERN MEDICINE PRACTITIONER

(~~(EAST ASIAN)~~) ACUPUNCTURE AND EASTERN MEDICINE PRACTITIONERS

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Accredited school, college or program" means:
 - (a) Accredited or has candidacy status as a United States postsecondary school, college or program; or
 - (b) Accredited by or has candidacy status with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).
- (2) "Acupuncture needles" means solid filiform instruments intended to pierce the skin in the practice of acupuncture. Acupuncture needles used on a patient must be sterile and disposable, and may only be used once.
- (3) "Acupuncturist or acupuncture and Eastern medicine practitioner" is a person licensed under chapter 18.06 RCW.
- (4) "Acupuncturist or acupuncture and Eastern medicine program" means training in acupuncture or Eastern medicine offered by an academic institution that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. A program is an established area of study offered on a continuing basis. An acupuncture or acupuncture and Eastern medicine program may be referred to as a program in acupuncture, acupuncture and Eastern medicine, or Eastern medicine.
- (5) "Acupuncture or acupuncture and Eastern medicine school" means an accredited academic institution which has the sole purpose of offering training in acupuncture or acupuncture and Eastern medicine that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230.
- (6) "Approved school" means a school, college or program approved by the secretary of the department of health that meets the requirements of WAC 246-803-500.
- ~~((4))~~ (7) "Credit" means ten classroom contact hours on the quarter system or fifteen classroom contact hours on the semester or trimester system.
- ~~((5))~~ (8) "Department" means the department of health.
- ~~((6))~~ "~~East Asian medicine apprenticeship~~" means training in East Asian medicine administered by an apprenticeship trainer that satisfies the educational requirements set out in WAC 246-803-210,

~~246-803-220, and 246-803-230. An apprenticeship is of limited duration and ends at the time the parties to the apprenticeship agreement have completed their obligations.~~

~~(7) "East Asian medicine practitioner" is a person licensed under chapter 18.06 RCW.~~

~~(8) "East Asian medicine program" means training in East Asian medicine offered by an academic institution that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230 and also offers training in other areas of study. A program is an established area of study offered on a continuing basis. An East Asian medicine program may be referred to as a program in acupuncture, acupuncturist and Oriental medicine, or Oriental medicine.~~

~~(9) "East Asian medicine school" means an accredited academic institution which has the sole purpose of offering training in East Asian medicine that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230.~~

~~(10) "East Asian medicine tutorial instruction" means training in East Asian medicine which is offered by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student and satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. A tutorial is of limited duration and ends at the time the parties to the tutorial agreement have performed their obligations under the agreement.~~

~~(11)) (9) "Hypodermic needle" means a device intended to inject fluids into, or withdraw fluids from, parts of the body below the surface of the skin.~~

~~((12)) (10) "Primary health care provider" means an individual licensed under:~~

~~(a) Chapter 18.36A RCW, Naturopathy;~~

~~(b) Chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery;~~

~~(c) Chapter 18.57A RCW, Osteopathic physicians' assistants;~~

~~(d) Chapter 18.71 RCW, Physicians;~~

~~(e) Chapter 18.71A RCW, Physician assistants; or~~

~~(f) RCW 18.79.050, "Advanced registered nursing practice" defined—Exceptions.~~

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-010, filed 1/15/20, effective 2/15/20. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-010, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-020 Advertising. (1) A person licensed under this chapter may use the title (~~(East Asian medicine practitioner (EAMP) or~~) acupuncturist (Ac), licensed acupuncturist (L.Ac.), acupuncture and Eastern medicine practitioner (AEMP), EAMP, or any derivative thereof in all forms of advertising, professional literature and billing.

(2) An (~~East Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner may not use the title "doctor," "Dr.," or

"Ph.D." on any advertising or other printed material unless the nature of the degree is clearly stated.

(3) An (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner may not represent that he or she holds a degree from an (~~East-Asian~~) acupuncture or acupuncture and Eastern medicine school other than that degree which appears on his or her application for licensure.

(4) An (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner shall not engage in false, deceptive, or misleading advertising including, but not limited to, the following:

(a) Advertising that misrepresents the potential of (~~East-Asian medicine or~~) acupuncture or Eastern medicine; and

(b) Advertising of any service, technique, or procedure that is outside the scope of practice for an (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-020, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-030 (~~East-Asian~~) Acupuncture or Eastern medicine.

(~~East-Asian~~) Acupuncture or Eastern medicine is a health care service using (~~East-Asian~~) acupuncture or Eastern medicine diagnosis and treatment to promote health and treat organic or functional disorders. (~~East-Asian~~) Acupuncture and Eastern medicine includes the following:

(1) Acupuncture, includes the use of acupuncture needles or lancets to directly (~~or~~) and indirectly stimulate acupuncture points and meridians;

(2) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(3) Moxibustion;

(4) Acupressure;

(5) Cupping;

(6) Dermal friction technique;

(7) Infrared;

(8) Sonopuncture;

(9) Laserpuncture;

(10) Point injection therapy (~~(aquapuncture)~~):

(a) Is defined as meaning the subcutaneous, intramuscular and intradermal injection of substances consistent with the practice of (~~East-Asian~~) acupuncture or Eastern medicine to stimulate acupuncture points, ashi points, trigger points and meridians. Substances are limited to:

(i) Saline;

(ii) Sterile water;

(iii) Herbs specifically manufactured for injection by means of hypodermic needles;

(iv) Minerals specifically manufactured for injection by means of hypodermic needles;

(v) Vitamins in liquid form specifically manufactured for injection by means of hypodermic needles; and

(vi) Homeopathic and nutritional substances specifically manufactured for injection by means of hypodermic needles.

(b) For the purposes of this section, includes trigger points as a subset of acupuncture points and ashi points as recognized in the current practice of ~~((East-Asian))~~ acupuncture or Eastern medicine.

(c) Does not include injection of controlled substances contained in Schedules I through V of the Uniform Controlled Substances Act, chapter 69.50 RCW or steroids as defined in RCW 69.41.300.

(11) Dietary advice and health education based on ~~((East-Asian))~~ acupuncture or Eastern medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements.

~~((Health education.))~~ (a) Health education is educational information directed to the patient that attempts to improve, maintain, promote and safeguard the health care of the patient. Health education consists of educating the patient on how the mind, body and spirit connect in context of imbalances, emotional patterns and tendencies as defined by and treated in ~~((East-Asian))~~ acupuncture or Eastern medicine.

(b) Health education does not include mental health counseling;

(12) Breathing, relaxation, and ~~((East-Asian))~~ Eastern exercise techniques;

(13) Qi gong;

(14) ~~((East-Asian))~~ Eastern massage. ~~((East-Asian))~~ Eastern massage means manual techniques having originated in East Asia involving the manipulation of the soft tissues of the body for therapeutic purposes.

(a) ~~((East-Asian))~~ Eastern massage consists of:

(i) Applying fixed or movable pressure;

(ii) Passive, resistive, and assisted stretching of fascial and connective tissue;

(iii) Holding or causing movement of the body; or

(iv) Tapping, compressions or friction.

(b) ~~((East-Asian))~~ Eastern massage may be performed with the use of tools common to the practice and aids of superficial heat, cold, water, lubricants, salts, minerals, liniments, poultices, and herbs.

(c) ~~((East-Asian))~~ Eastern massage does not include attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(15) Tui na. Tui na is a method of ~~((East-Asian))~~ Eastern bodywork, characterized by the kneading, pressing, rolling, shaking, and stretching of the body and does not include spinal manipulation; and

(16) Superficial heat and cold therapies.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-030, filed 1/15/20, effective 2/15/20. Statutory Authority: RCW 18.06.230, 18.06.160, and 18.06.010. WSR 17-15-006, § 246-803-030, filed 7/5/17, effective 7/5/17. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-030, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 17-15-006, filed 7/5/17, effective 7/5/17)

WAC 246-803-040 Education and training for point injection therapy. ~~((East-Asian))~~ Acupuncturist or acupuncture and Eastern medicine

practitioners employing point injection therapy shall use only those substances and techniques for which they have received training.

(1) The education and training for point injection therapy must:

(a) Consist of a minimum total of twenty-four contact hours of training in the topics required in this section;

(b) Include at least eight hours of clinical practical experience; and

(c) Be administered by an instructor that meets the requirements of subsection (4) of this section.

(2) A curriculum for a point injection therapy training program must include:

(a) Review of physical examination, contraindications and universal precautions, and differential diagnosis;

(b) Compounding and administration of the substances authorized for point injection therapy under WAC 246-803-030, including aseptic technique, recordkeeping and storage of substances authorized for use in point injection therapy;

(c) Emergency procedures;

(d) Point injection therapy techniques and contraindication within the ((~~East-Asian~~)) acupuncture or Eastern medicine scope of practice relative to the authorized substances listed in WAC 246-803-030 (10)(a)(i) through (vi).

(3) Except for the training in the use of intramuscular epinephrine, the training must be delivered in person and not through webinar or other online or distance learning method.

(4) An instructor for point injection therapy must have:

(a) A health care credential in good standing with a scope of practice that includes point injection therapy; and

(b) At least five years of experience in a health care practice that includes point injection therapy.

(5) In addition to point injection therapy meeting the requirements of subsections (1) and (2) of this section, ((~~East-Asian~~)) acupuncturists or acupuncture and Eastern medicine practitioners using point injection therapy must complete training in the use of intramuscular epinephrine.

(a) Training in the use of intramuscular epinephrine must be according to RCW 70.54.440(4).

(b) This training may be taken separately from the training in point injection therapy.

(c) Up to two hours of training in the use of intramuscular epinephrine count in meeting the requirement for twenty-four hours of training.

(d) An ((~~East-Asian~~)) acupuncturist or acupuncture and Eastern medicine practitioner who holds an active credential with a scope of practice that includes the authority to prescribe, dispense or administer epinephrine does not need to meet the requirements of (a) of this subsection.

(6) To qualify under this section, the training program shall provide each successful student with a:

(a) Certificate of successful completion of the program; and

(b) Course syllabus outlining the schedule and curriculum of the program.

(7) The requirements of subsections (1) through (6) of this section do not apply to an ((~~East-Asian~~)) acupuncturist or acupuncture and Eastern medicine practitioner who has provided point injection therapy prior to July 1, 2017. ((~~East-Asian~~)) Acupuncturists or acupuncture and Eastern medicine practitioners using point injection

therapy prior to July 1, 2017, must have completed training and education in point injection therapy.

(8) Any ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner performing point injection therapy must be able to demonstrate, upon request of the department of health, successful completion of education and training in point injection therapy.

[Statutory Authority: RCW 18.06.230, 18.06.160, and 18.06.010. WSR 17-15-006, § 246-803-040, filed 7/5/17, effective 7/5/17.]

AMENDATORY SECTION (Amending WSR 16-01-158, filed 12/21/15, effective 1/21/16)

WAC 246-803-100 Application requirements for applicants from approved schools, colleges or programs. An applicant for an ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner license who has graduated from an approved school, college or program must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at a school, college or program approved by the secretary. The school, college or program verification must include one of the following:
 - (a) Original copy of school transcript evidencing completion of a program in ~~((East-Asian))~~ acupuncture or Eastern medicine that includes the required basic sciences sent directly from the school, college or program ~~((+or+))~~. If all the required basic sciences were not included as a part of the curriculum, then the applicant must also provide official transcripts from where the basic sciences were obtained;
 - (b) A notarized affidavit or statement signed by an officer of the school, college, or program certifying the applicant's satisfactory completion of the training and designating the subjects and hours; or
 - (c) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.
- (4) Verification of clinical training as required in WAC 246-803-230.
- (5) Verification of successful completion of the examinations as required in WAC 246-803-240.
- (6) Verification of all ~~((East-Asian))~~ acupuncture, acupuncture and Eastern medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner has been the subject of final or pending disciplinary action.
- (7) ~~((Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~
- ~~((8))~~ Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.
- ~~((9))~~ (8) Any additional documents requested by the secretary.

[Statutory Authority: RCW 18.06.160 and 2015 c 60. WSR 16-01-158, § 246-803-100, filed 12/21/15, effective 1/21/16. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-100, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 16-01-158, filed 12/21/15, effective 1/21/16)

WAC 246-803-110 Application requirements for applicants from accredited schools, colleges or programs. An applicant for an ((East Asian)) acupuncturist or acupuncture and Eastern medicine practitioner license who has graduated from an accredited school, college or program must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at a school, college or program accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). The school, college or program verification must include one of the following:
 - (a) Original copy of school transcript evidencing completion of a program in ((East Asian)) acupuncture or Eastern medicine that includes the required basic sciences sent directly from the school, college or program. If all of the required basic sciences were not included as a part of the curriculum, then the applicant must also provide official transcripts from where the basic sciences were obtained; or
 - (b) A notarized affidavit or statement signed by an officer of the school, college or program certifying the applicant's satisfactory completion of the training and designating the subjects and hours; or
 - (c) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.
- (4) Verification of clinical training as required in WAC 246-803-230.
- (5) Verification of successful completion of the examinations as required in WAC 246-803-240.
- (6) Verification of all ((East Asian)) acupuncture, acupuncture or Eastern medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the ((East Asian)) acupuncturist or acupuncture and Eastern medicine practitioner has been the subject of final or pending disciplinary action.
- (7) ~~((Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.~~
- ~~(8))~~ Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.
- ~~((9))~~ (8) Any additional documents requested by the secretary.

[Statutory Authority: RCW 18.06.160 and 2015 c 60. WSR 16-01-158, § 246-803-110, filed 12/21/15, effective 1/21/16. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-110, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-130 Application requirements for applicants from foreign schools. (1) An applicant for an (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner license who has graduated from a foreign (~~East-Asian~~) acupuncture or Eastern medicine practitioner program not accredited, or approved by the secretary must:

(a) Have at least a bachelor's or master's degree in (~~East Asian~~) Eastern medicine or acupuncture from an institution of higher learning which is approved by the foreign country's ministry of education/health, or other governmental entity;

(b) Have graduated from a program of (~~East-Asian~~) Eastern medicine or acupuncture education with requirements substantially equal to those required of graduates of secretary-approved programs; and

(c) Demonstrate fluency in reading, speaking, and understanding the English language by taking the examinations required in WAC 246-803-240 (2)(a) through (c) in English or by passage of the test of English as a foreign language in WAC 246-803-240(3).

(2) An applicant for an (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner license must submit to the department:

(a) A completed application.

(b) The application fee required under WAC 246-803-990.

(c) Original copy of school transcripts from the (~~East-Asian~~) Eastern medicine or acupuncture program showing degree and degree date.

(d) A credentialing evaluation report from the International Consultants of Delaware (ICD).

(e) Verification of clinical training as required in WAC 246-803-230.

(f) Verification of successful completion of the examinations as required in WAC 246-803-240.

(g) Verification of all (~~East-Asian~~) acupuncturist, acupuncture and Eastern medicine practitioner or health care licenses held, submitted directly from the licensing agency. The verification shall include the license number, issue date, expiration date and whether the (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner has been the subject of final or pending disciplinary action.

(h) (~~Verification of completion of seven clock hours of AIDS education as required in chapter 246-812 WAC, Part 8.~~

~~(i))~~ Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

~~((j))~~ (i) Any additional documents requested by the secretary.

(3) The department recognizes the ICD for credential evaluations. The applicant shall request that the ICD send their evaluation directly to the department. To obtain a credentialing evaluation report, the applicant shall submit to the ICD:

(a) Transcripts;

(b) Appropriate fees; and

(c) Other requested documentation.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-130, filed 1/15/20, effective 2/15/20. Statutory Authority: RCW 18.06.160

and 2015 c 60. WSR 16-01-158, § 246-803-130, filed 12/21/15, effective 1/21/16. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-130, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-200 Training for ((East-Asian)) acupuncture and Eastern medicine practitioners. To become an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner, an applicant must have training in:

- (1) Basic sciences as described in WAC 246-803-210;
- (2) ((East-Asian)) Acupuncture and Eastern medicine sciences as described in WAC 246-803-220; and
- (3) Clinical training as described in WAC 246-803-230.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-200, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-210 Basic sciences. To become an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner, an applicant must have training in basic sciences that must consist of a minimum of forty-five quarter credits or thirty semester or trimester credits. These credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Microbiology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences; and
- (7) Hygiene.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-210, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-220 ((East-Asian)) Acupuncture and Eastern medicine sciences. To become an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner, an applicant must have training in ((East-Asian)) acupuncture or Eastern medicine sciences consisting of a minimum of seventy-five quarter credits or fifty semester or trimester credits. These credits must include, but not be limited to, the following subjects of ((acupuncture/East-Asian)) acupuncture/Eastern medicine:

- (1) Fundamental principles;
- (2) Diagnosis;

- (3) Pathology;
- (4) Therapeutics;
- (5) Meridians/vessels and points; and
- (6) Techniques, including electro-acupuncture.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-220, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-230 Clinical training. To become an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner, an applicant must complete a minimum of five hundred hours of supervised clinical training in acupuncture or Eastern medicine including no more than one hundred hours of observation which includes case presentation and discussion. At least four hundred hours must be patient treatment.

(1) Qualified instructors must observe and provide guidance to the student as appropriate. Instructors must be qualified to provide instruction in their areas of specialization in ((East-Asian)) acupuncture or Eastern medicine as demonstrated by possession of the following:

(a) Broad and comprehensive training in ((East-Asian)) acupuncture or Eastern medicine; and

(b) Two years of relevant current work experience or teaching experience in ((East-Asian)) acupuncture or Eastern medicine.

(2) Qualified instructors must be available within the clinical facility to provide consultation and assistance to the student for patient treatments. Prior to initiation of each treatment, instructors must have knowledge of and approve the diagnosis and treatment plan.

(3) "Patient treatment" includes:

(a) Conducting a patient intake interview concerning the patient's past and present medical history;

(b) Performing ((East-Asian)) acupuncture or Eastern medicine examination and diagnosis;

(c) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(d) Applying ((East-Asian)) acupuncture or Eastern medicine treatment principles and techniques; and

(e) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-230, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-240 Examinations. (1) The examinations administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) are the official examinations for licensure as an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner.

(2) An applicant for licensure as an (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner must pass the following examinations:

- (a) Foundations of Oriental medicine examination;
- (b) Acupuncture with point location examination;
- (c) Biomedicine examination; and
- (d) Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) clean needle technique course.

(3) If the applicant takes the examinations listed in subsection (2) of this section in a language other than English, they must also take and pass the test of English as a foreign language (TOEFL) internet-based (IBT) examination. This is done by obtaining scores on the TOEFL IBT of at least:

- (a) 24 on the writing section;
- (b) 26 on the speaking section;
- (c) 21 on the reading section; and
- (d) 18 on the listening comprehension section.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-240, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-300 Patient notification of qualifications and scope of practice. (~~East-Asian~~) Acupuncturists or acupuncture and Eastern medicine practitioners in the state of Washington shall provide to each patient prior to or at the time of the initial patient visit the qualifications and scope of practice form. The form must include:

(1) The (~~East-Asian~~) acupuncturist's or acupuncture and Eastern medicine practitioner's education. The degree obtained (~~or if the education was by apprenticeship,~~) and the dates and locations of the didactic and clinical training.

(2) License information, including state license number and date of licensure.

(3) A statement that the practice of (~~East-Asian~~) acupuncture or acupuncture and Eastern medicine in the state of Washington includes the following:

(a) Acupuncture, including the use of acupuncture needles or lancets to directly and indirectly stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique;

(g) Infrared;

(h) Sonopuncture;

(i) Laserpuncture;

(j) Point injection therapy (~~(acupuncture)~~) is defined as meaning the subcutaneous, intramuscular and intradermal injection of substances consistent with the practice of (~~East-Asian~~) acupuncture or Eastern medicine to stimulate acupuncture points, ashi points, trigger points and meridians.

(i) For the purposes of this section, point injection therapy includes trigger points as a subset of acupuncture points and ahshi points as recognized in the current practice of ~~((East-Asian))~~ acupuncture and Eastern medicine.

(ii) Does not include injection of controlled substances contained in Scheduled I through V of the Uniform Controlled Substance Act, chapter 69.50 RCW or steroids as defined in RCW 69.41.300.

(iii) Substances are limited to:

(A) Saline;

(B) Sterile water;

(C) Herbs specifically manufactured for injection by means of hypodermic needles;

(D) Minerals specifically manufactured for injection by means of hypodermic needles;

(E) Vitamins in liquid form specifically manufactured for injection by means of hypodermic needles; and

(F) Homeopathic and nutritional substances specifically manufactured for injection by means of hypodermic needles.

(k) Dietary advice and health education based on ~~((East-Asian))~~ acupuncture or Eastern medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;

(l) Breathing, relaxation, and ~~((East-Asian))~~ Eastern exercise techniques;

(m) Qi gong;

(n) ~~((East-Asian))~~ Eastern massage and Tui na (which is a method of ~~((East-Asian))~~ Eastern bodywork); and

(o) Superficial heat and cold therapies.

(4) A statement that side effects of the treatments listed above may include, but are not limited to, the following:

(a) Pain following treatment;

(b) Minor bruising;

(c) Infection;

(d) Needle sickness; and

(e) Broken needle.

(5) A statement that patients must inform the ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner if they have a severe bleeding disorder or pacemaker prior to any treatment.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-300, filed 1/15/20, effective 2/15/20. Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-300, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-305 Patient record content. (1) A licensed ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner shall:

(a) Make a complete, legible, and accurate record of each patient to whom an ~~((East-Asian))~~ acupuncture or Eastern medicine treatment is given. The ~~((East-Asian))~~ acupuncturist or acupuncture and Eastern medicine practitioner shall ensure that a patient record is in English and includes:

- (i) Name of the patient;
- (ii) Patient history;
- (iii) Dates of treatment;
- (iv) Treatment given; and
- (v) Progress made during treatment.

(b) Maintain a patient record for six years after the last treatment of the patient.

(c) Maintain a patient record for at least six years after the patient reaches eighteen years of age.

(2) A licensed (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner shall comply with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act, 45 C.F.R. destruction and privacy regulations.

(3) For the purposes of this section "patient records" means all records maintained by a practitioner that includes all information related to the patient.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-305, filed 1/15/20, effective 2/15/20.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-308 Patient abandonment. (1) An (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner may accept or reject a patient, but shall respond to any reasonable request for services in the interest of public health and welfare.

(2) The attending (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner, without reasonable cause, shall not neglect, ignore, abandon, or refuse to treat a patient. If the (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner chooses to withdraw responsibility for a patient of record, the (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner shall:

(a) Advise the patient in writing that treatment is being terminated and that another (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner should be sought for future care; and

(b) Advise the patient that the (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner shall remain reasonably available for up to fifteen calendar days from the date of such notice to address clinical concerns related to the care provided.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-308, filed 1/15/20, effective 2/15/20.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-310 Referral to primary health care provider. (1) When an (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine practitioner sees a patient with a potentially serious disorder, the (~~(East-Asian)~~) acupuncturist or acupuncture and Eastern medicine

practitioner shall immediately request a consultation or written diagnosis from a primary health care provider.

(2) Potentially serious disorders include, but are not limited to:

- (a) Cardiac conditions including uncontrolled hypertension;
- (b) Acute abdominal symptoms;
- (c) Acute undiagnosed neurological changes;
- (d) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;
- (e) Suspected fracture or dislocation;
- (f) Suspected systemic infection;
- (g) Any serious undiagnosed hemorrhagic disorder; and
- (h) Acute respiratory distress without previous history or diagnosis.

(3) In the event a patient with a potentially serious disorder refuses to authorize such consultation or provide a recent diagnosis from a primary health care provider, (~~East Asian medical treatments, including~~) acupuncture or Eastern medicine treatments, may only continue after the patient signs a written waiver acknowledging the risks associated with the failure to pursue treatment from a primary health care provider.

(4) The written waiver must include:

(a) A statement acknowledging that failure by the patient to pursue treatment from a primary health care provider may involve risks that such a condition can worsen without further warning and even become life threatening;

(b) An explanation of an (~~East Asian~~) acupuncturist's or acupuncture and Eastern medicine practitioner's scope of practice, to include the services and techniques (~~East Asian~~) acupuncturists or acupuncture and Eastern medicine practitioners are authorized to provide; and

(c) A statement that the services and techniques that an (~~East Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner is authorized to provide will not resolve the patient's underlying potentially serious disorder.

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-310, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-320 Instrument sterilization procedure. (1) An (~~East Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner shall use sterile instruments and follow proper instrument sterilization procedures and the keeping of accurate records of sterilization cycles and equipment service maintenance as described in the manufacturer's instruction manual and the 7th edition of "*Best Practices for Acupuncture Needle Safety and Related Procedures*" published by the Council of Colleges of Acupuncture and Oriental Medicine revised May 2017. This shall not apply to needles, which may not be reused or sterilized for a subsequent use on more than one patient under any circumstances.

(2) "Sterilization" means to kill all microbial life, including bacterial spores, for instruments which enter tissues. Sterilization

is accomplished by subjecting clean items to steam pressure (autoclaving), ultraviolet-C, or to dry heat.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-320, filed 1/15/20, effective 2/15/20.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-325 Preparing and maintaining a clean field. (1) A clean field is the area that has been prepared to contain the equipment necessary for acupuncture in such a way as to reduce the possible contamination of sterile needles and other clean or sterile equipment.

(2) An (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner must prepare and maintain a clean field for each patient.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-325, filed 1/15/20, effective 2/15/20.]

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-400 Inactive status. (1) An (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner may obtain an inactive license by meeting the requirements of WAC 246-12-090.

(2) An inactive license must be renewed every year on the (~~East-Asian~~) acupuncturist's or acupuncture and Eastern medicine practitioner's birthday according to WAC 246-12-100 and 246-803-990.

(3) If a license is inactive for three years or less, to return to active status an (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner must meet the requirements of WAC 246-12-110 and 246-803-990.

(4) If a license is inactive for more than three years and the (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner has been actively practicing in another state of the United States or its major territories, to return to active status the (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner must:

(a) Provide certification of an active (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner license, submitted directly from another licensing entity. The certification shall include the license number, issue date, expiration date and whether the (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner has been the subject of final or pending disciplinary action;

(b) Provide verification of current active practice in another state of the United States or its major territories for the last three years; and

(c) Meet the requirements of WAC 246-12-110 and 246-803-990.

(5) If a license is inactive for more than three years, and the (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner has not been actively practicing in another state of the Uni-

ted States or its major territories, to return to active status the ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner must provide:

- (a) A written request to change licensure status;
- (b) ((The applicable fees according to WAC)) Meet the requirements of WAC 246-12-110 and 246-803-990;
- (c) Proof of successful completion of the examinations as required in WAC 246-803-240 (2) (a), (b), and (c) within the past year; and
- (d) Written certification of all ((East-Asian)) acupuncturist, acupuncture and Eastern medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner has been the subject of final or pending disciplinary action(, ~~;~~ and
- (e) ~~Proof of AIDS education according to WAC 246-803-100, 246-803-110 or 246-803-120).~~

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-400, filed 8/22/11, effective 9/22/11.]

AMENDATORY SECTION (Amending WSR 20-03-112, filed 1/15/20, effective 2/15/20)

WAC 246-803-410 Expired license. An ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner with an expired license may return his or her license to an active license. During the time the license is expired, an ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner cannot practice in Washington state.

(1) If an ((East-Asian)) acupuncturist's or acupuncture and Eastern medicine practitioner's license has expired for one year or less, the ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner may return to active status by meeting the requirements of WAC 246-12-040 (3) (a) (i) through (v) and 246-803-990.

(2) If an ((East-Asian)) acupuncturist's or acupuncture and Eastern medicine practitioner's license has expired for more than one year but less than three, the ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner may return to active status by meeting the requirements of WAC 246-12-040 (3) (b) (i) through (ix) and 246-803-990.

(3) If an ((East-Asian)) acupuncturist's or acupuncture and Eastern medicine practitioner's license has expired for three years or more at the time of application and they have been engaged in practice in another state or United States jurisdiction, the ((East-Asian)) acupuncturist or acupuncture and Eastern medicine practitioner may return to active status by submitting proof to the department of:

(a) Verification of active practice from any other state or United States jurisdiction. For this purpose "active practice" means a minimum of five hundred sixty hours of practice in the preceding twenty-four months; and

(b) Having met the requirements of WAC 246-12-040 (3) (c) (i) through (xi) and 246-803-990.

(4) If an (~~East Asian~~) acupuncturist's or acupuncture and Eastern medicine practitioner's license has expired for three years or more at the time of application and they have not been engaged in practice in another state or United States jurisdiction, the (~~East Asian~~) acupuncturist or acupuncture and Eastern medicine practitioner may return to active status by submitting proof to the department of:

(a) Having met the requirements of subsection (2) of this section; and

(b) In addition to these requirements, the practitioner has the choice of:

(i) Completion of extended course work preapproved by the department; or

(ii) Successfully retaking and passing the examinations as required in WAC 246-803-240.

[Statutory Authority: RCW 18.06.160. WSR 20-03-112, § 246-803-410, filed 1/15/20, effective 2/15/20.]

NEW SECTION

WAC 246-803-420 Continuing education requirements. The goal of continuing education is to encourage the lifetime development of the licensed acupuncturist or acupuncture and Eastern medicine practitioner, and enhance the professional skills and judgment needed to protect the health and safety of all patients.

(1) A licensed acupuncturist or acupuncture and Eastern medicine practitioner shall complete a minimum of twenty hours of continuing education every two years.

(a) The two-year continuing education reporting period for an acupuncturist or acupuncture and Eastern medicine practitioner licensed in Washington before April 30, 2021, begins May 1, 2021, and verification of completion of continuing education hours will be due on the acupuncturist's or acupuncture and Eastern medicine practitioner's annual license renewal date in 2023, and every two years thereafter. The two-year continuing education reporting period for an acupuncturist or acupuncture and Eastern medicine practitioner initially licensed in Washington on or after May 1, 2021, begins upon date of licensure.

(b) A licensed acupuncturist or acupuncture and Eastern medicine practitioner shall attest to the completion of twenty hours of continuing education every two years as a part of their license renewal requirement.

(c) The department of health (department) may randomly audit up to twenty-five percent of licensed acupuncturists or acupuncture and Eastern medicine practitioners every two years for compliance after the license is renewed as allowed by chapter 246-12 WAC, Part 7.

(d) A licensed acupuncturist or acupuncture and Eastern medicine practitioner shall comply with the requirements of chapter 246-12 WAC, Part 7.

(e) The department will not authorize or approve specific continuing education courses.

(2) A licensed acupuncturist or acupuncture and Eastern medicine practitioner may alternatively meet the requirement of twenty hours of continuing education every two years if they hold a current diplomate status from the National Certification Commission for Acupuncture and

Oriental Medicine (NCCAOM). The required documentation is proof of diplomate status during the two-year period.

(3) A licensed acupuncturist or acupuncture and Eastern medicine practitioner shall maintain a current cardiopulmonary resuscitation (CPR) and basic first aid certification. A licensed acupuncturist or acupuncture and Eastern medicine practitioner may count the actual hours earned per renewal cycle for this requirement.

(4) Continuing education must contribute to the professional knowledge and development of the licensed acupuncturist or acupuncture and Eastern medicine practitioner or enhance services provided to patients or public health and safety. Continuing education must be completed in one or more of the following categories:

(a) Educational courses as listed in RCW 18.06.050 relating to the practice of health care, western clinical sciences, acupuncture, or acupuncture and Eastern medicine;

(b) Emergency management or disaster preparedness;

(c) Infection control and federal/state safety standards;

(d) Ethics;

(e) Patient care related education including patient communication, risk management, methods of health delivery, cultural diversity, and suicide prevention education;

(f) Washington state acupuncture and Eastern medicine law;

(g) Patient communication;

(h) Practice management and billing practices. A licensed acupuncturist or acupuncture and Eastern medicine practitioner may not count more than ten hours every two years in this category.

(5) Continuing education in subject categories identified in subsection (4) of this section may be completed using any of the following activities or methods:

(a) Attendance at local, state, national, or international education courses, live interactive webinars, postdoctoral education, and study clubs. A study club is defined as two or more practitioners meeting to discuss topics relative to their health care practice;

(b) Self-study by various means, relevant to acupuncture or acupuncture and Eastern medicine, without an instructor physically present.

(i) Self-study can be continuing education provided online or through the mail provided by a continuing education provider.

(A) A licensee must have documentation of course completion; or

(B) Provide a two-page synopsis of what was learned written by the licensed acupuncturist or acupuncture and Eastern medicine practitioner is required. Two hours of continuing education for each synopsis will be granted. A licensed acupuncturist or acupuncture and Eastern medicine practitioner may earn up to a maximum of six hours every two years for this activity.

(ii) Self-study can be reading a book that contributes to the professional knowledge and development of the licensed acupuncturist or acupuncture and Eastern medicine practitioner, or enhance services provided to patients. A two-page synopsis of what was learned written by the licensed acupuncturist or acupuncture and Eastern medicine practitioner is required. Two hours of continuing education for each book and synopsis will be granted. A licensed acupuncturist or acupuncture and Eastern medicine practitioner may earn up to a maximum of six hours every two years for this activity.

(c) Teaching, presenting, or lecturing in a course, only if the presentation or lecture is created or authored by the acupuncturist or acupuncture and Eastern medicine practitioner claiming the continuing

education hours, may earn up to a maximum of ten hours every two years;

(d) Panelist at a conference or seminar for health care providers. Up to a maximum of two hours may be applied per topic in the two-year period;

(e) Primary author of published multimedia material including, but not limited to: CD, audio, or video. Up to a maximum of five hours may be applied per publication in the two-year period;

(f) Participating member of a clinical research study team. Up to a maximum of ten hours may be applied in the two-year period;

(g) Direct clinical supervision of acupuncturist or acupuncture and Eastern medicine students in a school verified externship, internship, or preceptorship, may earn up to a maximum of ten hours every two years;

(h) Acupuncturist or acupuncture and Eastern medicine licensure examinations or serving on an acupuncturist or acupuncture and Eastern medicine professional board, committee or association may earn up to a maximum of ten hours every two years;

(i) Publishing a paper in a peer review journal up to a maximum of five hours the year the paper is published; and

(j) Provision of clinical acupuncturist or acupuncture and Eastern medicine patient care services in a documented volunteer capacity, may earn up to a maximum of ten hours every two years.

(6) The department may not accept any claim of credit for a continuing education course that does not meet the requirements of subsection (4) or (5) of this section.

(7) Proof of continuing education is a certificate of completion, letter, or other documentation verifying or confirming attendance or completion of continuing education hours. Documentation must be from the organization that provided the activity, except in subsection (5)(b)(i) and (ii), and (c) of this section, and must contain at least the following:

(a) Date of attendance or completion;

(b) Name of licensed acupuncturist or acupuncture and Eastern medicine practitioner;

(c) Hours earned; and

(d) Course title or subject.

(8) Upon showing good cause by the licensed acupuncturist or acupuncture and Eastern medicine practitioner in writing, the department may waive the acupuncturist or acupuncture and Eastern medicine practitioner from any, all, or part of the continuing education requirements in this chapter or may grant additional time for the acupuncturist or acupuncture and Eastern medicine practitioner to complete the requirements. Good cause includes, but is not limited to:

(a) Illness;

(b) Medical necessity or family emergency;

(c) Hardship to practice; or

(d) Other extenuating circumstances.

[]

NEW SECTION

WAC 246-803-430 Suicide prevention education. Effective June 11, 2020, a licensed acupuncturist or acupuncture and Eastern medicine

practitioner must complete a department-approved one-time training that is at least six hours in length for suicide assessment that includes assessment, treatment, and management.

(1) This training must be completed by the end of the first full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later.

(2) Training approved by the department for this requirement must be on the department's model list as authorized in chapter 246-12 WAC, Part 14.

(3) Training completed between June 11, 2020, and August 1, 2021, that meets the requirements of this section, is accepted as meeting the one-time training requirement of this section.

(4) The hours spent completing the training in suicide assessment under this section count toward meeting applicable continuing education requirements for acupuncturist or acupuncture and Eastern medicine practitioner license renewal.

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(~~EAST-ASIAN~~) ACUPUNCTURE AND EASTERN MEDICINE PROGRAM APPROVAL

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

WAC 246-803-990 (~~East-Asian~~) Acupuncturist or acupuncture and Eastern medicine practitioner fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	\$100.00
License renewal	196.00
Inactive license renewal	50.00
Late renewal penalty	105.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
(East-Asian) <u>Acupuncture or Eastern medicine training program application</u>	500.00
UW library access fee	9.00

[Statutory Authority: Chapter 18.06 RCW and 2010 c 286. WSR 11-17-105, § 246-803-990, filed 8/22/11, effective 9/22/11.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|---|
| WAC 246-803-120 | Application requirements for applicants from approved apprenticeships or tutorials. |
| WAC 246-803-510 | Application for approval of alternative training. |

WSR 21-09-011

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed April 8, 2021, 11:55 a.m., effective May 9, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-817-120 Examination content, the dental quality assurance commission (commission) adopted permanent rule amendments to add the Joint Commission's Dental Licensure Objective Structured Clinical Examination (DLOSCE) to the list of allowable practical/clinical examinations and to allow an applicant the option to pass components of the practical examination using a maximum of two testing agencies administering all the practical examination sections in coordination with each other.

The commission adopted an emergency rule to add the Joint Commission on National Dental Examination's DLOSCE to the list of allowable practical/clinical examinations; and to allow an applicant to pass components of the practical examination using one or more testing agencies, rather than only one agency. When this permanent rule becomes effective, it will supersede the existing emergency rule.

In response to the coronavirus disease (COVID-19), all regional, patient-based clinical dentist examinations were cancelled for 2020 in the United States. Examination restrictions have continued into 2021. Prior to COVID-19, the commission was evaluating the new DLOSCE as it was being developed. The pandemic caused the Joint Commission to publish the DLOSCE one year earlier than anticipated.

The commission received a request from the University of Washington School of Dentistry and other dental organizations to approve a new simulated-based clinical exam. The DLOSCE is a practical/clinical examination that is computer-based and does not use patients. Adding DLOSCE to the list of allowable practical/clinical examinations will allow graduates an additional examination option to obtain Washington state dentist licensure.

Regional examination testing agencies have developed simulated-based clinical dentist examinations to replace patient-based examinations. However, one or more of the testing agencies are unable to offer all required sections through simulated-based examination. Removing the requirement for all examination content sections to be passed with a single testing agency will provide additional options for new graduates to obtain clinical examinations for Washington state dentist licensure.

Citation of Rules Affected by this Order: Amending WAC 246-817-120.

Statutory Authority for Adoption: RCW 18.32.002 and 18.32.0365.

Other Authority: RCW 18.32.040.

Adopted under notice filed as WSR 21-04-024 on January 25, 2021.

Changes Other than Editing from Proposed to Adopted Version: The adopted rule does not differ from text of the proposed rule as published. The text does differ from the emergency rule filed. The commission determined during collaborative rule making that allowing two or more testing agencies was too broad and limited the number of testing agencies an applicant can use to two that have coordinated with each other. When this permanent rule becomes effective, it will supersede the existing emergency rule.

A final cost-benefit analysis is available by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax

360-236-2901, TTY 711, email jennifer.santiago@doh.wa.gov, website www.doh.wa.gov/dental, dental@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 12, 2021.

Aaron Stevens, D.M.D., Chairperson
Dental Quality Assurance Commission

OTS-2209.3

AMENDATORY SECTION (Amending WSR 19-15-094, filed 7/22/19, effective 8/22/19)

WAC 246-817-120 Examination content. (1) An applicant seeking dentist licensure in Washington by examination, must successfully pass a written and practical examination approved by the Dental Quality Assurance Commission (commission).

The examination will consist of:

(a) A written examination. The Integrated National Board Dental Examination, Parts I and II of the National Board Dental Examination, or the Canadian National Dental Examining Board examination will be accepted, except as provided in subsection (4) of this section.

(b) A practical examination containing at least the following sections:

- (i) Restorative;
- (ii) Endodontic;
- (iii) Periodontal;
- (iv) Prosthodontic; and
- (v) Comprehensive treatment planning or diagnostic skills.

(2) (a) The commission accepts the following practical examinations provided the testing agency offers at least the sections listed in subsection (1)(b) of this section:

(i) The Western Regional Examining Board's (WREB) clinical examination;

(ii) The Central Regional Dental Testing Services (CRDTS) clinical examination;

(iii) The Commission on Dental Competency Assessments (CDCA) formally known as Northeast Regional Board (NERB) clinical examination;

(iv) The Southern Regional Testing Agency (SRTA) clinical examination;

(v) The Council of Interstate Testing Agency's (CITA) clinical examination;

(vi) U.S. state or territory with an individual state board clinical examination;

(vii) The Joint Commission on National Dental Examinations dental licensure objective structured clinical examination (DLOSCE); or

(b) The commission will accept the complete National Dental Examining Board (NDEB) of Canada clinical examination as meeting its standards if the applicant is a graduate of an approved dental school defined in WAC 246-817-110 (2)(a).

(3) The applicant must pass all practical examination sections listed in subsection (1)(b) of this section (~~(of the practical examination)~~) with the following:

(a) The same testing agency; or

(b) A maximum of two testing agencies listed in subsection (2)(a) of this section administering all the practical examination sections in coordination with each other.

(4) The commission will only accept results of approved practical examinations taken within the preceding five years from the date of an application for licensure.

(5) The commission may, at its discretion, give or require an examination in any other subject under subsection (1)(a) and (b) of this section, whether in written or practical form or both written and practical.

[Statutory Authority: RCW 18.32.002, 18.32.0365, and 18.32.040. WSR 19-15-094, § 246-817-120, filed 7/22/19, effective 8/22/19; WSR 17-22-035, § 246-817-120, filed 10/24/17, effective 11/24/17. Statutory Authority: RCW 18.32.0365 and 18.32.040. WSR 16-14-067, § 246-817-120, filed 6/30/16, effective 7/31/16; WSR 08-23-019, § 246-817-120, filed 11/6/08, effective 12/7/08. Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-120, filed 10/10/95, effective 11/10/95.]

WSR 21-09-030
PERMANENT RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed April 12, 2021, 3:24 p.m., effective May 13, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Grant relief from the work requirement for single parents participating in the working connections child care program and enrolled in specified education programs.

Citation of Rules Affected by this Order: Amending WAC 110-15-0040 and 110-15-0045.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Adopted under notice filed as WSR 21-01-184 on December 21, 2020.

Changes Other than Editing from Proposed to Adopted Version: "Full time student," "good standing," and "vocational education" definitions inserted in WAC 110-15-0045.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 12, 2021.

Brenda Villarreal
Rules Coordinator

OTS-2795.2

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0040 Approved activities for applicants and consumers participating in WorkFirst. (1) Applicants and consumers who participate in WorkFirst activities may be eligible for WCCC benefits for the following approved activities in their individual responsibility plans (IRPs), for up to a maximum of sixteen hours per day, including:

~~((1))~~ (a) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care. These consumers may be eligible for other approved activities in their IRPs;

~~((2))~~ (b) Employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003;

- ~~((3))~~ (c) Self-employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003 and as described in the consumer's current WorkFirst IRP;
- ~~((4) Transportation)~~ (d) Travel time between the ~~((location~~ ef)) child care location and the consumer's place of employment or approved activity;
- ~~((5))~~ (e) Up to ten hours per week of study time for approved classes; ~~((and~~
- ~~(6))~~ (f) Up to eight hours of sleep time before or after a night shift; and
- (g) Any activity approved by tribal TANF.
- (2) WorkFirst consumers participating in approved activities for at least one hundred ten hours per month as described in WAC 110-15-0190 are considered to have a schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m., except when:
- (a) The consumer's IRP specifies a different schedule; or
- (b) Verified differently by the consumer.

[WSR 18-14-078, recodified as § 110-15-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0040, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0040, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0040, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0040, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0040, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0040, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0040, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0040, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities ((as described below.

- ~~(1) Applicants and consumers who are)~~ :
- (a) ~~((Employed))~~ Employment;
- (b) ~~((Self-employed))~~ Self-employment; or
- (c) ~~((Participating in))~~ The following education programs:
- (i) High school or a general educational development (GED) program for consumers under twenty-two years of age;
- (ii) A vocational education program that is combined with an average of twenty or more employment hours per week or sixteen more work-study hours per week;
- (iii) A vocational education program for consumers who are single parents enrolled full time and in good standing. For the purposes of this section, a "vocational education program" means a course of study

at an accredited institute of postsecondary education leading to a specific occupational degree or certificate not resulting in a bachelor's or advanced degree; "enrolled full time" means a consumer is attending a college or vocational school and meets its definition of full-time student; and "good standing" means the consumer is enrolled in a college or vocational school and is compliant with its rules, policies, enrollment, and academic requirements;

(iv) Supplemental nutrition assistance program employment & training ((services)) (SNAP E&T) ((may be eligible for WCCC benefits for up to a maximum of sixteen hours per day, including travel, study, and sleep time before or after a night shift.

(2) **Special requirements for education.**

(a) An applicant or consumer who is under twenty-two years of age:

(i) May be eligible for WCCC benefits for high school (HS) or general educational development (GED) program without a minimum number of employment hours.

(ii) May be eligible for WCCC benefits for up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:

(A) Public and private technical college or school;

(B) Community college; or

(C) Tribal college.

(b) An applicant or consumer who is twenty-two years of age or older:

(i) May be eligible for WCCC benefits up to twenty-four months during the consumer's lifetime for participation in high school/general education development, adult basic education (ABE) or English as a second language (ESL). The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program.

(ii) May be eligible for WCCC benefits up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:

(A) Public and private technical college or school;

(B) Community college; or

(C) Tribal college.

(c) An applicant or consumer may be eligible for WCCC benefits up to ten hours per week for study time for approved classes); or

(v) Adult basic education (ABE) and English as a second language (ESL) for consumers who are at least twenty-two years old.

(d) Applicants and consumers who meet the requirements of (c) of this subsection are eligible to receive subsidy payment for up to ten hours per week of study time for approved classes.

(2) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for transporta-

tion time between the child care location and the consumer's place of employment or approved activity.

(3) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for up to eight hours of sleep time before or after a night shift.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0045, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0045, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0045, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0045, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0045, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0045, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0045, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0045, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.]

WSR 21-09-031

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Psychology)

[Filed April 12, 2021, 5:27 p.m., effective May 13, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-924-110 and 246-924-255, the examining board of psychology (board) is amending WAC 246-924-255 and repealing WAC 246-924-110 to align the rules with statutory changes made by ESHB 2411 (chapter 229, Laws of 2020) requiring additional suicide prevention training and ESHB 1551 (chapter 76, Laws of 2020) repealing AIDS education and training requirements.

Amendments made in response to ESHB 2411 include: (1) Clarifying a licensed psychologist must take a six-hour suicide prevention training every six years; (2) adding that the requirement for a second training will begin July 1, 2021; (3) adding that qualified trainings will be listed on the department of health's model list; (4) adding that qualifying trainings must focus on either suicide management, care, and treatment or a treatment modality shown to be effective in working with people who are suicidal; (5) clarifying that if a psychologist has already completed their second training prior to July 1, 2021, the psychologist's next training must comply with the new statutory requirements; (6) adding that the requirement to complete the new, second training will not apply if the psychologist demonstrates that a qualifying training is not reasonably available; and (7) incorporating gender-neutral language.

To align with statutory changes made by ESHB 1551, WAC 246-924-110 is repealed, eliminating requirements for AIDS training and education.

Citation of Rules Affected by this Order: Repealing WAC 246-924-110; and amending WAC 246-924-255.

Statutory Authority for Adoption: RCW 18.83.050.

Other Authority: ESHB 2411 (chapter 229, Laws of 2020), and ESHB 1551 (chapter 76, Laws of 2020).

Adopted under notice filed as WSR 21-04-081 on January 29, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Date Adopted: March 12, 2021.

Rachaud Smith, PsyD, Chair
Examining Board of Psychology

OTS-2711.2

AMENDATORY SECTION (Amending WSR 17-06-056, filed 2/28/17, effective 3/31/17)

WAC 246-924-255 Suicide intervention training standards. (1)

Each licensed psychologist must, at least once every six years, complete training in suicide assessment, treatment, and management.

(2) An approved training in suicide assessment, treatment, and management must:

(a) Cover training in suicide assessment, including screening and referral, suicide treatment, and suicide management;

(b) Be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions; and

(c) Be on the department's model list developed in accordance with RCW 43.70.442. Nothing in this section invalidates trainings completed according to this chapter before July 1, 2017.

~~((2))~~ (3) A licensed psychologist who is a state or local government employee is exempt from the requirements of subsection (2) of this section if ((he or she)) the psychologist receives a total of at least six hours of training in suicide assessment, treatment, and management from ((his or her)) their employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

~~((3))~~ (4) A licensed psychologist who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of subsection (2) of this section if ((he or she)) the psychologist receives a total of at least six hours of training in suicide assessment, treatment, and management from ((his or her)) an employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

~~((4))~~ (5) A licensed psychologist who obtained training under subsection ~~((2))~~ (3) or ~~((3))~~ (4) of this section may obtain continuing education credit for that training subject to documentation as defined in WAC 246-924-300.

(6) Beginning July 1, 2021, a licensed psychologist's second training must be a qualifying advanced training or training in treatment modalities shown to be effective in working with people who are suicidal, developed under RCW 43.70.442 and listed on the department's model list.

(7) If a licensed psychologist has already completed the psychologist's second training prior to July 1, 2021, the psychologist's next training must comply with subsection (6) of this section.

(8) The requirements listed in subsection (6) of this section do not apply if the licensee demonstrates that the training required is not reasonably available.

[Statutory Authority: RCW 18.83.090 and 43.70.442. WSR 17-06-056, § 246-924-255, filed 2/28/17, effective 3/31/17. Statutory Authority: RCW 43.70.442(7), 18.83.090, 2012 c 181, and 2013 c 78. WSR 14-01-071, § 246-924-255, filed 12/16/13, effective 1/1/14.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-924-110 AIDS education and training.

WSR 21-09-037

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 13, 2021, 3:14 p.m., effective May 14, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-809-080, 246-809-615, 246-809-630, and 246-809-632, mental health counselors, marriage and family therapists, and social workers. ESHB 2411 (chapter 229, Laws of 2020) requires a new six-hour advanced training focused on suicide prevention for several mental health professions, including mental health counselors, marriage and family therapists, and social workers. ESHB 1551 (chapter 76, Laws of 2020) repealed statutory authority requiring AIDS training requirements for practitioners. The rule amendments align the chapter of rules with statutory changes made by both bills.

To align chapter 246-809 WAC with ESHB 2411, the department of health (department) amended WAC 246-809-615, 246-809-630, and 246-809-632 to include the statutory requirements for an additional suicide prevention training. The amendments: Clarify that a licensed counselor must take a six-hour suicide prevention training every six years; add that the requirement for a second training will begin July 1, 2021; add that qualifying trainings will be included on the department's model list; add that qualifying trainings must focus on either suicide management, care, and treatment, or a treatment modality shown to be effective in working with people who are suicidal; clarify that if a licensed counselor has already completed their second training prior to July 1, 2021, the counselor's next training must comply with the new requirements; and add the additional suicide prevention training to continuing education requirements for licensed counselors and licensed associates.

In response to ESHB 1551, the department repealed WAC 246-809-080 to remove AIDS education and training requirements.

Citation of Rules Affected by this Order: Repealing WAC 246-809-080; and amending WAC 246-809-615, 246-809-630, and 246-809-632.

Statutory Authority for Adoption: RCW 18.225.040.

Other Authority: ESHB 2411 (chapter 229, Laws of 2020), and ESHB 1551 (chapter 76, Laws of 2020).

Adopted under notice filed as WSR 21-04-023 on January 25, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Date Adopted: April 12, 2021.

Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary

OTS-2725.1

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-615 Training standards for suicide assessment, treatment, and management. (1) A licensed counselor must, at least once every six years, complete training in suicide assessment, treatment, and management.

(2) A licensed counselor must complete training in suicide assessment, treatment, and management. The training must be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions.

(a) Until July 1, 2017, the training must be approved by an industry-recognized local, state, national, international organizations or institutions of higher learning listed in WAC 246-809-620 or an equivalent organization, educational institution or association which approves training based on observation and experience or best available practices;

(b) Beginning July 1, 2017, the training must be on the department's model list of training programs in suicide assessment, treatment and management. The model list is developed in accordance with rules adopted by the department that establish minimum standards for training programs. The establishment of the model list does not affect the validity of training completed prior to July 1, 2017; ~~((and))~~

(c) An associate applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in (a) or (b) of this subsection no more than six years prior to the application for initial licensure ~~((-))~~;

~~((2))~~ (d) A licensed marriage and family therapist, licensed mental health counselor, licensed social worker, or licensed social worker associate who is a state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion ~~((-))~~; and

~~((3))~~ (e) A licensed marriage and family therapist, licensed mental health counselor, licensed social worker, or licensed social worker associate who is an employee of a licensed or certified behavioral health agency licensed under chapter 71.05 or 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) Beginning July 1, 2021, a licensed counselor's second training must include advanced training or training in treatment modalities shown to be effective in working with people who are suicidal. The training required by this subsection must be on the department's model list.

(a) If a licensed counselor has already completed the counselor's second training prior to July 1, 2021, the counselor's next training must comply with this subsection.

(b) The requirements listed in this subsection do not apply if the licensee demonstrates that the training required is not reasonably available.

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-809-615, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-615, filed 6/16/17, effective 7/17/17. Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-809-615, filed 4/22/14, effective 4/22/14.]

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-630 Continuing education requirements. (1) An associate must complete eighteen hours of continuing education as required in WAC 246-809-632.

(2) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete six hours of suicide assessment, treatment, and management CE as required in WAC 246-809-632.

(3) A licensed counselor must complete thirty-six hours of continuing education (CE) every two years.

(a) At least six of the thirty-six hours must be in professional ethics and law, which may include topics under RCW 18.130.180.

(b) Beginning January 1, 2014, at least once every six years a licensed marriage and family therapist, licensed mental health counselor, and licensed social worker must complete at least six hours of training in suicide assessment, treatment, and management.

(i) The first training must be completed during the first full CE reporting period after January 1, 2014, or the first full CE period after initial licensure, whichever occurs later.

(ii) Beginning July 1, 2017, ~~((the))~~ a qualifying suicide prevention training must be selected from the department's model list, as required in WAC 246-809-615.

(iii) Beginning July 1, 2021, a subsequent qualifying training must be selected from the department's model list, as required in WAC 246-809-615.

(iv) The hours spent completing training in suicide assessment, treatment, and management count toward the total thirty-six hours of CE.

~~((iv))~~ (v) An individual applying for initial licensure as a licensed marriage and family therapist, licensed mental health counselor, or licensed social worker on or after January 1, 2014, may delay completion of the first training required for six years after initial licensure if he or she can demonstrate completion of six hours of training in suicide assessment, treatment, and management that:

(A) Was completed no more than six years prior to the application for initial licensure; and

(B) Meets the qualifications listed in WAC 246-809-615.

[Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-630, filed 6/16/17, effective 7/17/17. Statutory Authority: RCW 43.70.442(7). WSR 14-09-102, § 246-809-630, filed 4/22/14, effective 4/22/14. Statutory Authority: RCW 18.225.040. WSR 04-06-010, § 246-809-630, filed 2/20/04, effective 3/22/04. Statutory Authority: Chapter 18.19 RCW. WSR 02-11-108, § 246-809-630, filed 5/20/02, effective 6/20/02.]

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-632 Licensed associate continuing education. (1)

All licensed associates must complete a total of eighteen hours of continuing education (CE) every year in order to renew their license. The CEs must be completed in accordance with this chapter. An associate must attest to completing the CE every year during the renewal.

(2) Professional ethics and law CE for all licensed associates. All licensed associates must include six hours of CE in professional ethics and law every two years. The associates must attest to completing the CE during the second renewal, fourth renewal, and sixth renewal. These six CE hours may be completed anytime within the two-year period before each of these renewals. The six hours may contribute to the total eighteen hours of CE for the year in which the CE was completed.

(3) Suicide assessment, treatment, and management CE only for licensed social worker associate advanced and licensed social worker associate independent clinical.

(a) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete:

(i) Six hours of suicide assessment, treatment, and management CE after initial licensure and before the first renewal in accordance with WAC 246-809-615 and 246-809-630; and

(ii) Six hours of subsequent training per WAC 246-809-615 and 246-809-630 in the following six-year period.

~~((a))~~ (b) The licensed social worker associate advanced and licensed social worker associate independent clinical may delay completing the first training if he or she can demonstrate completion of the training no more than six years before gaining their initial license.

~~((b))~~ (c) The hours spent completing training in suicide assessment, treatment, and management count toward the total eighteen hours of CE.

Table 1

Continuing Education Requirements by Licensure Renewal Dates

License Type	<ul style="list-style-type: none"> • Marriage and Family Therapist Associate • Mental Health Counselor Associate 	<ul style="list-style-type: none"> • Social Worker Associate Advanced • Social Worker Associate Independent Clinical
At Initial Licensure	Not applicable for initial licensure	Not applicable for initial licensure

Between Initial Licensure and First Renewal	18 Hours Total	18 Hours Total • 6 hours in suicide assessment, treatment, and management unless obtained 6 years prior to initial licensure
Between First and Second Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Second and Third Renewal	18 Hours Total	18 Hours Total
Between Third and Fourth Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Fourth and Fifth Renewal	18 Hours Total	18 Hours Total
Between Fifth and Sixth Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date

[Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-632, filed 6/16/17, effective 7/17/17.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-809-080 AIDS prevention and information education requirements.

WSR 21-09-043
PERMANENT RULES
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed April 14, 2021, 2:47 p.m., effective May 15, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The changes clarify the language of rule WAC 200-01-075 without changing its effect. Additional changes update descriptions of the department to align with its current structure and organization.

Citation of Rules Affected by this Order: Repealing WAC 200-01-025 and 200-01-035; and amending WAC 200-01-010, 200-01-015, 200-01-020, 200-01-030, 200-01-040, 200-01-045, 200-01-050, 200-01-055, 200-01-065, 200-01-070, 200-01-075, and 200-01-090.

Statutory Authority for Adoption: RCW 42.56.120.

Other Authority: RCW 34.05.353 provides that an agency may file notice for expedited rule making when rules meet any one of the following criteria; RCW 34.05.353 (1) (a) to (f).

Adopted under notice filed as WSR 20-24-124 [20-20-124] on October 6, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2021.

Chris Liu
Director

OTS-1940.3

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-010 Purpose. ~~((The purpose of this chapter is to provide rules for the department of enterprise services to implement the provisions of chapter 42.56 RCW relating to public records and to ensure compliance with that chapter.))~~ (1) These rules establish the procedures DES will follow in order to provide full access to public records.

These rules (a) provide information to persons wishing to request DES public records and (b) establish processes for both requestors and DES staff to fully assist the public in obtaining such access.

(2) In carrying out its public records responsibilities DES will be guided by the provisions of chapter 42.56 RCW, Public Records Act.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-010, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-015 Definitions. The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial purposes" means a business activity by any form of business enterprise intended to generate revenue or financial benefit.

(2) "Customary business hours" refers to Olympia administrative office hours which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays and days DES is closed.

(3) "Days" means calendar days unless otherwise stated.

~~((2))~~ (4) "DES" or "department" means the department of enterprise services established in chapter ((43, Laws of 2011)) 43.19 RCW. Where appropriate, DES or agency also refers to the staff and employees of the department of enterprise services.

~~((3))~~ (5) "Director" means the director of the department of enterprise services.

~~((4))~~ (6) "Electronic format" or "electronic records" or "electronic records format" refer to digital records as distinct from paper; examples include email, Word or Excel documents, PDF or media files.

(7) "Page" means one impression/image on a single side of a sheet of paper. It also applies to one electronic image of ((one)) a single side of a sheet of paper. For example, DES considers a physical sheet of paper with an impression/image on both sides as two pages.

~~((5))~~ (8) "Public Records Act" means the same as chapter 42.56 RCW.

(9) "Public records officer" means the public records officer or designee for the department of enterprise services appointed by the director.

(10) "Request" or "PRR" or "PRRs" means a public records request made pursuant to chapter 42.56 RCW.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-015, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-020 ((Description of)) About the department of enterprise services. ~~((The department, created in chapter 43, Laws of 2011, provides centralized leadership in efficiently and cost-effectively managing resources necessary to support the delivery of state government services. The department is an administrative, service and regulatory state agency.~~

~~The administrative office of the department and its staff are located at 1500 Jefferson Ave., Olympia, Washington 98504.)~~ Headquartered in Olympia and located in the 1500 Jefferson Building, 1500 Jefferson, Olympia, Washington, DES employs people, maintains service locations, and staffs major field offices in Olympia, across the state, and in Idaho. Contact and location information and the agency organizational chart are available on our website at des.wa.gov.

In addition to being a regulatory agency, DES provides services for state government, local governments, the public, private businesses, and state employees. DES is organized into the following service areas:

- (1) Executive office and administrative services for the agency;
- (2) Contracting and purchasing;
- (3) Employee assistance program;
- (4) Employee training and development;
- (5) Facilities and leasing;
- (6) Printing and mail;
- (7) Risk management;
- (8) Small agency services;
- (9) Surplus; and
- (10) Travel, cars, and parking.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-020, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-030 Public records officer. (1) The public records officer is appointed by the director and is located in the ~~((contracts and legal affairs division of the department))~~ Olympia office.

(2) The public records officer is in charge of the ~~((department's))~~ DES public records program. The public records officer is responsible for ~~((the implementation of the department's rules regarding the release of public records for inspection and copying, coordinating the department staff in this regard, and))~~ :

(a) Overseeing compliance with the Public Records Act ((requirements in chapter 42.56 RCW));

(b) Implementing DES rules regarding the release of public records for inspection and copying;

(c) Coordinating DES staff in this regard.

(3) In compliance with DES policy, the public records officer may ((choose)) delegate a designee to act in ((his or her)) the officer's place to carry out the responsibilities in this chapter, including processing and responding to public records requests. The ~~((department's))~~ DES public records officer will provide the fullest assistance to requestors.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-030, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-040 Processing of public records requests—Request.

~~(1) ((Any person wishing to inspect or copy public records of DES may submit the request in writing using the department's request form, or by letter, fax, or email addressed to the public records officer. The request should include the following information:)) Publicly available web records.~~

Before submitting a PRR, persons seeking DES public records are strongly encouraged to first review the DES website at www.des.wa.gov.

Another website, data.wa.gov, offers data collected from a variety of government agencies. This website provides substantial numbers of public records concerning agency business that are free for viewing and downloading at any time and accessible without submitting a PRR to DES.

(2) Public Records Act requests. DES requires no special form. However, all Public Records Act requests to DES must be sent only to the public records officer in the Olympia office. DES will accept PRRs in any one of the following ways:

Email: publicrecords@des.wa.gov
U.S. mail or delivery:
Public Records Officer
Department of Enterprise Services
1500 Jefferson Street E.
P.O. Box 42445
Olympia, WA 98504-2445

Requestors are strongly encouraged to submit written requests. At a minimum, a written request must include the following information:

- Name of requestor;
- ~~((• Address of requestor;~~
- ~~• Other contact information, including telephone number and any email address;))~~
- Contact information;
- Identification of the public records adequate for the public records officer to locate the records; and
- The date and time of day of the request.

~~((2))~~ (3) If the requestor wishes to have copies of the records made instead of inspecting them, ((he or she)) the request should so indicate. Costs will be assessed in compliance with WAC 200-01-075.

~~((3) A request form is available for use by requestors at the office of the public records officer and online at <http://www.des.wa.gov>.~~

~~(4) The public records officer may accept public records requests by telephone or in person; however, the requesting party may be asked to reduce the request to writing. In the alternative, the public records officer may confirm receipt of the request and restate the substance of the request in writing.)~~ DES accepts in-person requests at the Olympia administrative office during customary business hours. If DES receives an oral request, the public records officer will reduce the request to writing and verify in writing with the requestor that it correctly memorialized the request.

Only the Olympia administrative office is authorized to accept public records requests.

Offices other than the Olympia administrative office, other DES email addresses, other DES fax or phone numbers, and other DES staff are not authorized to accept Public Records Act requests to DES.

All communications with DES to access public records of the department or to seek assistance in making such a request, or for the purpose of obtaining information, making requests or making inquiries concerning the agency's rules for compliance with the Public Records Act shall be addressed as follows:

Public Records Officer
Department of Enterprise Services
1500 Jefferson Street E.
P.O. Box 42445
Olympia, WA 98504-2445

Communications seeking DES records sent or provided to unauthorized locations, addresses or staff, will not be accepted or processed as PRRs. DES will process such communications as general informal inquiries, general correspondence, general requests for information, or discovery, as appropriate. The requestor may resubmit his/her request to the public records officer at the Olympia office.

This Public Records Act records request procedure provides the fullest assistance to requestors by:

(a) Establishing a uniform point of contact for all Public Records Act requests to DES and related inquiries, consistent with the public records officer contact information published in the *Washington State Register*, and pursuant to RCW 42.56.580;

(b) Enabling DES to promptly distinguish PRRs from the high volume of other daily communications to DES on multiple topics. This enables timely responses and avoids excessive interference with essential agency functions as provided in RCW 42.56.100; and

(c) Ensuring that PRRs are centrally reviewed during customary business hours by the public records officer, so DES may more efficiently assign a tracking number to the request, log it in, review it, provide an initial or other response within five business days after receipt as provided in RCW 42.56.520, and otherwise timely process the request pursuant to the Public Records Act and these rules.

(4) Processing - General. The public records officer oversees compliance with the Public Records Act. The public records officer and the office will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the office. More information about submitting public records requests to the office is in this chapter and on the DES website.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-040, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-045 Processing of public records requests—Response.

(1) DES shall respond promptly to requests for records made under the Public Records Act. Within five business days of ((receipt of the re-

~~quest,))~~ receiving a PRR, DES will log the request and assign the request a tracking number. The public records officer will evaluate the request according to the nature of the request, clarity, volume, and availability of requested records.

(2) Response. Following the initial evaluation of the request, and within five business days of receipt of the request, the public records officer will do one or more of the following:

~~(a) Make the requested records available for inspection or copying((~~ ~~(b))~~ including:

(i) If copies are available on the DES website, provide an internet address and link on the website to specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor((~~(c)~~

~~Provide a reasonable estimate of when records will be available; or~~

~~(d) If the request is unclear or does not sufficiently identify the requested records, obtain clarification from the requestor. Such clarification may be obtained and provided by telephone. The public records officer may then revise the estimate of when records will be available; or~~

~~(e) Deny the request.~~

~~(2) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to the affected persons will include a copy of the request.~~

~~(3) Some records are exempt from disclosure, in whole or in part. If DES believes that an entire record is exempt from disclosure and should be withheld, the public records officer will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, the public records officer will redact the exempt portions, provide the nonexempt portions, state the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.~~

~~(4) When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that DES has closed the request)).~~

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer may revise the estimate of when records will be available); or

(c) Acknowledge receipt of the request and ask the requestor to clarify all or any part of the request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of the time DES will require to respond to the unclear request or unclear part of a request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing, or by email or letter;

(ii) Clarification may include identifying a record with specificity sufficient for DES to locate or produce the record;

(iii) If the requestor fails to respond to a request for clarification and the entire request is unclear, DES need not respond to it. DES will respond to those portions of a request that are clear; or

(d) Deny the request.

(3) If requested records contain information that may affect rights of others and may be exempt from disclosure, then prior to providing the records, the public records officer may give notice to such others whose rights may be affected by the disclosure. When such notice is given, affected others at their option may contact the requestor and ask the requestor to revise the request. The affected others may, if necessary, seek a court order to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to all parties, to the affected others or to agencies will include a copy of the request.

(4) Additional time to respond. Additional time for the office to respond to a request may be based upon the need to clarify the request, locate and assemble the records requested, notify affected others or agencies affected by the request, or determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(5) Exemptions. Public records may be exempt from disclosure, in whole or in part. If DES believes that a record is exempt from disclosure and should be withheld (in whole or in part) the public records officer will provide an exemption log which will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and state within the exemption log the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.

(6) Communication encouraged. If the requestor has not received a response in writing or has questions or concerns regarding the records request, the requestor is encouraged to contact the public records officer.

(7) The public records officer will close a request and notify the requestor that DES has closed the request administratively under the following conditions:

(a) When the requestor withdraws the request;

(b) When the requestor fails to fulfill an obligation to inspect the records; or

(c) When the requestor fails to pay a deposit, partial payment, or final payment for the requested copies.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-045, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-050 Inspection of public records. ~~((1) Consistent with other demands, DES will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.~~

~~(2) After inspection is complete, the requestor shall identify which documents he or she wishes the agency to copy. Consistent with other demands and the volume of documents requested, DES may copy the document at that time or provide the copies to the requestor at a later date.~~

~~(3) Within thirty days of the department's notification that the records are available for inspection or copying, the requestor must claim or review the assembled records. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.~~

~~(4) When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that DES has completed its search for the requested records and made any nonexempt records available for inspection.) (1) A requestor must notify DES in advance of their intent to inspect public records. Using the tracking ID that DES assigns to each public records request, a requestor must identify with specificity and in advance, the records the requestor wishes to inspect. DES will assist the requestor in scheduling an appointment for inspection and may propose convenient alternatives to an in-person visit. Public records will be available for inspection during customary business hours and when staff are available to assist the requestor.~~

~~(2) When the request to inspect is for a large number of records, the public records officer may schedule inspection in installments.~~

~~(3) DES will notify the requestor of the scheduled appointment. The requestor must inspect the requested records within thirty days of the scheduled appointment. If the requestor or a representative of the requestor fails to inspect the records within the thirty-day period or fails to make other arrangements, DES may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.~~

~~(4) Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.~~

~~Inspections are conducted in accordance with the requirement that agencies protect the requested records from damage or disorganization. No member of the public shall remove a document from the inspection area or disassemble or alter any public record.~~

~~(5) After inspection is complete, the requestor may wish to identify which documents the requestor wishes the agency to copy.~~

~~(a) Where DES charges for copies, the requestor must pay for the copies prior to the copies being provided to the requestor.~~

~~(b) Electronic records will be provided as a link to the records on the DES website if the records are located on the website, or in a format used by DES and which is generally commercially available.~~

~~(6) When the inspection of the requested records is complete and any requested copies are provided, the public records officer will close the PRR.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-050, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-055 Protection of public records. (1) ~~((The department))~~ DES will maintain its records in a reasonably organized manner. ~~((The department))~~ DES will take reasonable ~~((actions))~~ measures to protect records from damage and disorganization. ~~((A requestor shall not take DES records from DES offices without the permission of the public records officer. A variety of records is available on the DES web site at (web site address). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.))~~ If DES records are maintained in a digital format, they will be provided digitally in response to a PRR. If records are maintained and inspected on paper, a requestor may ask for copies.

(2) Records will be made available to the requestor for inspection subject to the following restrictions:

(a) ~~((The records may not be removed from the area designated.))~~ Only the public records officer will remove records from the designated inspection area.

(b) The quantity of records may be limited in accordance with the ~~((requested use))~~ available space.

(c) All possible care ~~((will))~~ shall be taken by the requestor to prevent damage to the records.

(d) Records ~~((may))~~ shall not be marked, altered, cut or mutilated in any way.

(e) ~~((Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is))~~ During inspection, eating, drinking, and smoking are prohibited.

(f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that ~~((may))~~ already exist in the file.

(g) Records must be kept in the order in which received.

(h) ~~((All copying of records will be done by departmental personnel.))~~ Departmental personnel will provide all requested copies of records.

(i) ~~((Records will be returned to))~~ The public records officer ~~((by the requestor))~~ will remove the records from the inspection area when no longer required by the requestor and no later than the end of the customary ~~((office))~~ business hours ~~((as set forth in WAC 200-01-035)).~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-055, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-065 Processing public records requests—Electronic records. (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records officer will provide available nonexempt electronic public records or portions of such records that are reasonably locata-

ble in an electronic format (~~that is~~) used by the agency and that is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public disclosure officer.

(3) Whenever possible, DES will provide records in electronic format. If (~~the department~~) DES has only a paper copy of the record, the (~~department~~) public records officer, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor subject to any cost as provided for in WAC 200-01-075. If (~~the department~~) DES maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

(4) If a record exists on a web page, DES will respond to a request for the record by providing the link to the record on the web page.

(5) Closing withdrawn or abandoned request. The public records officer will close a request when the requestor:

- (a) Withdraws the request;
- (b) Fails to clarify an entirely unclear request;
- (c) Fails to fulfill an obligation to inspect the records;
- (d) Fails to pay a deposit;
- (e) Fails to pay required fees for an installment;
- (f) Fails to claim an installment;
- (g) Fails to make final payment for the requested copies.

The public records officer will notify the requestor that DES has closed the request.

(6) Later discovered documents. If, after DES has informed the requestor that it has provided all available records, DES discovers additional responsive documents that existed at the time of the request, DES will promptly inform the requestor of the newly discovered additional documents and provide them on an expedited basis.

(7) DES is not required to create a record that does not otherwise exist.

~~((6))~~ (8) Costs for providing electronic records as provided in this section are governed by WAC 200-01-075.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-065, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-070 Exemptions. (1) DES reserves the right to determine that a public record (~~requested~~) is exempt, in whole or in part, (~~under the~~) consistent with provisions of (~~chapter 42.56 RCW~~) the Public Records Act or other applicable provision of law.

(2) (~~In addition, there are exemptions outside the Public Records Act that restrict the availability of some documents held by DES for inspection and copying; to include, but not limited to, RCW 4.92.210 (information in a claim filed with the office of risk management) and RCW 5.60.060 (attorney-client privilege).~~)

~~(3) In addition, DES reserves the right to delete identifying details when it makes available any public record in cases when there is~~

reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

~~(4) The department is prohibited by statute from disclosing lists of individuals for commercial purposes pursuant to RCW 42.56.070(9).) Certain exemptions other than the Public Records Act itself restrict the disclosure of documents held by DES. Some examples of such other applicable statutory exemptions include, but are not limited to:~~

~~RCW 4.92.210: Privileged and confidential contents of risk management tort claims file.~~

~~RCW 5.60.060: Attorney-client privileged records.~~

~~RCW 41.04.730: Employee assistance program—Information confidential—Exceptions.~~

~~(3) DES reserves the right to delete identifying details when producing any public record when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.56.050.~~

~~(4) DES is prohibited by statute from disclosing lists of individuals or records that may be manipulated to created lists of individuals for commercial purposes pursuant to RCW 42.56.070.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-070, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 18-09-014, filed 4/9/18, effective 5/10/18)

WAC 200-01-075 Costs of providing public records. ~~((1) There is no fee for inspecting public records. DES may charge for providing public records or waive charges for providing public records. DES will charge using the fees listed under RCW 42.56.120 and will maintain a fee schedule on its web site.~~

~~(2) There will be no charge for emailing electronic records to a requestor, unless another cost applies.~~

~~(3) DES has determined calculating the actual costs for providing public records is unduly burdensome for the following reasons:~~

~~(a) The level of effort, supplies, and shipping costs incurred by DES vary widely for each records request and are unique to each records request;~~

~~(b) Recordkeeping needed to capture all allowed costs unnecessarily increases DES's administrative overhead; and~~

~~(c) Determining actual costs for each records request within the statutory response time frame requires a greater than normal level of administrative resources.~~

~~(4) Before beginning to copy public records, the public records officer may require:~~

~~(a) A deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor;~~

~~(b) The payment of the remainder of the copying costs before providing all the records; or~~

~~(c) The payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.~~

~~(5) Payment may be made by cash in the exact amount charged, check, or money order to the department of enterprise services.) (1)~~

The following copy fees and payment procedures apply to requests to DES under the Public Records Act and received on or after July 8, 2019, date.

(2) Pursuant to RCW 42.56.120 (2)(b), DES is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) DES does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) DES will charge for the electronic delivery, copies of records, and for transfer and storage media pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). DES will charge the following additional applicable fees allowed pursuant to RCW 42.56.120:

(a) Customized services pursuant to RCW 42.56.120(3).

(b) Optional alternative fee agreements with a requestor pursuant to RCW 42.56.120(4).

The charges for copying and delivery methods used by DES are summarized in the fee schedule available on the DES website at www.des.wa.gov.

(4) Requestors are required to pay any or all applicable charges in advance of receiving records.

(5) DES accepts public records payment by cash, money order, or credit card. DES has limited resources to accept in-person payments. In-person payments are accepted by appointment only and during customary office hours. Using the tracking ID that DES assigns to each public records request, a requestor must identify with specificity and in advance, the record(s) to which payment applies. Whenever a requestor has more than one request pending, the agency must know which fees apply; for this reason the tracking number is required and is provided on the invoice DES sends when payment is due.

Cash is accepted in the exact amount. DES will assist the requestor in scheduling an appointment to pay for records during customary office hours and may propose convenient alternatives to an in-person visit.

(6) DES will close a request when a requestor fails by the payment date to pay in the manner prescribed.

[Statutory Authority: RCW 43.19.011 and 42.56.120. WSR 18-09-014, § 200-01-075, filed 4/9/18, effective 5/10/18. Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-075, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

WAC 200-01-090 (~~(Communications with the agency-)~~) **Commercial purposes.** ((All communications with DES to access public records of the department or seek assistance in making such a request, or for the purpose of obtaining information, making submittals or requests, or

~~making inquiries concerning the agency's rules for compliance with chapter 42.56 RCW shall be addressed as follows:~~

~~Department of Enterprise Services
Public Records Officer
1500 Jefferson Ave.
P.O. Box 42445
Olympia, WA 98504-2445~~

~~The telephone number of the public records officer is 360-407-8768, or you can email your request to publicdisclosure@des.wa.gov.~~

~~Information is also available at the DES web site at <http://www.des.wa.gov>.) No provisions of any rule contained in this title shall be construed as giving authority to any DES officer or employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the records requested, DES may require requestors to identify themselves and the purpose of their request, and provide a signed statement that the requestor will not use the list of individuals for commercial purposes.~~

~~When DES has credible indication that a requested list of individuals might be used for commercial purposes, DES will investigate the request further. DES will determine on a case-by-case basis whether such further investigation is necessary, based on the identity of the requestor, the nature of the records requested, and any other information available to DES. When DES determines further investigation is necessary, DES will require requestors to identify the purpose of their request.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-090, filed 12/22/11, effective 1/22/12.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 200-01-025	Organizations, operations, and procedures.
WAC 200-01-035	Availability of records.

**WSR 21-09-066
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 19, 2021, 1:45 p.m., effective May 20, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Washington department of fish and wildlife's purpose for this rule making is to implement elements of ESHB 1261 (chapter 10, Laws of 2020), passed by the legislature in 2020. Rule changes will:

- Add a definition for "gravity siphon aquatic mining" and "motorized or gravity siphon equipment";
- Specify that a standard hydraulic project approval (HPA) permit is required to conduct mineral prospecting involving motorized or gravity siphon equipment and require proof of compliance with the federal Clean Water Act for this activity as part of a complete application for a standard HPA;
- Specify that the department may reject an incomplete application for mineral prospecting involving motorized or gravity siphon equipment if the proposed project location or locations occur where they are prohibited under RCW 90.48.615;
- Remove authorization for motorized and gravity siphon mining activities from the Gold and Fish pamphlet rules;
- Specify that all activities under WAC 200-660-305 Mineral prospecting involving motorized or gravity siphon equipment, must employ aquatic invasive species prevention;
- Eliminate the annual reporting requirement for suction dredging HPAs; and
- Other minor changes are to clarify or avoid conflict with statute.

Citation of Rules Affected by this Order: Amending WAC 220-660-030 Definitions, 220-660-050 Procedures, 220-660-300 Mineral prospecting, and 220-660-305 Suction dredging.

Statutory Authority for Adoption: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328.

Adopted under notice filed as WSR 20-24-121 on December 2, 2020.

Changes Other than Editing from Proposed to Adopted Version: There are two minor changes between the rules proposed in the CR-102 (filed as WSR 20-24-121 on December 2, 2020) and the version adopted by the fish and wildlife commission on April 9, 2021. The table presents changes between versions.

WAC Section	Proposed change from CR-102	Reason for change
220-660-030(72)	"Hand-held mineral prospecting tools" means tools used for mineral prospecting that are held by hand; and do not have moving parts, and are not powered, in whole or in part, by internal combustion, electricity, hydraulics, or pneumatics. Examples include, but are not necessarily limited to, metal detectors, shovels, picks, trowels, hammers, and pry bars	Clarification. To eliminate confusion about moving parts on hand-held mineral prospecting tools. Clarifies that they may not have moving parts powered by internal combustion, electricity, hydraulics, or pneumatics. Reference to metal detectors is also removed. The change is in response to public comments.

WAC Section	Proposed change from CR-102	Reason for change
220-660-305 (5)(c)	<p>Motorized or gravity siphon equipment listed in the previous provision may be used ONLY in waters in Adams, Benton, Clallam, Franklin, Grant, Grays Harbor, Lincoln, Spokane, Whitman, and Yakima counties that are NOT designated under the Endangered Species Act as critical habitat for salmon, steelhead, or bull trout or have a freshwater designated use of salmonid spawning, rearing, and migration. A map identifying waters where motorized methods are allowed is available from Washington department of ecology. The Washington department of ecology determines where motorized or gravity siphon equipment listed in the previous provision may be used. Contact the Washington department of ecology water quality program for information about the locations where the use of motorized or gravity siphon equipment is allowed.</p>	<p>Clarification. Rather than listing those specific areas where the Washington department of ecology (ecology) prohibits motorized or gravity siphon equipment, this change more generally refers to ecology's authority under RCW 90.48.615. This revision clarifies that it is ecology that is responsible for designating these areas, and it also prevents this provision from becoming obsolete in the event that ecology amends its designations.</p>

A final cost-benefit analysis is available by contacting Theresa Nation, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-688-4745, fax 360-902-2946 Attn: Theresa Nation, TTY 360-902-2207, email HPARules@dfw.wa.gov, website <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking>.

The final cost-benefit analysis is contained in the final hydraulic code rules, chapter 220-660 WAC, incorporating elements of ESHB 1261 into HPA rules regulatory analyses document that also contains the least burdensome alternative analysis and significant legislative rule determinations. The final small business economic impact statement, concise explanatory statement, and implementation plan are also available at the HPA rule-making web page noted above.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 9, 2021.

Larry Carpenter, Chair
Fish and Wildlife Commission

OTS-2754.4

AMENDATORY SECTION (Amending WSR 19-12-126, filed 6/5/19, effective 11/1/19)

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 recurs 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 metals mining and milling operations as defined in chapter 78.56 RCW.

(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.

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

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

(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.

(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.

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

(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.

(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.

(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.

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

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

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

(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.

(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.

(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.

- (53) "Fish habitat enhancement project" means a hydraulic project that meets criteria in RCW 77.55.181 (1) (a).
- (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.
- (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~~) removing 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.
- (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.
- (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.
- (58) "Fish screen" means "fish guard."
- (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.
- (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.
- (61) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.
- (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.
- (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.
- (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.
- (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.
- (66) "General provisions" means those provisions that are in every HPA.
- (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.

(68) "Gravity siphon aquatic mining" means any prospecting or mining activity that uses water drawn into a hose, pipe, or tube via the effects of gravity or siphon to excavate, concentrate, or process aggregate.

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

~~((69))~~ (70) "Habitat value" means an estimate of habitat quality, ecologically important functions and the relative value of the hydraulic project site within the watershed.

~~((70))~~ (71) "Hand-held equipment" means equipment held by hand and powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are chainsaws, drills, and grinders.

~~((71))~~ (72) "Hand-held mineral prospecting tools" means ~~((a))~~ tools used for mineral prospecting that are held by hand and ~~((are not))~~ do not have moving parts powered, in whole or in part, by internal combustion, electricity, hydraulics, or pneumatics. Examples ~~((are metal detectors))~~ include, but are not necessarily limited to, shovels, picks, trowels, hammers, and pry bars ~~((, hand-operated winches, and battery-operated pumps specific to prospecting; and (b) Vac-pacs))~~.

~~((72))~~ (73) "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."

~~((73))~~ (74) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish life.

~~((74))~~ (75) "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.

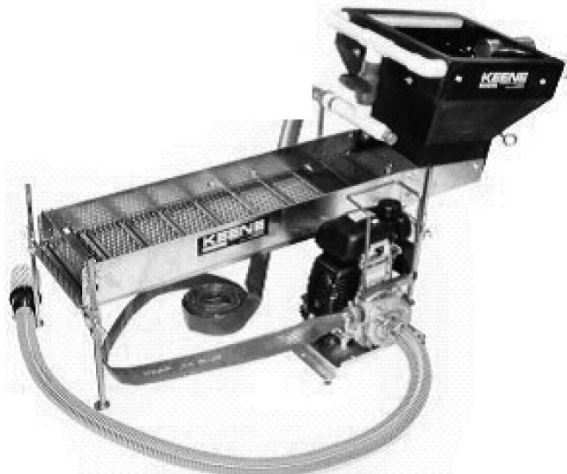


Figure 1: High-banker

~~((75))~~ (76) "High-banking" means using a high-banker to recover minerals.

~~((76))~~ (77) "Hydraulic drop" means an abrupt drop in water surface elevation.

~~((77))~~ (78) "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.

~~((78))~~ (79) "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))~~ small scale mineral prospecting and placer mining activities; 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.

~~((79))~~ (80) "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.

~~((80))~~ (81) "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.

~~((81))~~ (82) "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.

~~((82))~~ (83) "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.

~~((83))~~ (84) "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.

~~((84))~~ (85) "Lake" means any natural standing fresh waters or artificially impounded natural fresh waters of the state, except impoundments of the Columbia and Snake rivers.

~~((85))~~ (86) "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.

~~((86))~~ (87) "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.

~~((87))~~ (88) "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.

~~((88))~~ (89) "Major modification" means any change to a hydraulic project approval that is not a minor modification.

~~((89))~~ (90) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include overnight or live-aboard boating accommodations.

~~((90))~~ (91) "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.

~~((91))~~ (92) "Mean annual flood" means the average of all the annual peak floods of record.

~~((92))~~ (93) "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.

~~((93))~~ (94) "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" website.

~~((94))~~ (95) "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.

~~((95))~~ (96) "Mineral prospect" or "mineral prospecting" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

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

~~((97))~~ (98) "Mini high-banker" means a high-banker with a rifle area of three square feet or less. See Figure 2.



Figure 2: Mini high-banker

~~((98))~~ (99) "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure 3.

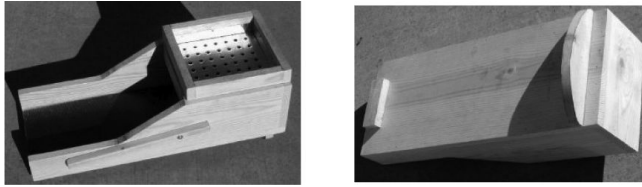


Figure 3: Mini rocker box (top view and bottom view)

~~((99))~~ (100) "Mining" means the production activity that follows mineral prospecting.

~~((100))~~ (101) "Minor modification" means a small change in work timing or plans and specifications of a hydraulic project.

~~((101))~~ (102) "Mitigation" means sequentially avoiding impacts, minimizing impacts, and compensating for remaining unavoidable impacts to fish life or habitat that supports fish life.

~~((102))~~ (103) "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.

~~((103))~~ (104) "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.

~~((104))~~ (105) "Motorized or gravity siphon equipment" means any form of motorized equipment including, but not limited to, a motorized suction dredge or a gravity siphon suction dredge, for the purpose of extracting gold, silver, or other precious metals, but does not include metals mining and milling operations as defined in RCW 78.56.020.

(106) "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.

~~((105))~~ (107) "Natural conditions" means environmental situations that occur or are found in nature. This does not include artificial or manufactured conditions.

~~((106))~~ (108) "Nearshore" means shallow waters where sunlight reaching the bed is sufficient to support the growth of submerged aquatic vegetation.

~~((107))~~ (109) "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.

~~((108))~~ (110) "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.

~~((109))~~ (111) "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.

~~((110))~~ (112) "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

~~((111))~~ (113) "Panning" means the use of a pan to wash aggregate.

~~((112))~~ (114) "Permanent ford" means a ford approved by the department that is in place for more than one operating season.

~~((113))~~ (115) "Person" means an applicant, authorized agent, permittee, or contractor. The term person includes an individual, a public or private entity, or organization.

~~((114))~~ (116) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

~~((115))~~ (117) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

~~((116))~~ (118) "Power sluice" means "high-banker."

~~((117))~~ (119) "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

~~((118))~~ (120) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

~~((119))~~ (121) "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))~~ (122) "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))~~ (123) "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))~~ (124) "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.

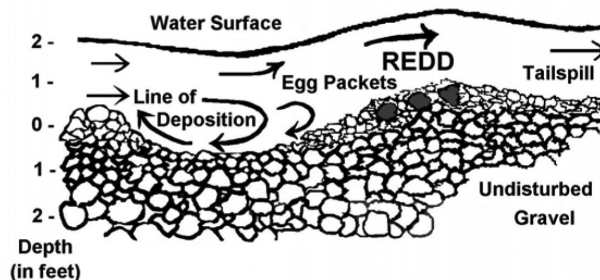


Figure 6: Cross-section of a typical redd

~~((123))~~ (125) "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))~~ (126) "Replacement" means the complete removal of an existing structure and construction of a substitute structure in the same general location.

~~((125))~~ (127) "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))~~ (128) "River" means "watercourse."

~~((127))~~ (129) "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))~~ (130) "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.

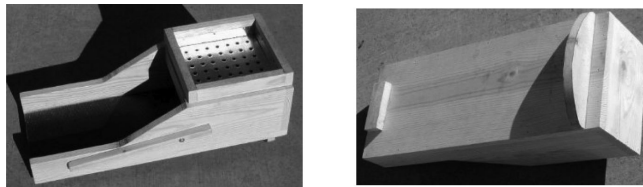


Figure 7: Rocker box

~~((129))~~ (131) "Rotovation" means the use of aquatic rotovators, machines that have underwater rototiller-like blades, to uproot aquatic plants as a means of control.

~~((130))~~ (132) "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))~~ (133) "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))~~ (134) "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))~~ (135) "Seagrass" means native *Zostera* species, *Ruppia maritima*, and *Phyllospadix* species.

~~((134))~~ (136) "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 includes all stages of development and the bodily parts of shellfish species.

~~((135))~~ (137) "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))~~ (138) "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))~~ (139) "Special provisions" means those requirements that are part of a HPA, are site- or project-specific, and supplement or amend the technical provisions.

~~((138))~~ (140) "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))~~ (141) "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))~~ (142) "Suction dredge" means 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 sniffers are not considered suction dredges. See Figure 10.



Figure 10: Suction dredge

~~((141))~~ (143) "Suction dredging" means using a suction dredge to recover gold and other minerals.

~~((142))~~ (144) "Tailings" means the waste material that remains after processing aggregate to remove valuable mineral content.

~~((143))~~ (145) "Temporary ford" means a ford that is in place for no more than one operating season or less.

~~((144))~~ (146) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

~~((145))~~ (147) "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))~~ (148) "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))~~ (149) "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))~~ (150) "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))~~ (151) "Water crossing structures" means structures that span over, through, or under a watercourse. Examples are bridges, culverts, conduits, and fords.

~~((151))~~ (152) "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))~~ (153) "Water body" means "waters of the state."

~~((153))~~ (154) "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))~~ (155) "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))~~ (156) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

~~((156))~~ (157) "Wetland(s)" is as defined in RCW 90.58.030.

~~((157))~~ (158) "Wetted perimeter" means the areas of a watercourse covered with water. The wetted perimeter varies with flow, discharge, and tides.

~~((158))~~ (159) "Woody vegetation" means perennial trees and shrubs having stiff stems and bark. Woody vegetation does not include grasses, forbs, or annual plants.

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

[Statutory Authority: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328. WSR 19-12-126, § 220-660-030, filed 6/5/19, effective 11/1/19. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-030, filed 12/30/14, effective 7/1/15.]

AMENDATORY SECTION (Amending WSR 20-11-019, filed 5/12/20, effective 6/12/20)

WAC 220-660-050 Procedures—Hydraulic project approvals. (1)

Description:

(a) There are six categories of HPAs: Standard, emergency, imminent danger, chronic danger, expedited, and pamphlet. These categories are discussed in more detail throughout this section. Most HPAs issued by the department are standard HPAs. Guidance for applying for an HPA is provided on the department's website.

(b) HPAs do not exempt a person from obtaining other necessary permits and following the rules and regulations of local, federal, and other Washington state agencies.

(2) **Fish life concerns:** Construction and other work activities in or near water bodies can kill or injure fish life directly and can damage or destroy habitat that supports fish life. Damaged or destroyed habitat can continue to cause lost fish life production for as long as the habitat remains altered. HPAs help ensure construction and other work is done in a manner that protects fish life.

(3) **Standard HPA:**

(a) The department issues a standard HPA when a hydraulic project does not qualify for an emergency, imminent danger, chronic danger, expedited or pamphlet HPA. An individual standard HPA is limited to a single project site. Some special types of standard HPAs may cover multiple project sites.

(b) Special types of standard HPAs:

(i) Fish habitat enhancement project (FHEP) HPA.

(A) Projects must satisfy the requirements in RCW 77.55.181(1) to be processed as a fish habitat enhancement project.

(B) Projects that are compensatory mitigation for a development or other impacting project are not eligible. This includes proposals for mitigation banks or in-lieu fee mitigation proposals. The sole purpose of the project must be for fish habitat enhancement.

(C) The department may reject an FHEP proposed under RCW 77.55.181 if the local government raises concerns during the comment period that impacts from the project cannot be mitigated by conditioning the HPA. The department will reject an FHEP if the department determines that the size and the scale of the project raises public health or safety concerns. If the department rejects a project for streamlined processing, the department must provide written notice to the applicant and local government within forty-five days of receiving the application.

(D) An applicant whose fish habitat enhancement project is rejected may submit a new complete written application with project modifications or additional information required for streamlined processing.

An applicant may request that the department consider the project under standard HPA processing procedures by submitting a new complete written application for standard processing.

(ii) Multisite HPA.

(A) A standard HPA may 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.

(B) The department may make an exception for projects the department has scoped prior to application submittal or when no prepermit issuance site visits are needed.

(iii) General HPA.

(A) The department may issue general HPAs to government agencies, organizations, or companies to perform the same work in multiple water bodies across a large geographic area.

(B) To qualify for a general HPA, projects must protect fish life:

(I) Technical provisions in the HPA must fully mitigate impacts to fish life;

(II) The projects must be relatively simple so that the HPA provisions are the same across all sites, and can therefore be permitted without site-specific provisions; and

(III) The projects must have little or no variability over time in site conditions or work performed.

(C) The general HPA will include a requirement that notice be given to the department when activities utilizing heavy equipment begin. The department may waive this requirement if the permittee and department meet annually to review scheduled activities for the upcoming year.

(D) The department and the applicant may negotiate the scope and scale of the project types covered. The department and the applicant must agree on the fish protection provisions required before the application is submitted.

(E) The department may reject applications for a general HPA if:

(I) The proposed project does not meet the eligibility requirements described in subsection (3)(b)(iii)(B) of this section; or

(II) The department and the applicant cannot agree on the fish protection provisions.

(F) The department must provide written notice of rejection of a general HPA application to the applicant. The applicant may submit a new complete written application with project modifications or additional information required for department consideration under standard HPA processing procedures.

(iv) "Model" HPA.

(A) The department will establish a "model" HPA application and permitting process for qualifying hydraulic projects. To qualify, an individual project must comply with the technical provisions established in the application. Hydraulic projects that qualify for the model process must:

(I) Fully mitigate impacts to fish life in the technical provisions of the HPA;

(II) Be a low complexity project that minimizes misinterpretation of the HPA provisions allowing the HPA to be permitted without site-specific provisions; and

(III) Meet all of the eligibility requirements described in the model application.

(B) If needed to confirm project eligibility, the department may conduct a site visit before approving or rejecting a model application.

(C) The department may reject applications for model HPAs if:

(I) The plans and specifications for the project are insufficient to show that fish life will be protected; or

(II) The applicant or authorized agent does not fill out the application completely or correctly.

(D) The department must provide written notice of rejection of an application to the applicant. The applicant may submit a new complete written application with project modifications or additional information required for department consideration under standard HPA processing procedures under this section, or may submit a new model application if the department rejected the application because the person did not fill out the original application correctly.

(4) **Emergency HPA:**

(a) Declaring an emergency.

(i) Authority to declare an emergency, or continue an existing declaration of emergency, is conveyed to the governor, the department, or to a county legislative authority by statute. An emergency declaration may be made when there is an immediate threat to life, the public, property, or of environmental degradation;

(ii) The county legislative authority must notify the department, in writing, if it declares an emergency;

(iii) Emergency declarations made by the department must be documented in writing;

(iv) When an emergency is declared, the department must immediately grant verbal approval upon request for work to protect life or property threatened by waters of the state because of the emergency, including repairing or replacing a stream crossing, removing obstructions, or protecting stream banks. The department may also grant written approval if the applicant agrees.

(b) If the department issues a verbal HPA, the department must follow up with a written HPA documenting the exact provisions of the verbal HPA within thirty days of issuing the verbal HPA.

(c) Compliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) is not required for emergency HPAs.

(d) The department may require a person to submit an as-built drawing within thirty days after the hydraulic project authorized in the emergency HPA is completed.

(e) Within ninety days after a hydraulic project authorized in an emergency HPA is completed, any remaining impacts must be mitigated or a mitigation plan must be submitted to the department for approval.

(5) **Imminent danger HPA:**

(a) Authority to declare imminent danger is conveyed to the department or county legislative authority by statute. The county legislative authority must notify the department in writing if it determines that an imminent danger exists.

(b) Imminent danger declarations made by the department must be documented in writing.

(c) When imminent danger exists, the department must issue an expedited HPA upon request for work to remove obstructions, repair ex-

isting structures, restore banks, and to protect fish life or property.

(d) When imminent danger exists, and before starting work, a person must submit a complete written application to the department to obtain an imminent danger HPA. Compliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) is not required for imminent danger HPAs.

(e) Imminent danger HPAs must be issued by the department within fifteen calendar days after receiving a complete written application. Work under an imminent danger HPA must be completed within sixty calendar days of the date the HPA is issued.

(f) Within ninety days after a hydraulic project authorized in an imminent danger HPA is completed, any remaining impacts must be mitigated or a mitigation plan must be submitted to the department for approval.

(6) **Chronic danger HPA:**

(a) The department must issue a chronic danger HPA upon request for work required to abate the chronic danger. This work may include removing obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish life, or protecting property.

(b) Authority to declare when a chronic danger exists is conveyed to a county legislative authority by statute. A chronic danger is a condition 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.

(c) The county legislative authority must notify the department in writing when it determines a chronic danger exists.

(d) When chronic danger is declared, and before starting work, a person must submit a complete written application to the department to obtain a chronic danger HPA. Unless the project also satisfies the requirements for fish habitat enhancement projects identified in RCW 77.55.181 (1)(a)(ii), compliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) is required. Projects that meet the requirements in RCW 77.55.181 (1)(a)(ii), will be processed under RCW 77.55.181(3), and the provisions of chapter 43.21C RCW will not be required.

(7) **Expedited HPA:**

(a) The department may issue an expedited HPA when normal processing would result in significant hardship for the applicant or unacceptable environmental damage would occur.

(b) Before starting work, a person must submit a complete written application to the department to obtain an HPA.

(c) Compliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) is not required for expedited HPAs. The department must issue expedited HPAs within fifteen calendar days after receipt of a complete written application. Work under an expedited HPA must be completed within sixty calendar days of the date the HPA is issued.

(d) Within ninety days after a hydraulic project authorized in an expedited HPA is completed, any remaining impacts must be mitigated or a mitigation plan must be submitted to the department for approval.

(8) **Pamphlet HPA:**

(a) There are two pamphlet HPAs, *Gold and Fish and Aquatic Plants and Fish*, that cover the most common types of small scale mineral pro-

specting and removing or controlling aquatic plants, respectively. A person must follow the provisions in the pamphlet. If a person cannot follow the provisions, or disagrees with any provision, the permittee must apply for a standard HPA before starting the hydraulic project.

(b) A person must review a pamphlet HPA before conducting the authorized hydraulic project.

(c) When a pamphlet HPA is used, the permittee must have the pamphlet HPA on the job site when conducting work and the pamphlet must be immediately available for inspection by the department upon request.

(d) All persons conducting the project must follow all provisions of the pamphlet HPA.

(e) The department may grant exceptions to a pamphlet HPA only if a person applies for a standard individual HPA for the project.

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

(9) **How to get an HPA:**

(a) How to get a pamphlet HPA: A person can download and save or print a pamphlet HPA from the department's website. A person may also request a pamphlet HPA from the department either verbally or in writing.

(b) How to get an emergency HPA: Upon an emergency declaration, and before starting emergency work, a person must obtain a verbal or written HPA from the department. A complete written application is not required. However, a person must provide adequate information describing the proposed action. Compliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act), is not required for emergency HPAs. A person may request a verbal or written emergency HPA from the biologist who issues HPAs for the geographic area where the emergency is located Monday through Friday from 8:00 a.m. to 5:00 p.m. If the biologist cannot be contacted or it is after business hours, a person must contact the emergency hotline at 360-902-2537 to request an emergency HPA.

(c) How to get a standard, expedited, or chronic danger HPA:

(i) A person must submit a complete written application to the department to obtain an HPA unless the project qualifies for one of the following:

(A) A pamphlet HPA, subsection (3) of this section; or

(B) An emergency HPA, subsection (5) of this section.

(ii) When applying for an HPA, a person must submit one of the following application forms to the department:

(A) The electronic online application developed by the department;

(B) The current version of the JARPA;

(C) The current version of the JARPA including the most recent version of the application for streamlined processing of fish habitat enhancement projects when applying for streamlined processing under RCW 77.55.181. These may be submitted to the department as attachments to the online application form;

(D) The most recent version of the model HPA application or other department-approved alternative applications available from the department's public website; or

(E) The current version of the JARPA if applying for approval of a watershed restoration project under RCW 77.55.171. This may be submitted to the department as an attachment to the online application form.

(iii) A complete application package for an HPA must contain:

(A) A completed application form signed and dated by the applicant, landowner(s) or landowner representative(s) of any project site or off-site mitigation location, and the authorized agent, if any. Completing and submitting the application forms through the department's online permitting system is the same as providing signature and date, if all documents required during the online application process are submitted to the department. The property owner, if different than the applicant, or easement holder must consent to the department staff entering the property where the project is located to inspect the project site or any work;

(B) Plans for the overall project;

(C) Complete plans and specifications for all aspects of the proposed construction or work waterward of the mean higher high water line in salt water, or waterward of the ordinary high water line in fresh water;

(D) A description of the measures that will be implemented for the protection of fish life, including any reports assessing impacts from the hydraulic project to fish life and their habitat, and plans to mitigate those impacts to ensure the project results in no net loss;

(E) For a standard or chronic danger HPA application, a copy of the written notice from the lead agency demonstrating compliance with any applicable requirements of the State Environmental Policy Act under chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW; or the project qualifies for a specific categorical exemption under chapter 197-11 WAC;

(F) Written approval by one of the entities specified in RCW 77.55.181 if the applicant is proposing a fish enhancement project;

(G) For an expedited HPA application, an explanation of why normal processing would result in significant hardship for the applicant or unacceptable environmental damage.

(H) For a standard HPA application for mineral prospecting involving motorized or gravity siphon equipment, a copy of a permit issued under the federal Clean Water Act by Washington department of ecology that authorizes the use of that equipment at the location proposed, or written notice from Washington department of ecology declaring that a federal Clean Water Act permit is not required.

(I) When applying for a standard written HPA for mineral prospecting work within the wetted perimeter outside of the allowable work times authorized in WAC 220-660-300 and 220-660-305, a person must identify the upstream and downstream extent of each project 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.

(iv) HPA application submission:

(A) A person must submit the complete application package by:

(I) Using the department's online permitting system;

(II) Sending the package via mail to:

Department of Fish and Wildlife
P.O. Box 43234
Olympia, WA 98504-3234;

(III) Sending the package via email to:

HPAapplications@dfw.wa.gov;

(IV) Sending the package via fax to: 360-902-2946;

(V) Uploading the package to a file transfer protocol site acceptable to the department; or

(VI) Hand delivering the package to the department at 1111 Washington Street S.E., Olympia, WA 98504, Habitat Program, Fifth Floor. The department will not accept applications submitted elsewhere or by other than the applicant or authorized agent.

(B) Dimensions of printed documents submitted with the application package may not be larger than eleven inches by seventeen inches. Pages of documents submitted may not be bound except by paper clips or other temporary fastening.

(C) A person must submit applications and supporting documents with a combined total of thirty or more pages as digital files rather than printed documents. All digital files must be in formats compatible with Microsoft Word, Microsoft Excel, or Microsoft Access programs, or in PDF, TIFF, JPEG, or GIF formats.

(D) Applications submitted to the habitat program during normal business hours (8:00 a.m. to 5:00 p.m. Pacific Standard Time) are deemed received on the date the habitat program receives the application. The department may declare applications received by the habitat program after normal business hours as received on the next business day.

(10) Incomplete applications:

(a) Within ten days of receipt of the application, the department must determine whether an application meets the requirements of this section. If the department determines the application does not meet the requirements, the department will provide written or emailed notification of an incomplete application to the applicant or authorized agent. This written or emailed notification must include a description of information needed to make the application complete. The department may return the incomplete application to the applicant or authorized agent or hold the application on file until it receives the missing information. The department will not begin to process the application until it receives all information needed to complete the application.

(b) The applicant or authorized agent must submit additional information in response to a written notification of incomplete application through the department's online permitting system or to the department's habitat program, Olympia headquarters office. The department will not accept additional information submitted elsewhere or by other than the applicant or authorized agent.

(c) The department may close any application that has been incomplete for more than twelve months. The department must provide the applicant or authorized agent with written notification at least one week before closing the application and must provide the option for the applicant or authorized agent to postpone the closure for up to one year. The department must provide the applicant with written notification at the time it closes the application. After an application is closed, the applicant or authorized agent must submit a new complete application to receive further consideration of the project.

(d) The department may reject a standard HPA application for mineral prospecting involving motorized or gravity siphon equipment if the proposed project location or locations are in an area in which Washington department of ecology is prohibited under RCW 90.48.615 from issuing a permit under the federal Clean Water Act.

(11) Application review period:

(a) Once the department determines an application is complete, the department will provide to tribes and local, state, and federal permitting or authorizing agencies a seven-calendar-day review and

comment period. The department will not issue the HPA before the end of the review period to allow all interested tribes and agencies to provide comments to the department. The department may consider all written comments received when issuing or provisioning the HPA. The review period is concurrent with the department's overall review period. Emergency, imminent danger, expedited, and modified HPAs are exempt from the review period requirement.

(b) Except for emergency, imminent danger, and expedited HPAs, the department will grant or deny approval within forty-five calendar days of the receipt of a complete written application. The department will grant approval of imminent danger and expedited HPAs within fifteen days of the receipt of a complete written application. The department will grant approval of emergency HPAs immediately upon request if an emergency declaration has been made.

(c) If the department declares an imminent danger, applicant hardship, or immediate threat regarding an application for expedited or emergency HPA, the department must place written documentation of that declaration and justification for it in the application record within three days of issuing the written HPA.

(12) Suspending the review period:

(a) An applicant or authorized agent may request a delay in processing a standard HPA. The applicant or authorized agent must submit a written request for the delay through the department's online permitting system or to the habitat program's Olympia headquarters office. The department may not accept delay requests submitted elsewhere or by a person other than the applicant or authorized agent.

(b) If the department suspends the review period, the department must immediately notify the applicant in writing of the reasons for the delay. The department may suspend the review period (with or without the applicant's concurrence) if:

(i) The site is physically inaccessible for inspection or not in a condition to be evaluated (i.e., snow cover, frozen);

(ii) The applicant or authorized agent remains unavailable or unable to arrange for a field evaluation of the proposed project within ten working days of the department's receipt of the application;

(iii) The applicant or authorized agent submits a written request for a delay;

(iv) The department is issuing an HPA for a stormwater discharge and is complying with the requirements of RCW 77.55.161 (3) (b); or

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

(c) The department may close any application if the application has been delayed for processing more than twelve months for any of the reasons identified in subsection (12) (a) or (b) of this section. The department must provide the applicant or authorized agent with written notification at least one week before closing the application and must provide the option for the applicant or authorized agent to postpone the closure for up to one year. The department must provide the applicant with written notification at the time it closes the application. After an application is closed, the applicant or authorized agent must submit a new complete application to receive further consideration of the project.

(13) Issuing or denying a hydraulic project approval:

(a) Protection of fish life is the only grounds upon which the department may deny or provision an HPA, as provided in RCW 77.55.021.

The department may not unreasonably withhold or condition approval of an HPA. The HPA provisions must reasonably relate to the project and must ensure that the project provides proper protection for fish life. The department may not impose provisions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(b) The department may not deny an emergency, imminent danger, chronic danger, or an expedited HPA, as provided in RCW 77.55.021. However, these projects must comply with the provisions in this chapter that are included in an HPA. The department will deny any other type of HPA or request to change an existing HPA when the project will not protect fish life, unless enough mitigation can be assured by provisioning the HPA or modifying the proposal. If the department denies approval, the department must provide the applicant with a written statement of the specific reasons why and how the proposed project would adversely affect fish life, as provided in RCW 77.55.021.

(c) The department may place specific time limitations on project activities in an HPA to protect fish life.

(d) The department may require a person to notify the department before hydraulic project construction or other hydraulic project work starts, upon project completion, or at other times that the department deems necessary while the HPA is in effect. The department may also require a person to provide periodic written reports to assess HPA compliance.

(e) The HPA must contain provisions that allow for minor modifications to the work timing, plans, and specifications of the project without requiring the reissuance of the HPA, as long as the modifications do not adversely affect fish life or the habitat that supports fish life. The permittee should contact the habitat program's Olympia headquarters office through email or the department's online permit application system to request a minor modification.

(f) A person may propose or conduct a hydraulic project under an environmental excellence program agreement authorized under chapter 43.21K RCW. These projects must be applied for and permitted under the requirements of chapter 43.21K RCW.

(14) Hydraulic project approval expiration time periods:

(a) Except for emergency, imminent danger, expedited, and pamphlet HPAs, the department may grant standard HPAs that are valid for up to five years. The permittee must demonstrate substantial progress on construction of the portion of the project authorized in the HPA within two years of the date of issuance.

(b) Imminent danger and expedited HPAs are valid for up to sixty days, and emergency HPAs are valid for the expected duration of the emergency hydraulic project.

(c) Pamphlet HPAs remain in effect indefinitely until modified or rescinded by the department.

(d) The following types of agricultural hydraulic project HPAs remain in effect without the need for periodic renewal; however, a person must notify the department before starting work each year:

(i) Seasonal work that diverts water for irrigation or stock watering; and

(ii) Stream bank stabilization projects to protect farm and agricultural land if the applicant can show that the problem causing the erosion occurs annually or more frequently. Evidence of erosion may include history of permit application, approval, or photographs. Periodic floodwaters alone do not constitute a problem that requires an HPA.

(15) Requesting a time extension, renewal, modification, or transfer of a hydraulic project approval:

(a) The permittee may request a time extension, renewal, modification, or transfer of an active HPA. Before the HPA expires, the permittee or authorized agent must submit a written request through the department's online permitting system or to the habitat program's Olympia headquarters office. The department may not accept requests for delay, renewal, modification, or transfer of an HPA submitted elsewhere or by a person other than the permittee or authorized agent. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the permit number or application identification number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA if requesting a time extension, renewal, or modification, the reason for the requested change, the date of the request, and the requestor's signature. Requests for transfer of an HPA to a new permittee or authorized agent must additionally include a signed, written statement that the new permittee or authorized agent agrees to the conditions of the HPA, that they agree to allow the department access to the project location to inspect the project site, mitigation site, or any work related to the project, and that they will not conduct any project activities until the department has issued approval.

(b) Requests for time extensions, renewals, or modifications of HPAs are deemed received on the date received by the department. The department may declare applications submitted to habitat program after normal business hours as received on the next business day.

(c) Within forty-five days of the requested change, the department must approve or deny the request for a time extension, renewal, modification, or transfer of an approved HPA.

(d) Unless the new permittee or authorized agent requests a time extension, renewal, or modification of an approved HPA, the department may change only the name and contact information of the permittee or authorized agent and must not alter any provisions of the HPA except the project or location start dates when granting a transfer.

(e) A permittee may request a modification or renewal of an emergency HPA until the emergency declaration expires or is rescinded. Requests for changes to emergency HPAs may be verbal, but must contain all of the information in (a) of this subsection.

(f) The department must not modify or renew an HPA beyond the applicable five-year or sixty-day periods. A person must submit a new complete application for a project needing further authorization beyond these time periods.

(g) The department will issue a letter documenting an approved minor modification(s) and a written HPA documenting an approved major modification(s) or transfer.

(16) Modifications of a hydraulic project approval initiated by the department:

(a) After consulting with the permittee, the department may modify an HPA because of changed conditions. The modification becomes effective immediately upon issuance of a new HPA.

(b) For hydraulic projects that divert water for agricultural irrigation or stock watering, or when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the department must show that changed conditions warrant the modification in order to protect fish life.

(17) Revoking an HPA.

- (a) The department may revoke an HPA under the following conditions:
- (i) At the written request of the permittee or authorized agent;
 - (ii) As the result of an informal or formal appeal decision;
 - (iii) As the result of a court ruling finding that the department issued the HPA in error;
 - (iv) Following change of a determination of nonsignificance or mitigated determination of nonsignificance to a determination of significance by a lead agency under chapter 43.21C RCW that applies to the hydraulic project approved by the HPA;
 - (v) The applicant did not correctly identify compliance with the requirements of chapter 43.21C RCW in the HPA application and the department was unaware of the error until after the HPA was issued;
 - (vi) Changed physical or biological conditions at the site of the hydraulic project have occurred before project initiation such that fish life cannot be protected if the project proceeds under the requirements of the existing HPA;
 - (vii) The permittee has not demonstrated substantial progress on construction of the hydraulic project within two years of the date of issuance as required in RCW 77.55.021 (9) (a). Substantial progress means initiation of work at any of the project locations identified in the HPA;
 - (viii) Duplicate HPAs have been issued for the same hydraulic project.
- (b) The department must provide the permittee or authorized agent with written notification before revoking the HPA.
- (c) The department must notify the permittee or authorized agent in writing immediately upon revoking the HPA.
- (18) Requesting a preapplication determination:**
- (a) A person may request information or a technical assistance site visit from the department prior to submitting an HPA application or at any other time. The department will provide the requested information either verbally or in writing.
- (b) If a person is unsure about whether proposed construction or other work landward of (above) the ordinary high water line requires an HPA, they may request a preapplication determination from the department under RCW 77.55.400. The department must evaluate the proposed project and determine if it is a hydraulic project and, if so, whether an HPA from the department is required to ensure proper protection of fish life.
- (c) The preapplication determination request must be submitted through the department's online permitting system and must contain:
- (i) A description of the proposed project, which must include the location of the ordinary high water line;
 - (ii) A map showing the location of the project site, which must include the location of the ordinary high water line; and
 - (iii) Preliminary plans and specifications of the proposed project, if available, which include the location of the ordinary high water line.
- (d) The department must provide tribes and local governments a seven calendar day review and comment period. The department must consider all applicable written comments that it receives before it issues a determination as described in this subsection.
- (e) The department must issue a written determination, including its rationale for the decision, within twenty-one calendar days of receiving the request.

(f) Chapter 43.21C RCW (state environmental policy) does not apply to preapplication determinations issued under this subsection.

(g) The department's preapplication determination decision may be appealed as provided in WAC 220-660-460 (Informal appeal of administrative action) or WAC 220-660-470 (Formal appeal of administrative action).

(19) Notice of intent to disapprove HPA applications:

(a) The department may disapprove HPA applications submitted by a project proponent who has failed to comply with a stop work order or notice to comply issued under WAC 220-660-480, or who has failed to pay civil penalties issued under WAC 220-660-480. The term "project proponent" has the same definition as in RCW 77.55.410.

(b) The department may disapprove HPA applications submitted by such project proponents for up to one year after the date on which the department issues a notice of intent to disapprove HPA applications, or until such project proponent pays all outstanding civil penalties and complies with all notices to comply and stop work orders issued under WAC 220-660-480, whichever is longer (disapproval period).

(c) The department must provide written notice of its intent to disapprove HPA applications to the project proponent and to any authorized agent or landowner identified in the application, in person or via United States mail, to the mailing address(es) listed on the project proponent's HPA application.

(d) The disapproval period begins on the date the department's notice of intent to disapprove HPA applications becomes final. The notice of intent to disapprove HPA applications becomes final thirty calendar days after the department issues it, or upon exhaustion of all applicable administrative and/or judicial remedies.

(e) Any project proponent issued a notice of intent to disapprove HPA applications may, within thirty days of the date of the notice, initiate a formal appeal of the notice as provided in WAC 220-660-470 (Formal appeal of administrative actions).

(f) The department will provide notice and waiver of fines, civil penalties, and administrative sanctions consistent with RCW 34.05.110 and WAC 220-660-480(12).

[Statutory Authority: RCW 77.04.012, 77.12.047, 77.55.021, 34.05.328, and 2019 c 290. WSR 20-11-019 (Order 20-75), § 220-660-050, filed 5/12/20, effective 6/12/20. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.047, 77.55.021, 77.55.091, 77.55.051, 77.55.081, 34.05.328, and 34.05.350. WSR 18-10-054, § 220-660-050, filed 4/27/18, effective 6/1/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-050, filed 12/30/14, effective 7/1/15.]

AMENDATORY SECTION (Amending WSR 19-12-126, filed 6/5/19, effective 11/1/19)

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 equipment, including suction dredges, high bankers, and heavy equipment. The rules in this section apply to (~~using~~) the use of

pans; nonmotorized sluice boxes; nonmotorized concentrators; minirocker boxes; and hand-held mineral prospecting tools ((and a variety of small mineral prospecting equipment)). This section does not apply to metals mining and milling operations as defined in chapter 78.56 RCW. Motorized mineral prospecting methods including, but not limited to, suction dredging ((is)), are not authorized in this section. See WAC 220-660-305 for ((suction dredging)) rules for motorized and gravity siphon methods.

(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 can include:

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

(ii) 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 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 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 below, 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 nonmotorized mineral prospecting equipment:

(i) Pans (~~(+~~

~~(ii) Spiral wheels)); and~~

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

(iii) No other types of mineral prospecting tools or equipment are authorized under this subsection.

(c) A person may not use vehicle-mounted winches. A person may use one nonmotorized hand-operated winch to move boulders or large woody material that is not embedded or located within the wetted pe-

rimeter. 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.

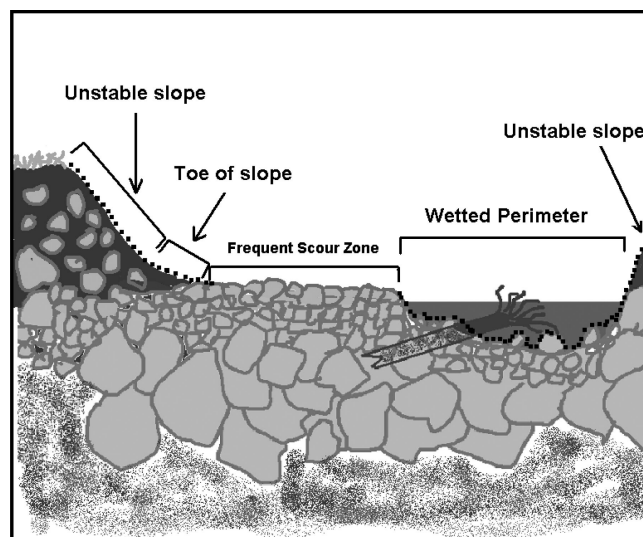


Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(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.

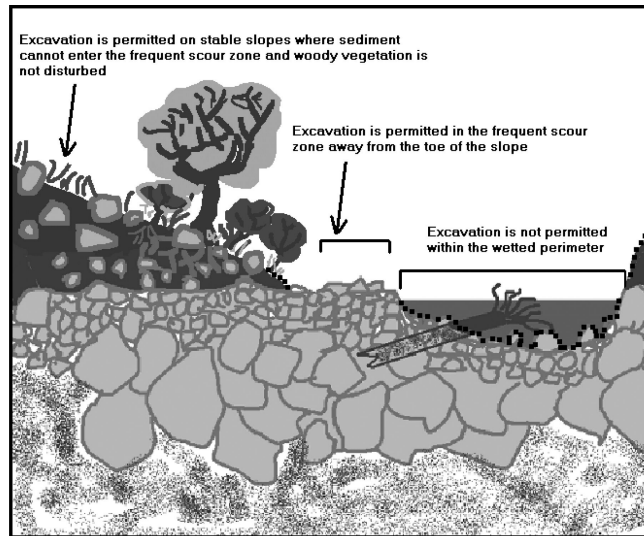


Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(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.

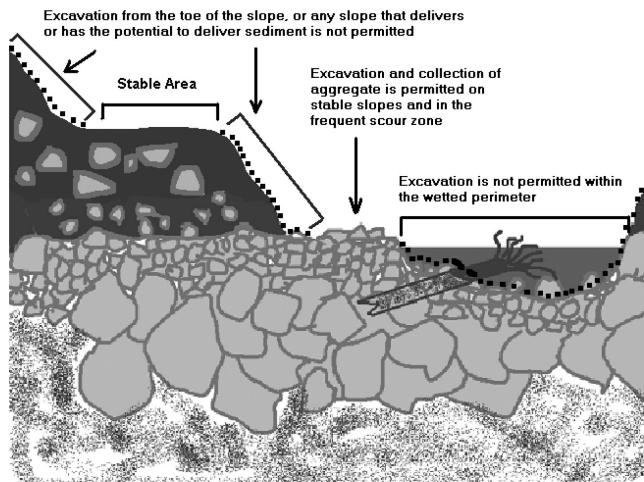


Figure 3: Limits on excavating, collecting, and removing aggregate on stream banks.

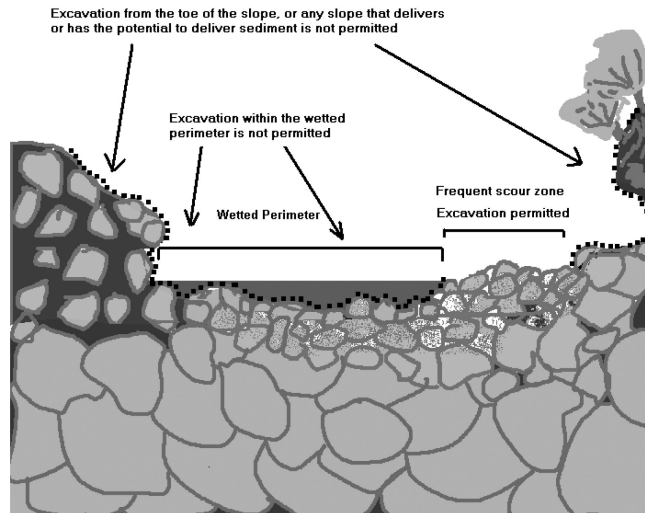


Figure 4: Excavating, collecting and removing aggregate within the wetted perimeter is not permitted.

(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 nonmotorized mini high-bankers or other concentrators only outside the wetted perimeter. Water may be supplied to the mini high-banker or concentrator only from natural stream flow or from hand-held buckets or containers and may not be supplied through a gravity siphon. 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))~~ (x) 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))~~ (xi) 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 nonmotorized hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Pans; and

(ii) ~~((Spiral wheels;~~

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

~~(iv))~~ 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; and pump intake hoses with inside diameters of four inches or less; and

~~(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). Water may be supplied to the high-banker or concentrator only from natural stream flow or from hand-held buckets or containers and may not be supplied through a gravity siphon;

(iii) No other types of mineral prospecting tools or equipment are authorized under this subsection.

(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 power sluice/suction dredge combinations 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 nonmotorized hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

~~((f-))~~ (e) Equipment separation:

(i) A person may use hand-held mineral prospecting tools; pans ~~((~~spiral wheels~~))~~; or sluices, mini rocker boxes, or nonmotorized 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), ~~((power sluice/suction dredge combination,))~~ or nonmotorized 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))~~ mineral prospecting equipment. 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))~~ being used within that two hundred foot radius.

(iii) When operating any sluice or rocker box with a riffle area larger than three square feet (including ganged equipment), ~~((power sluice/suction dredge combination, high-banker, or power sluice))~~ or nonmotorized high-banker 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))~~ mineral prospecting equipment. 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))~~ being used within that two hundred-foot radius.

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

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

~~((l))~~ (i) 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))~~ (j) A person may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

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

~~((p))~~ (m) 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 5 and 6.

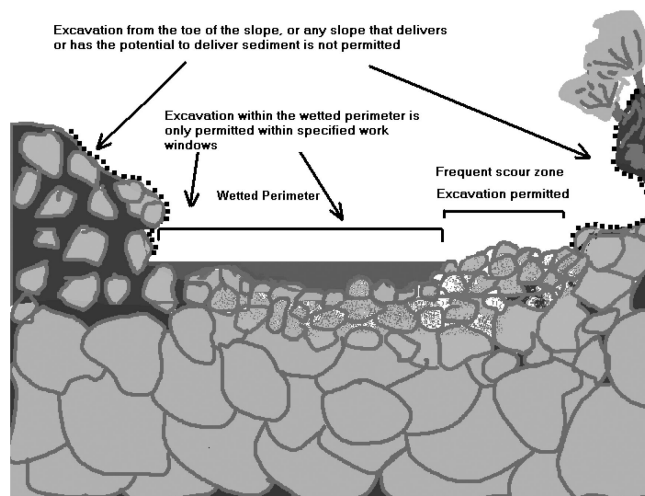


Figure 5: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.

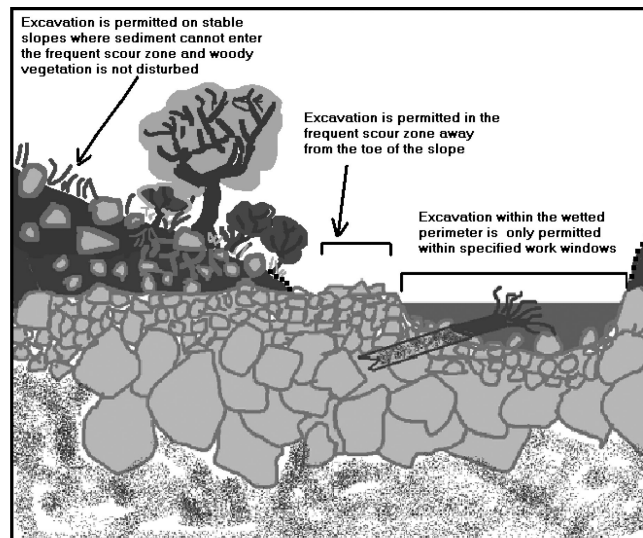


Figure 6: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting with timing restrictions. Dashed lines indicates areas where excavation is not permitted.

((+q)) (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, including the width of the equipment. A person may not divert the body of water outside of the wetted perimeter.

((+r)) (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.

((+s)) (p) 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; nonmotorized mini high-bankers; or sluices or other nonmotorized 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,))~~ nonmotorized 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)) (q) 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, nonmotorized concentrators, mini rocker boxes, and nonmotorized 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)~~) nonmotorized 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))~~ (r) A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate the operation.

~~((x))~~ (s) 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))~~ (t) 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 7.

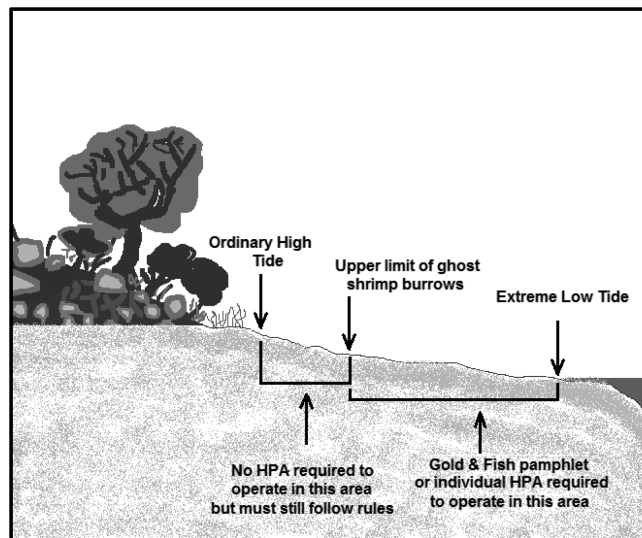


Figure 7. Beach area where no written or pamphlet HPA is required.

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

- (i) Pans; and
- (ii) ~~((Spiral wheels;~~
- ~~-(iii))~~ Sluices, nonmotorized concentrators, rocker boxes, and nonmotorized high-bankers with riffle areas totaling ten square feet or less, including ganged equipment ~~((;~~
- ~~-(iv) 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; and~~
- ~~-(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.~~

~~-(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))~~ (e) 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) Water may be supplied to a high-banker or concentrator only from natural stream flow or from hand-held buckets or containers and may not be supplied through a gravity siphon.

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

(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.

~~(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.~~

~~(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.~~

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

~~((l)) (j) 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.~~

~~((m)) (k) 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.~~

~~((n)) (l) 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.~~

~~((o)) (m) 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.~~

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

~~(q)) (n) 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.~~

~~((r)) (o) 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 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 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 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 HPA to work in these water bodies.

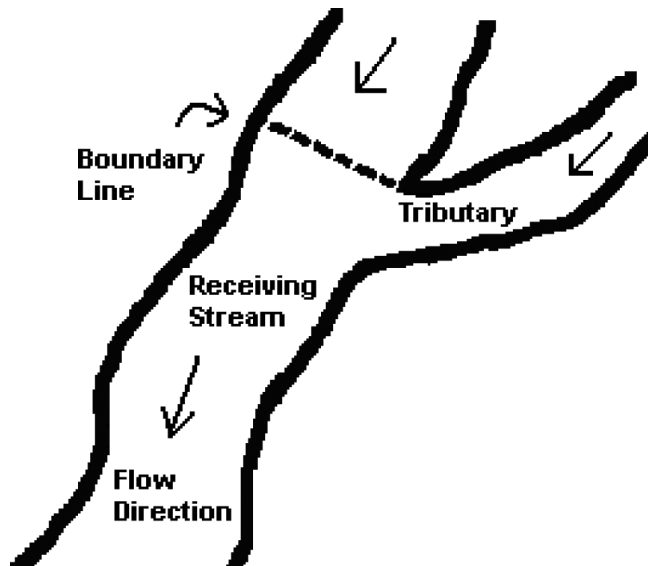


Figure 8: Where the boundary is located if a tributary listed as a boundary.

Table 1
 Authorized Work Times 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
Adams County	July 1 - October 31
Crab Creek (41.0002)	July 16 - February 28
Esquatzel Creek (36.MISC)	June 1 - February 28
Palouse River (34.0003)	July 16 - February 28
Asotin 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
Snake River (35.0002)	See Below
Alpowa Creek (35.1440)	July 16 - December 15
Asotin Creek (35.1716)	July 16 - August 15
Couse Creek (35.2147)	July 16 - December 15
Grande Ronde River (35.2192)	July 16 - September 15
Ten Mile Creek (35.2100)	July 16 - December 15
Benton County	June 1 - September 30
Columbia River	See Below
Glade Creek (31.0851)	August 1 - September 30
Yakima River (37.0002)	June 1 - September 15
Amon Wasteway (37.0009)	June 1 - September 30
Corral Creek (37.0002)	June 1 - September 30
Spring Creek (37.0205)	June 1 - September 30
Chelan County	July 16 - August 15
Columbia River	See Below
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Clallam River (19.0129)	August 1 - August 15
Dungeness River (18.0018)	Submit Application
Independent Creek (18.MISC)	August 1 - August 31
Elwha River (18.0272)	August 1 - August 15
Hoko River (19.0148)	August 1 - September 15
Jimmycomelately Creek (17.0285)	August 1 - August 31
Lake Ozette (20.0046)	Submit Application
Little Quilcene River (17.0076)	July 16 - August 31
Lake Ozette tributaries	July 16 - September 15
Lyre River (19.0031)	August 1 - September 15
McDonald Creek (18.0160)	August 1 - September 15
Morse Creek (18.0185)	August 1 - August 15
Ozette River (20.0046)	July 16 - September 15
Pysht River (19.0113)	August 1 - September 15
Quillayute River (20.0096, 20.0162, 20.0175)	August 1 - August 15
Bogachiel River (20.0162)	Submit Application
Calawah River (20.0175)	August 1 - August 15
Salmon Creek (17.0245)	July 16 - August 31
Sekiu River (19.0203)	August 1 - September 15
Snow Creek (17.0219)	July 16 - August 31
Sol Duc River (20.0096)	Submit Application
Lake Pleasant (20.0313)	Submit Application
Lake Pleasant tributaries	July 16 - September 15
Sooes River (20.0015)	July 16 - September 15
Clark County	July 16 - September 30
Columbia River	See Below

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Lacamas Creek (28.0160) - Mouth to dam	August 1 - August 31
Lacamas Creek (28.0160) - Upstream of dam	August 1 - September 30
Lewis River (27.0168)	August 1 - August 15
East Fork Lewis River (27.0173) - Mouth to Lucia Falls	August 1 - August 15
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Burrish Creek (27.0151)	August 1 - August 31
Bybee Creek (27.0142)	August 1 - August 31
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Columbia River	See Below
Snake River	See Below
Palouse River (34.0003)	July 16 - February 28
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Humptulips River (22.0004) - Mouth to Forks	August 1 - September 30
Humptulips River (22.0004) - Upstream of Forks	August 1 - September 30
Johns River (22.1270)	August 1 - September 30
Moclips River (21.0731)	August 1 - October 15
North River (24.0034)	August 1 - September 30
Queets River (21.0001)	August 1 - August 15
Quinalt River (21.0398)	August 1 - August 15
Raft River (21.0337)	August 1 - October 15
Island County	June 16 - October 15
Cavalero Creek (06.0065)	June 16 - December 15
Chapman Creek (06.0070)	June 16 - December 15
Crescent Creek (06.0002)	June 16 - December 15
Cultus Creek (06.0026)	June 16 - March 15
Deer Creek (06.0024)	June 16 - March 15
Dugualla Creek (06.0001)	June 16 - March 15
Glendale Creek (06.0025)	June 16 - December 15
Kristoferson Creek (06.0062-06.0063)	May 1 - December 15
Maxwelton Creek (06.0029)	June 16 - December 15
North Bluff Creek (06.0006)	June 16 - March 15
Old Clinton Creek (06.0023)	June 16 - March 15
Jefferson County	July 16 - October 31
Big Quilcene River (17.0012) - Mouth to falls	July 16 - August 31
Big Quilcene River (17.0012) - Falls to Forks	August 1 - February 28
Big Quilcene River (17.0012) - Upstream of Forks	August 1 - February 28
Bogachiel River (20.0162)	Submit Application
Chimacum Creek (17.0203)	July 16 - September 15
Donovan Creek (17.0115)	July 1 - October 15
Dosewallips River (16.0442)	July 16 - August 15
Duckabush River (16.0351)	July 16 - August 15
Dungeness River (18.0018)	August 1 - August 15
Elwha River (18.0272)	August 1 - August 15
Goodman Creek (20.0406)	August 1 - September 15
Hoh River (20.0422)	August 1 - August 15

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Little Quilcene River (17.0076)	July 16 - August 31
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28
Deep Creek (07.0562)	July 16 - February 28
Illinois Creek (07.0624)	July 16 - February 28
Lennox Creek (07.0596)	July 16 - February 28
Bear Creek (07.0606)	July 16 - February 28
Raging River (07.0384)	August 1 - September 15
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15
South Fork Skykomish River (07.0012) - Upstream of 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
Index Creek (07.1264) - Mouth to Mud Lake Creek	August 1 - August 31
Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek	July 16 - February 28
Miller River (07.1329) - Mouth to Forks	August 1 - August 15
Miller River (07.1329) - Upstream of Forks	August 1 - August 15
Coney Creek (07.1347)	July 16 - February 28
East Fork Miller River (07.1329) - Mouth to Great Falls Creek	July 16 - August 15
East Fork Miller River (07.1329) - Upstream of Great Falls Creek	July 16 - February 28
Foss River (07.1562) - Mouth to Forks	July 16 - August 31
East Fork Foss River (07.1562) - Mouth to Burn Creek	July 16 - August 15
East Fork Foss River (07.1562) - Upstream of Burn Creek	July 16 - February 28
West Fork Foss River (07.1573) - Mouth to falls at river mile 2.0	July 16 - August 31

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
West Fork Foss River (07.1573) - Upstream of falls at river mile 2.0	July 16 - February 28
West Fork Miller River (07.1335)	July 16 - February 28
Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek	August 1 - August 31
Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek	August 1 - February 28
Kimball Creek (07.1301)	August 1 - August 31
Tye River (07.0012) - Mouth to Alpine Falls	August 1 - August 31
Tye River (07.0012) - Upstream of Alpine Falls	July 16 - February 28
South Fork Snoqualmie River (07.0467)	July 16 - February 28
Denny Creek (07.0517)	July 16 - February 28
Tolt River (07.0291) - Mouth to Forks	August 1 - August 31
North Fork Tolt River (07.0291) - Mouth to Yellow Creek	July 16 - September 15
North Fork Tolt River (07.0291) - Upstream of Yellow Creek	July 16 - February 28
South Fork Tolt River (07.0302) - Mouth to dam	July 16 - September 15
South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir	July 16 - February 28
Yellow Creek (07.0337)	July 16 - February 28
White River (10.0031)	July 16 - August 15
Greenwater River (10.0122)	July 16 - August 15
Kittitas County	July 1 - September 30
Brushy Creek (40.0612)	July 1 - February 28
Colockum Creek (40.0760)	July 1 - October 31
Quilomene Creek (40.0613)	July 1 - October 31
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28
Tarpiscan Creek (40.0723)	July 1 - February 28
Tekiason Creek (40.0686)	July 1 - February 28
Whiskey Dick Creek (40.0591)	July 1 - February 28

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application
Kachess River (39.1739) - Below dam	July 16 - August 15

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Twanoh 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
Black Canyon Creek (48.0015) - Mouth to Left Fork	Submit Application
Black Canyon Creek (48.0015) - Upstream of Left Fork	July 1 - February 28
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Middle Fork Gold Creek (48.0139)	July 1 - February 28
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
Martin Creek (48.0177)	July 1 - February 28
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
Rainy Creek (48.0105)	July 1 - February 28
McFarland Creek (48.0090) - Mouth to Vinegar Gulch	Submit Application
McFarland Creek (48.0090) - Upstream of Vinegar Gulch	July 1 - February 28
Methow River tributaries between Libby Creek and Beaver Creek	July 1 - February 28
Beaver Creek (48.0307)	Submit Application
Frazer Creek (48.0309)	July 1 - February 28
Lightning Creek (48.0361)	July 1 - February 28
Middle Fork Beaver Creek (48.0307)	July 1 - February 28
South Fork Beaver Creek (48.0342)	July 1 - February 28
Libby Creek (48.0203) - Mouth to Hornet Draw Creek	Submit Application
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Big Muddy Creek (62.0279)	August 1 - March 15
Bracket Creek (62.0815)	August 1 - March 15
Calispel Creek (62.0628)	August 1 - August 31
Exposure Creek (62.0261)	August 1 - August 31
Kent Creek (62.0819)	August 1 - March 15
Le Clerc Creek (62.0415)	August 1 - August 31
Lime Creek (62.0014)	August 1 - March 15
Lodge Creek (62.0859)	August 1 - August 31
Lost Creek (62.0322)	August 1 - March 15
Marmust Creek (62.0842)	August 1 - March 15
Pee Wee Creek (62.0007) - Mouth to falls	August 1 - August 31
Pee Wee Creek (62.0007) - Upstream of falls	August 1 - March 15
Renshaw Creek (62.0310)	August 1 - March 15

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Sullivan (O'Sullivan) Creek (62.0074)	August 1 - August 31
North Fork Sullivan Creek (62.0075)	August 1 - August 31
Tributaries of Deep Creek in Pend Oreille County (61.0195)	July 16 - August 15
Currant Creek (61.0249)	July 16 - August 15
Meadow Creek (61.0351)	July 16 - August 15
Rocky Creek (61.0364)	July 16 - August 15
Silver Creek (61.0195)	July 16 - August 15
Smackout Creek (61.0226)	July 16 - August 15
Pierce County	July 16 - August 31
Chambers/Clover Creek Watershed (12.MISC)	July 16 - September 30
Flett Creek (12.0009)	July 16 - October 31
Leach Creek (12.0008)	July 16 - September 30
Nisqually River (11.0008) - Mouth to Alder Lake	July 16 - August 31
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30
Mashel River (11.0101) - Mouth to Busy Wild Creek	July 16 - September 30
Mashel River (11.0101) - Upstream of Busy Wild Creek	July 16 - September 30
Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall	July 16 - August 31
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
Unnamed Creek (02.0041) - San Juan Island; mouth to lake	July 1 - October 15
Skagit County	August 1 - September 15
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15
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
Samish River (03.0005)	August 1 - September 15
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
Lookout Creek (04.1447)	July 16 - February 28

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Sibley Creek (04.1481)	July 16 - February 28
Day Creek (03.0299) - Mouth to Rocky Creek	Submit Application
Day Creek (03.0299) - Upstream of Rocky Creek	August 1 - February 28
Finney Creek (04.0392) - Mouth to Big Fir Creek	Submit Application
Finney Creek (04.0392) - Upstream of Big Fir Creek	July 16 - February 28
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
Suiattle River (04.0710)	Submit Application
Wiseman Creek (03.0280) - Mouth to SR20	Submit Application
Wiseman Creek (03.0280) - Upstream of SR20	July 16 - February 28
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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
Swift Creek (04.0509) - Mouth to Rainbow Creek	Submit Application
Swift Creek (04.0509) - Upstream of Rainbow Creek	July 16 - February 28
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
Barron Creek (04.2591)	October 1 - February 28
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
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
Holmes Creek (04.2473) - Mouth to 300 feet upstream	Submit Application

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters	October 1 - February 28
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
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
North Fork Canyon Creek (04.2583) - Mouth to Elk Creek	Submit Application
Cascade Creek (05.2584)	October 1 - February 28
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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
Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River	July 1 - August 15
Bumping River (38.0998)	July 16 - August 15
American River (38.1000)	Submit Application
Gold Creek (38.MISC)	July 16 - February 28
Kettle Creek (38.1033)	Submit Application
Miner Creek (38.1027)	July 16 - February 28
Morse Creek (38.1072) - Mouth to SR410 crossing	August 1 - August 15
Morse Creek (38.1072) - Upstream of SR410 crossing	August 1 - February 28
Rock Creek (38.MISC)	July 16 - February 28
Timber Creek (38.1062)	August 1 - August 15
Union Creek (38.1045) - Upstream of 500 feet above falls	August 1 - February 28
Union Creek (38.1045) - Mouth to 500 feet above falls	Submit Application
Other American River tributaries not listed	August 1 - February 28
Deep Creek (38.MISC)	Submit Application
Copper Creek (38.MISC)	August 1 - August 15
Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek	July 1 - September 30

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
North Fork Cowlitz Creek (38.0008)	July 1 - February 28
South Fork Cowlitz Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30
South Fork Cowlitz Creek (38.0031) - Upstream of Reynolds Creek	July 16 - October 31
Granite Creek (38.MISC)	August 1 - August 15
Little Naches River (38.0852) - Mouth to Matthews Creek	July 16 - August 15
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

Washington Counties and State Waters (Water Resource Inventory Area (WRIA) in parentheses)	Mineral Prospecting is Allowed Only Between These Dates
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
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

[Statutory Authority: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328. WSR 19-12-126, § 220-660-300, filed 6/5/19, effective 11/1/19. Statutory Authority: RCW 77.04.012, 77.04.020, 77.12.047, 77.55.021, 77.55.091, 77.55.051, 77.55.081, 34.05.328, and 34.05.350. WSR 18-10-054, § 220-660-300, filed 4/27/18, effective 6/1/18. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-300, filed 12/30/14, effective 7/1/15.]

AMENDATORY SECTION (Amending WSR 19-12-126, filed 6/5/19, effective 11/1/19)

WAC 220-660-305 (~~(Suction dredging)~~) Mineral prospecting involving motorized or gravity siphon equipment. (1) **Description:** (~~(Suction dredging)~~) Mineral prospecting involving motorized or gravity siphon equipment are projects that excavate, process, (~~and~~) or 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~~) equipment or pumps. Such methods include, but are not limited to, suction dredges, dryland dredges, power sluice/suction dredge combinations, motorized high-bankers or power sluices, trommels, and spiral wheels. These projects also include methods using gravity siphons that supply water for excavating, processing, or classifying aggregate by means of vacuum created by water flowing through a tube or hose, such as gravity dredges or nonmotorized high-bankers. Bulb sniffers are not considered (~~suction dredges~~) motorized or gravity siphon equipment. The rules in this section apply to using motorized (~~and nonmotorized suction dredges~~) or gravity siphon equipment. See WAC 220-660-300 for mineral prospecting with other types of equipment (~~other than suction dredges~~).

(2) **Fish life concerns:** (~~(Suction dredging)~~) Mineral prospecting involving motorized or gravity siphon equipment 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~~) equipment; 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~~) motorized and gravity siphon equipment 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~~) mineral prospecting involving motorized or gravity siphon equipment, 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.))~~ The department will determine the authorized work time for mineral prospecting activities involving motorized or gravity siphon equipment that discharge water to surface or ground water per WAC 220-660-110.

(c) Nothing in this 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))~~ motorized or gravity siphon 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))~~ motorized or gravity siphon 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:))~~ Mineral prospecting involving motorized or gravity siphon equipment:**

(a) A person may ~~((suction dredge))~~ operate motorized or gravity siphon equipment in ~~((fresh))~~ waters of the state only ~~((during the times and))~~ with the mineral prospecting equipment limitations identified in ~~((subsection (7) of))~~ this section and during the times identified in the written HPA.

(b) When ~~((suction dredging))~~ mining using motorized or gravity siphon equipment, a person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment:

(i) Pans;

(ii) Spiral wheels;

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

(iv) Gravity siphons;

(v) 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))~~ (vi) 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

zle 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.)) ;~~

(vii) 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 and pump hoses with inside diameters of four inches or less;

(viii) 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 Washington department of ecology determines where motorized or gravity siphon equipment listed in the previous provision may be used. Contact the Washington department of ecology water quality program for information about the locations where the use of motorized or gravity siphon equipment is allowed.

(d) 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 this subsection (5).

(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.

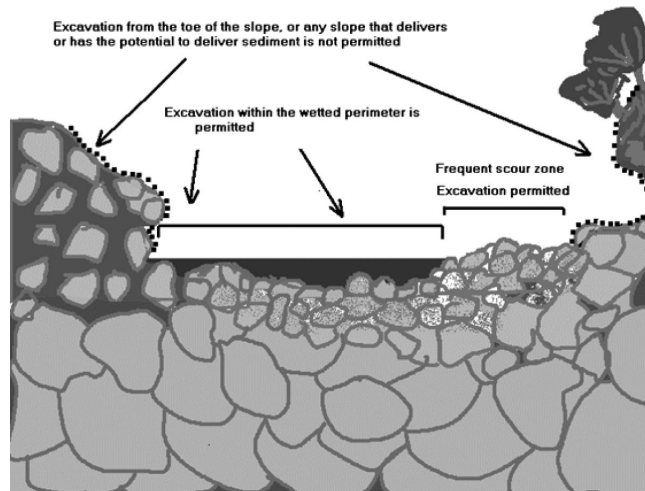


Figure 2: Cross section of a typical body of water showing unstable slopes, stable areas, and permitted or prohibited excavation sites when operating a dryland dredge. Dashed lines indicate areas where excavation is not permitted.

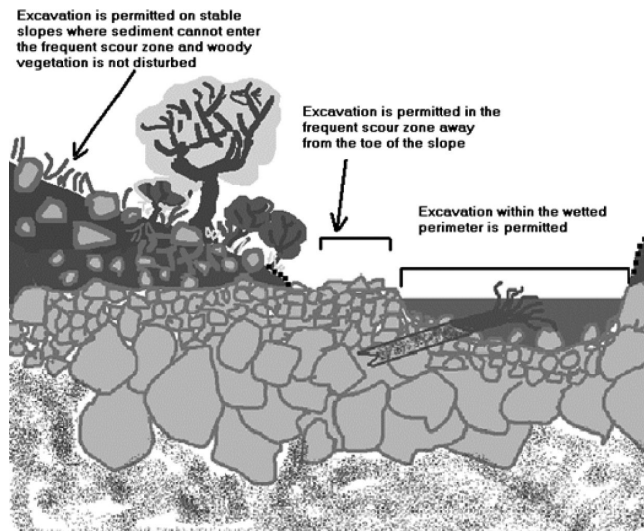


Figure 3: Permitted and prohibited excavation sites in a typical body of water under rules for dryland dredging. Dashed lines indicate areas where excavation is not permitted.

(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 nonmotorized hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(g) Equipment separation:

(i) A person may use 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 ((a suction dredge or power sluice/suction dredge combination configured and operated as a suction dredge)) ~~motorized or gravity siphon equipment other than that identified in (g) (i) of this subsection,~~ 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 equipment), high-banker, or power sluice)) any type of motorized or gravity siphon equipment. 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)) removing 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 may work in only one excavation site at a time. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

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

~~((p))~~ (q) 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 has the potential to deliver, sediment to the wetted perimeter or frequent scour zone.

~~((q))~~ (r) A person may partially divert a body of water into mineral prospecting equipment using natural or artificial materials provided the diversion is constructed by hand. 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. Before abandoning the site, a person must remove artificial materials used in the construction of 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 high-bankers; or other concentrators with riffle areas totaling 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 total-

ing ten square feet or less, including ganged equipment; or sluices or rocker boxes that have riffle areas totaling more than three but less than ten square feet, including ganged equipment. A person may not discharge tailings to the wetted perimeter when using this equipment. However, you 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 the upland areas landward of the frequent scour zone:

(i) At any location if a person uses pans; spiral wheels; concentrators; or mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment. A person must classify the aggregate at the collection or excavation site prior to 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, or power sluices. A person may not discharge tailings or wastewater into the wetted perimeter or frequent scour zone.

~~((r))~~ (u) 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.

~~((s))~~ (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 3/4-inch. If a person crevices landward of the frequent scour zone, a person may not discharge sediment or wastewater to 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.

~~((t))~~ (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.

~~((u))~~ (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) ~~((Suction dredging)) Mineral prospecting involving motorized or gravity siphon equipment on ocean beaches:~~ A person may ~~((suction dredge)) operate motorized or gravity siphon equipment~~ year-round on ocean beaches of the state. A person must follow the rules listed below:

(a) A person may ~~((suction dredge)) operate~~ 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.

(b) When ~~((suction dredging)) operating motorized or gravity siphon equipment~~, 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.) equipment authorized in subsection (5) (b) of this section.~~

~~(c) Motorized types of mineral prospecting equipment listed in the previous provision may be used ONLY in waters in Grays Harbor, and Pacific counties that are NOT designated under the Endangered Species Act as critical habitat for salmon, steelhead, or bull trout. A map identifying waters where motorized methods are allowed is available from Washington department of ecology.~~

~~(d) A person may not use vehicle-mounted winches. A person may use one ((motorized winch and one)) nonmotorized 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,)) (e) Any device a person uses for ((pumping)) removing 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)) (f) 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)) (g) 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)) (h) A person may not undermine, cut, disturb, or move embedded large woody material or woody debris jams.~~

~~((h)) (i) 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))~~ (j) A person may use pressurized water only for redistributing dredge tailings within the wetted perimeter (~~(, for crevice 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))~~ (k) 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))~~ (l) 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 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 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.

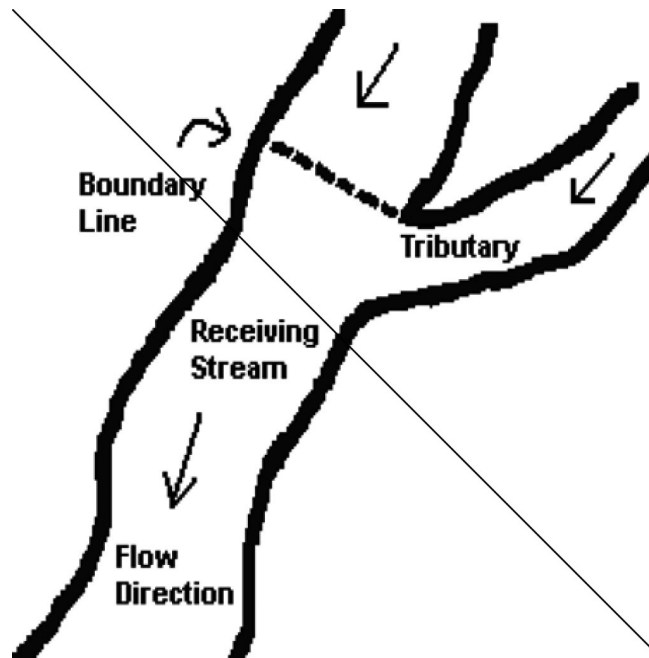


Figure 4: Where the boundary is located if a tributary listed as a boundary.

(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
Coloekum Creek (40.0760)	July 1 - October 31	X	-
Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	X	X
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	X	-
Crum Canyon (46.0107)	July 16 - March 31	X	-
Mad River (46.0125)	July 16 - July 31	X	-
Indian Creek (46.0128)	July 16 - February 28	X	-
Lake Chelan (47.0052)	Submit Application	-	-
Railroad Creek (47.0410)	July 16 - September 30	X	-
Stehekin River (47.0508)	Submit Application	-	-
Twenty-Five Mile Creek (47.0195)	July 16 - September 30	X	-

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
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	-
Squilehuck Creek (40.0836) - Mouth to South Wenatchee Avenue	July 1 - September 30	X	-
Squilehuck 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	-
Ieicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	X	X
Ieicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	X	-
Fourth of July Creek (45.0525)	July 1 - February 28	X	-
Lake Wenatchee (45.0030)	Submit Application	-	-
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	X	X
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	-	-

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
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 Quileene 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	-	-

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
Calawah River (20.0175)	August 1 – August 15	X	X
Salmon Creek (17.0245)	July 16 – August 31	X	–
Sekiu River (19.0203)	August 1 – September 15	X	–
Snow Creek (17.0219)	July 16 – August 31	X	–
Sol Duc River (20.0096)	Submit Application	–	–
Lake Pleasant (20.0313)	Submit Application	–	–
Lake Pleasant tributaries	July 16 – September 15	X	–
Sooes River (20.0015)	July 16 – September 15	X	–
Clark County	July 16 – September 30	–	–
Columbia River	See Below	–	–
Lacamas Creek (28.0160)-Mouth to dam	August 1 – August 31	X	–
Lacamas Creek (28.0160)-Upstream of dam	August 1 – September 30	X	–
Lewis River (27.0168)	August 1 – August 15	X	X
East Fork Lewis River (27.0173) – Mouth to Lucia Falls	August 1 – August 15	X	X
East Fork Lewis River (27.0173) – Lucia Falls to Sunset Falls	August 1 – February 28	X	X
East Fork Lewis River (27.0173) – Upstream of Sunset Falls	August 1 – February 28	X	–
Lake River (28.0020)	January 1 – December 31	X	X
Burnt Bridge Creek (28.0143)	August 1 – August 31	X	–
Salmon Creek (28.0059)	August 1 – August 31	X	–
Whipple Creek (28.0038)	August 1 – September 30	X	–
North Fork Lewis River (27.0334) – Confluence of East Fork to Merwin Dam	August 1 – August 15	X	X
Cedar Creek (27.0339)	August 1 – September 15	X	–
North Fork Lewis River (27.0334) – Merwin Dam to Lower Falls	July 16 – August 15	X	X
Canyon Creek (27.0442)	July 16 – February 28	X	–
North Fork Lewis River (27.0168) – Upstream of Lower Falls	July 16 – August 15	X	X
Washougal River (28.0159) – Mouth to headwaters	August 1 – August 31	X	X
Columbia County	July 16 – September 30	X	–
Touchet River (32.0097)	August 1 – August 15	X	X

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
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	–
Burris Creek (27.0151)	August 1 – August 31	X	–
Bybee Creek (27.0142)	August 1 – August 31	X	–
Canyon Creek (27.0147)	August 1 – August 31	X	–
Coal Creek (25.0340)	July 16 – September 15	X	–
Clark Creek (25.0371)	August 1 – August 31	X	–
Cowlitz River (26.0002) – Mouth to barrier dam at river mile 49.5	July 16 – August 15	X	X
Coweeman River (26.0003) – Mouth to Baird Creek	August 1 – August 31	X	X
Coweeman River (26.0003) – Upstream of Baird Creek	August 1 – August 31	X	–
Cowlitz River (26.0002) – Tributaries below barrier dam to mouth	July 16 – September 30	X	–
Owl Creek (26.1441)	July 16 – September 15	X	–
Toutle River (26.0227)	July 16 – August 15	X	X
North Fork Toutle River (26.0314) – Mouth to Debris Dam	July 16 – August 15	X	X
North Fork Toutle River (26.0314) – Upstream of Debris Dam	July 16 – August 15	X	–

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
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
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	-

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
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	-	-
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	X	-
Goosmus Creek (60.0254)	June 16 - February 28	X	-
Toroda Creek (60.0410)	July 1 - September 30	X	-
San Poil River (52.0004)	June 16 - September 30	X	X
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	X	-
Granite Creek (52.0099) - Upstream of Powerhouse Dam	June 16 - February 28	X	-
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	X	X
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	X	-
Gold Creek (52.0197)	June 16 - February 28	X	-
Franklin County	June 1 - September 30	X	-
Columbia River	See Below	-	-
Snake River	See Below	-	-
Palouse River (34.0003)	July 16 - February 28	X	X
North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	X	-
Garfield County	July 16 - September 30	X	-
Snake River (35.0003)	See Below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	X	-
Asotin Creek (35.1716)	July 16 - August 15	X	-
Deadman Creek (35.0688)	July 16 - December 15	X	-
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	-
Meadow Creek (35.0689)	July 16 - December 15	X	-
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	X	X
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	X	-
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	X	-
Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	X	-
Grant County	July 1 - October 31	X	-
Columbia River	See Below	-	-

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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
Humtulsips River (22.0004) – Mouth to Forks	August 1 – September 30	X	X
Humtulsips River (22.0004) – Upstream of Forks	August 1 – September 30	X	–
Johns River (22.1270)	August 1 – September 30	X	X
Moelips River (21.0731)	August 1 – October 15	X	X
North River (24.0034)	August 1 – September 30	X	X
Queets River (21.0001)	August 1 – August 15	X	X
Quinault River (21.0398)	August 1 – August 15	X	X
Raft River (21.0337)	August 1 – October 15	X	X
Island County	June 16 – October 15	X	–
Cavalero Creek (06.0065)	June 16 – December 15	X	–
Chapman Creek (06.0070)	June 16 – December 15	X	–
Crescent Creek (06.0002)	June 16 – December 15	X	–
Cultus Creek (06.0026)	June 16 – March 15	X	–
Deer Creek (06.0024)	June 16 – March 15	X	–
Dugualla Creek (06.0001)	June 16 – March 15	X	–
Glendale Creek (06.0025)	June 16 – December 15	X	–
Kristoferson Creek (06.0062-06.0063)	May 1 – December 15	X	–
Maxwelton Creek (06.0029)	June 16 – December 15	X	–
North Bluff Creek (06.0006)	June 16 – March 15	X	–

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Old Clinton Creek (06.0023)	June 16 - March 15	X	-
Jefferson County	July 16 - October 31	X	-
Big Quileene River (17.0012) - Mouth to falls	July 16 - August 31	X	X
Big Quileene River (17.0012) - Falls to Forks	August 1 - February 28	X	X
Big Quileene 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 Quileene River (17.0076)	July 16 - August 31	X	-
Queets River (21.0001)	August 1 - August 15	X	X
Matheny Creek (21.0165)	August 1 - August 15	X	-
Sams River (21.0205)	August 1 - August 15	X	X
Quinault River (21.0398)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	-
Skokomish River (16.0001)	August 1 - August 31	X	X
Snow Creek (17.0219)	July 16 - August 31	X	-
Tarboo Creek (17.0129)	August 1 - September 30	X	-
Thorndyke Creek (17.0170)	August 1 - October 15	X	-
King County	July 16 - September 30	X	-
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	X	X
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	X	-
Issaquah Creek (08.0178)	August 1 - August 31	X	-
Sammamish River (08.0057)	August 1 - August 31	X	-
Steele Creek (08.0379)	July 16 - February 28	X	-
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	X	X

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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
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	-

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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	-
Tolt River (07.0291)- Mouth to Forks	August 1 - August 31	X	X

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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
Kititas County	July 1 - September 30	X	-
Brushy Creek (40.0612)	July 1 - February 28	X	-
Coloekum 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	-
Tarpisean 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	-
Cougar Gulch (39.1157)	July 16 - February 28	X	-

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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 Seandia Creek (15.0280)	August 1 – September 30	X	–
Blaekjaek 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 Guleh 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	-
Skookumehuck 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	-
Ceeile 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	-
Braeket 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 Clere 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	-
Carrant 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), Oreas Island – Upstream of Lower Falls	July 1 – February 28	X	–
Cascade Creek (02.0057), Oreas 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, Oreas Island; direct tributary to Eastsound Bay	July 1 – October 15	X	–
Moran Creek (02.MISC) – Oreas 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	–
Hlabot 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
Pilehuck River (07.0125) - Mouth to city of Snohomish Diversion Dam	August 1 - August 31	X	X
Pilehuck River (07.0125) - City of Snohomish Diversion Dam to Boulder Creek	August 1 - September 15	X	X
Pilehuck 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 Culmbach 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	-
Pereival 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	-	-

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
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	-
Cowiehe Creek (38.0005)-Mouth to South Fork Cowiehe Creek	July 1 - September 30	X	-
North Fork Cowiehe Creek (38.0008)	July 1 - February 28	X	-
South Fork Cowiehe Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30	X	-
South Fork Cowiehe 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.))

[Statutory Authority: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, 77.135.100, 77.135.110, and 34.05.328. WSR 19-12-126, § 220-660-305, filed 6/5/19, effective 11/1/19.]

WSR 21-09-067
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2021, 8:23 a.m., effective June 1, 2021]

Effective Date of Rule: June 1, 2021.

Purpose: The division of occupational safety and health (DOSH) updated the requirements in chapter 296-155 WAC, Safety standards for construction work, Part S, Demolition. This rule making removed confusing and unnecessary language, added clarification where necessary throughout the rule to improve the safety of employees working in the demolition industry, as well as improve public safety. Other updates and housekeeping changes were made throughout this chapter where needed.

Following an investigation of demolition violations related to the Highway 410 overpass collapse and a subsequent review of the citation history for the demolition requirements under chapter 296-155 WAC, Part S, the department of labor and industries (L&I) determined that rule changes were needed to ensure that demolition plans were developed and implemented.

The current rule requires an engineering survey to be conducted prior to starting demolition to determine structural integrity and the possibility of unplanned collapse of any portion of the structure. However, the current rule does not require that a demolition plan be developed based upon engineering survey.

The department determined that rule changes were needed to ensure demolition plans were developed based upon the engineering survey and the demolition plan must incorporate conditions of the framing, floors, and walls, and potential of unplanned collapse and any portion of the structure(s).

Hazards, such as unplanned collapses and flying or dropping debris, can injure both workers and the public. These hazards can be mitigated with an engineering survey and a demolition plan.

The adopted language requires that prior to permitting employees to start demolition operations, a competent person must make an engineering survey of the structure to determine the structural integrity and the possibility of unplanned collapse of any portion of the structure; and must similarly check adjacent structures where employees may be exposed.

The adopted language requires employers to develop and implement a written demolition plan tailored to the operation and to the types of hazards involved, which must be kept on the job site.

In addition, on June 2, 2020, L&I adopted new fall protection standards. L&I updated its fall protection rules after receiving notification from the Federal Occupational Safety and Health Administration (OSHA) advising L&I to update the requirements in chapter 296-155 WAC, Safety standards for construction work, Part C-1 fall protection requirements for construction, in order for them to be at-least-as-effective-as those administered by OSHA. As such, the adopted changes in chapter 296-155 WAC, Safety standards for construction work, Part S, Demolition, were made to align with the fall protection standards in chapter 296-880 WAC, Unified safety standards for fall protection.

New Section:

WAC 296-155-774 Definitions and applicability. Specifically, the adopted rule:

- Included a scope of the rule.

- Added the following new definitions to this subpart: Competent person and demolition. Definition of "competent person" duplicated from chapter 296-155 WAC, Safety standards for construction work, Part A, so employers/workers can more easily locate.
- Added the following references related to the use of equipment: Ladder use requirements found in chapter 296-876 WAC; Scaffolds use found in chapter 296-874 WAC; Crane and derricks use found in chapter 296-155 WAC, Part L; Elevated work platforms found in chapter 296-869 WAC; and use of hoists found in chapter 296-155 WAC, Part R.

Amended Sections: WAC 296-155-775 Preparatory operations.

- Renumbered subsection (1) to become subsection (1)(a) and added clarifying language. Adopted language clarifies that the determination of structural integrity includes the condition and structural integrity of framing, floors, and walls under subsection (1)(a). This language is also consistent with OSHA's requirement under 29 C.F.R. 1926.850(a).
- Renumbered subsection (2) to become subsection (1)(b) and added clarifying language that a copy of engineering survey is to be kept on the job site for the duration of the demolition operation.
- Renumbered subsection (3) to become subsection (2)(a) and requires the development and implementation of a written demolition plan to incorporate conditions identified in the engineering survey.
- Renumbered subsection (3)(b) to become subsection (2)(b) and requires that the written demolition plan be available on site for inspection. Deleted some content in previous subsection (3), and renumbered the following items.
- Renumbered subsection (4) to become subsection (3) and changes made for clarity.
- Renumbered subsection (5) to become subsection (4) and clarified the language.
- Renumbered subsection (6) to become subsection (5).
- Renumbered subsection (7) to become subsection (6).
- Renumbered subsection (8) to become subsection (7).
- Renumbered subsection [subsection] (9) to become subsection (8). In addition, subsection (8) divided into three new subsections (a), (b), and (c) to provide clarification.
- Subsection (8)(a) added reference to adjacent structures. The adopted language in WAC 296-155-775 (8)(a) clarifies rule language by adding language that adjacent structures that could be affected by the demolition operations must be checked and are included in the scope of the demolition activities. This is not an increase in requirement but clarifies the requirements under the current rules with what is required in an engineering survey and considered part of the "demolition worksite."
- Subsection (8)(b) clarified testing must be performed and hazards eliminated before demolition is started.
- Subsection (8)(c) added reference to other federal, state, or local regulations, laws, or rules.
- Updated title of subsection (9) to address removal of material that may cause dust to be formed.
- Added subsection (9)(a) to address the removal of material exposing employees to airborne hazards by following requirements in chapter 296-841 WAC, Airborne contaminants.

- Added subsection (9)(b) to address the removal of material exposing employees to respirable crystalline silica by following requirements in chapter 296-840 WAC, Respirable crystalline silica.
- Added language to subsection (10) to state hazards must be removed prior to starting demolition activities.
- Updated language in subsection (11) whereby workers will be protected by the use of a guardrail system, safety net system, personal fall arrest system, or personal fall restraint system. Added language to clarify that a wall opening can include those with chutes attached. Added language to clarify when a hazard exists from wall openings. The adopted language in WAC 296-155-775(11) adds language to clarify when a hazard exists from wall openings by aligning with existing requirements when wall openings must be guarded. Changes are to align with and be as-effective-as OSHA requirements. The adopted language will align with the guarding requirements for openings in the unified fall protection standard under WAC 296-880-20005(4), previously under chapter 296-155 WAC, Safety standards for construction work, Part C-1, Fall protection requirements for construction, in WAC 296-155-24609. The adopted language adds additional options for fall protection other than guardrails. These are additional options that an employer can choose to use as an alternative to the requirement for guardrails. As these are options available to the employer, there is no cost for compliance. It is expected that employers will choose to use [it] when it is a more feasible option.
- Added title in subsection (13) "Cover requirement-holes."
- Updated language in subsection (13)(a) regarding load weight for hole covers. The adopted language in WAC 296-155-775 (13)(a) adds language to clarify the strength requirements for hole covers to be consistent with the requirements under OSHA's construction fall protection rule under 29 C.F.R. 1926.502 (i)(2), and OSHA's 29 C.F.R. 1910.29 (e)(1) General Industry Standard; and under DOSH's unified safety standards for fall protection. The requirement to cover holes is addressed in WAC 296-880-20005(3). Cover specifications (strength) are addressed in WAC 296-880-40015.
- Added subsection (13)(b) to address signage to increase hazard warnings: "You must mark each cover with the word "hole" or "cover" to provide warning of the hazard." The current demolition rule does not include requirements for the marking of hole covers which is inconsistent with OSHA 29 C.F.R. 1926.502 (i)(2) and DOSH's unified fall protection rule under WAC 296-880-40015(3). The adopted language aligns with OSHA and DOSH fall protection standards.
- Updated language in subsection (13)(c) regarding covers to read: "You must secure all covers to prevent accidental displacement by wind, equipment, or employees." The adopted language in WAC 296-155-775 (13)(c) clarifies to the requirements to secure hole covers to prevent accidental displacement by wind, equipment, or employees. The adopted language aligns with the securing of hole covers under OSHA fall protection rule under 29 C.F.R. 1926.502 (i)(3) and DOSH's unified fall protection rule under WAC 296-880-40015(2).
- Deleted the term "completely" from subsection (16). The word "completely" is not defined in the standard, and is not necessary for implementation of the subsection. Completely is implied in the need to protect employees.

- Updated language in subsection (17) for clarity to read: "You must withdraw, drive in, or bend over nails protruding from boards, planks or timber as soon as the same is removed from the structure being demolished." Adopted changes clarify the rule language using plain talk standards to make the rule more understandable.
- Deleted subsection (18) as addressed under new language under WAC 296-155-775(9).

WAC 296-155-780 Stairs, passageways, and ladders.

- Replaced the word "covered" with "cover" for clarity.

WAC 296-155-785 Chutes.

- Added language to update subsection (1) to be in accordance with WAC 296-155-775(12).
- Deleted the word "substantial" from subsection (3), as it is not defined in chapter 296-155 WAC, Safety standards for construction work. Adopted changes clarify the rule language using plain talk standards to make the rule more understandable.
- Updated language in subsection (5) to delete the word "substantial" and replace with the word "standard." The adopted language in WAC 296-155-785 Chutes, is updated to align with OSHA in order to be as-effective-as OSHA requirements. Currently, WAC 296-155-785 requires a "substantial guardrail between 36 and 42 inches above the floor or other surface" is less effective than OSHA. While OSHA's demolition rule requires guarding to a height of 42 inches, OSHA's fall protection rule under 29 C.F.R. 1926.502 (b)(1) requires a top guard rail of 42 inches plus or minus 3 inches above the walking/working level (a minimum of 39 inches and a maximum of 45 inches). As such, requiring the height to be at least 39 inches is as-effective-as OSHA. This change also aligns with the guardrail height requirements under DOSH's unified fall protection rule in WAC 296-880-40005(1).

WAC 296-155-790 Removal of materials through floor openings.

- Deleted the word "safely," as it is not defined in chapter 296-155 WAC, Safety standards for construction work. Adopted change is to clarify rule language using plain talk standards to make the rule more understandable. The term "safely" is implied.

WAC 296-155-795 Removal of walls, masonry sections, and chimneys.

- Updated subsection (9) for clarity and deleted the word "safely," as it is not defined in chapter 296-155 WAC, Safety standards for construction work. Adopted change is to clarify rule language using plain talk standards to make the rule more understandable. The term "safely" is implied.

WAC 296-155-810 Catch platforms.

- Updated language in subsection (4) to state "Catch platforms must meet the strength requirements of supported scaffolds in chapter 296-874 WAC." The adopted language in WAC 296-155-810 Catch platforms, to "meet the strength and stability requirements of supported scaffolds in chapter 296-874 WAC" is based upon OSHA "not at-least-as-effective-as" determination letter to DOSH regarding catch platforms. OSHA considers catch platforms to be scaffolds and as such have to meet the strength and stability requirements of scaffolds.

Citation of Rules Affected by this Order: New WAC 296-155-774; and amending WAC 296-155-775, 296-155-780, 296-155-785, 296-155-790, 296-155-795, and 296-155-810.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Other Authority: Chapter 49.17 RCW.

Adopted under notice filed as WSR 21-04-133 on February 2, 2021.

A final cost-benefit analysis is available by contacting Cathy Coates, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5432, fax 360-902-5619, email Cathy.Coates@lni.wa.gov, website <https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/sh-rules-stakeholder-demolition>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 20, 2021.

Joel Sacks
Director

OTS-2035.6

NEW SECTION

WAC 296-155-774 Definitions and applicability. This part sets forth requirements to protect employees from hazards associated with demolition operations.

Competent person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

Demolition. Dismantling, razing, destroying, or wrecking any building or structure or any part thereof, including any related handling operations.

When a provision of this chapter conflicts with a provision of another vertical safety standard applying to the place of work, the provisions of the vertical standard of specific application will prevail.

Reference:

Requirements for the use of ladders found in chapter 296-876 WAC.

Requirements for the use of scaffolds found in chapter 296-874

WAC.

Requirements for the use of cranes and derricks found in chapter 296-155 WAC, Part L.

Requirements for the use of elevated work platforms found in chapter 296-869 WAC.

Requirements for the use of hoists found in chapter 296-155 WAC, Part R.

[]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-775 Preparatory operations. (1) (a) Prior to permitting employees to start demolition operations, ~~((you must make an engineering survey, by a competent person,))~~ a competent person must perform an engineering survey of the structure(s) to determine the condition and structural integrity of the framing, floors, walls, and the possibility of unplanned collapse of any portion of the structure(s). Any adjacent structure(s) where employees may be exposed must also be similarly checked. ~~((You must similarly check adjacent structures where employees may be exposed. You must have in writing, evidence that such a survey has been performed.~~

~~(2) You must maintain a copy of the survey report and of the plans and/or methods of operations at the job site for the duration of the demolition operation))~~ (b) You must maintain a copy of the engineering survey at the job site for the duration of the demolition operation.

(2) (a) You must develop and implement a written demolition plan tailored to the operation and to the types of hazards involved. The demolition plan must incorporate conditions of the framing, floors, and walls, and potential of unplanned collapse of any portion of the structure(s) identified in the engineering survey.

(b) The demolition plan must be available on the job site for inspection by the department.

~~(3) ((Any device or equipment such as scaffolds, ladders, derricks, hoists, etc., used in connection with demolition work must be constructed, installed, inspected, maintained and operated in accordance with the regulations governing the construction, installation, inspection, maintenance and operation of such device or equipment as specified in other parts of this chapter.~~

~~(4))~~ You must observe federal and state codes, safety standards, rules, regulations, and ordinances governing any and all phases of demolition work at all times.

~~((5))~~ (4) You must conduct demolition of all buildings and structures under ((competent)) the supervision ((, and you must afford safe working conditions to the employees)) of a competent person.

~~((6))~~ (5) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, you must shore or brace the walls or floors.

~~((7))~~ (6) You must shut off, cap, or otherwise control all electric, gas, water, steam, sewer, and other service lines outside the building line before demolition work is started. In each case, you must notify any utility company which is involved in advance.

~~((8))~~ (7) If it is necessary to maintain any power, water or other utilities during demolition, such lines must be temporarily re-located, as necessary, and protected.

~~((9))~~ (8)(a) You must determine ~~((whether))~~ if asbestos, hazardous materials, hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances are present at the ~~((work site))~~ worksite and adjacent structures that could be affected by the demolition operation.

(b) When the presence of any such substance is apparent or suspected, ~~((you must perform))~~ testing and removal ~~((or purging and eliminate))~~ must be performed and the hazard eliminated before demolition is started.

(c) Testing and removal of such substances must be in accordance with the requirements of chapters 296-62 and 296-65 WAC, and any other applicable federal, state, or local regulations, laws, or rules.

(9) When the removal of material may cause dust to be formed:

(a) When the removal of material may expose employees to airborne hazards the requirements in chapter 296-841 WAC must be followed.

(b) When the removal of material may expose employees to respirable crystalline silica, the requirements in chapter 296-840 WAC must be followed.

(10) Where a hazard exists from fragmentation of glass, you must remove such hazards prior to starting demolition activities.

~~((Where a hazard exists to employees falling through wall openings, you must protect the opening to a height of between 36 and 42 inches.))~~ You must ensure that each employee working on, at, above, or near wall openings (including those with chutes attached) where the outside bottom edge of the wall opening is 4 feet or more above a lower level and the inside bottom edge of the wall opening is less than 39 inches above the working surface, are protected from falling by the use of a guardrail system, safety net system, personal fall arrest system, or personal fall restraint system in accordance with chapter 296-880 WAC, Unified safety standards for fall protection.

(12) When debris is dropped without the use of chutes, the area onto which the material is dropped must be completely enclosed with barricades not less than 42 inches high and not less than 20 feet back from the projected edge of the opening above. You must post signs, warning of the hazard of falling materials, at each level. You must not permit removal in this lower area until debris handling ceases above.

~~((All floor openings, not used as material drops, must be covered over with material substantial enough to support the weight of any load which may be imposed))~~ Cover requirement - Holes.

(a) Hole covers must be capable of supporting, without failure, at least twice the weight of employees, equipment, and materials that may be imposed on the cover at any one time.

(b) You must mark each cover with the word "hole" or "cover" to provide warning of the hazard.

(c) You must ~~((properly))~~ secure ~~((such material))~~ all covers to prevent ~~((its))~~ accidental ~~((movement))~~ displacement by wind, equipment, or employees.

(14) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, you must begin the demolition of exterior walls and floor construction at the top of the structure and proceed downward. You must remove and drop each story of exterior wall

and floor construction into the storage space before commencing the removal of exterior walls and floors in the story next below.

(15) You must not permit workers to carry on a demolition operation which will expose persons working on a lower level to danger.

(16) You must ~~((completely))~~ protect employee entrances to multi-story structures being demolished by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies must be at least two feet wider than the building entrances or openings (one foot wider on each side thereof), and must be capable of sustaining a load of 150 pounds per square foot.

(17) You must withdraw, drive in, or bend over nails protruding ~~((nails in))~~ from boards, planks ~~((and))~~ or timber ~~((, driven in or bent over))~~ as soon as the same is removed from the structure being demolished.

~~((18) You must sprinkle any material to be removed which will cause dust to be formed, with water to lay the dust incidental to its removal.))~~

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-775, filed 4/19/16, effective 5/20/16. Statutory Authority: Chapter 49.17 RCW. WSR 94-15-096 (Order 94-07), § 296-155-775, filed 7/20/94, effective 9/20/94; WSR 87-24-051 (Order 87-24), § 296-155-775, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-155-775, filed 4/27/87. Statutory Authority: RCW 49.17.040 and 49.17.050. WSR 86-03-074 (Order 86-14), § 296-155-775, filed 1/21/86; Order 74-26, § 296-155-775, filed 5/7/74, effective 6/6/74.]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-780 Stairs, passageways, and ladders. (1) You must only use those stairways, passageways, and ladders, designated as means of access to the structure of building. Other access ways must be entirely closed off at all times.

(2) You must periodically inspect all stairs, passageways, ladders and incidental equipment thereto, which are covered by this section and maintain them in a clean safe condition.

(3) You must secure all ladders in position.

(4) In a multistory building, when a stairwell is being used, you must properly illuminate by either natural or artificial means, and completely and substantially ~~((covered))~~ cover over at a point not less than two floors below the floor on which work is being performed. Access to the floor where the work is in progress must be through a properly lighted, protected, and separate passageway.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-780, filed 4/19/16, effective 5/20/16; Order 74-26, § 296-155-780, filed 5/7/74, effective 6/6/74.]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-785 Chutes. (1) You must not drop any material to any point lying outside the exterior walls of the structure unless the area is ~~((effectively))~~ protected in accordance with WAC 296-155-775(12).

(2) All materials chutes, or sections thereof, at an angle of more than 45° from the horizontal, must be entirely enclosed, except for openings equipped with closures at or about floor level for the insertion of materials. The openings must not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, you must keep such openings closed when not in use.

(3) You must install a ~~((substantial))~~ gate in each chute at or near the discharge end. A competent employee must be assigned to control the operation of the gate, and the backing and loading of trucks.

(4) When operations are not in progress, you must securely close off the area surrounding the discharge end of a chute.

(5) You must protect any chute opening, into which workers dump debris, by a ~~((substantial))~~ standard guardrail between ~~((36))~~ 39 and ~~((42))~~ 45 inches above the floor or other surface on which the employees stand to dump the material. You must solidly cover over any space between the chute and the edge of openings in the floors through which it passes.

(6) Where the material is dumped from mechanical equipment or wheelbarrows, you must provide a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, at each chute opening.

(7) Chutes must be designed and constructed of such strength as to eliminate failure due to impact of materials or debris loaded therein.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-785, filed 4/19/16, effective 5/20/16. Statutory Authority: Chapter 49.17 RCW. WSR 94-15-096 (Order 94-07), § 296-155-785, filed 7/20/94, effective 9/20/94; Order 74-26, § 296-155-785, filed 5/7/74, effective 6/6/74.]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-790 Removal of materials through floor openings.

Any openings cut in a floor for the disposal of materials must be no larger in size than 25% of the aggregate of the total floor area, unless the lateral supports of the removed flooring remain in place. Floors weakened or otherwise made unsafe by demolition operations must be shored to carry ~~((safely))~~ the intended imposed load from demolition operations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-790, filed 4/19/16, effective 5/20/16; Order 74-26, § 296-155-790, filed 5/7/74, effective 6/6/74.]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-795 Removal of walls, masonry sections, and chimneys. (1) You must not permit masonry walls, or other sections of masonry, to fall upon the floors of the building in such masses as to exceed the safe carrying capacities of the floors.

(2) You must not permit any wall section, which is more than one story in height, to stand alone without lateral bracing, unless such wall was originally designed and constructed to stand without such lateral support, and is in a condition safe enough to be self-supporting. You must leave all walls in a stable condition at the end of each shift.

(3) You must not permit employees to work on the top of a wall when weather conditions constitute a hazard.

(4) You must not cut or remove structural or load-supporting members on any floor until all stories above such a floor have been demolished and removed. This provision must not prohibit the cutting of floor beams for the disposal of materials or for the installation of equipment, provided that the requirements of WAC 296-155-790 and 296-155-800 are met.

(5) You must plank solid floor openings within 10 feet of any wall being demolished, except when employees are kept out of the area below.

(6) In buildings of "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Where this is done, you must clear all steel beams, girders, and similar structural supports of all loose material as the masonry demolition progresses downward.

(7) You must provide walkways or ladders to enable employees to safely reach or leave any scaffold or wall.

(8) You must not demolish walls, which serve as retaining walls to support earth or adjoining structures, until such earth has been properly braced or adjoining structures have been properly underpinned.

(9) You must not use walls (~~(, which are to serve)~~) as retaining walls against which debris will be piled, unless such walls are capable of (~~safely~~) supporting the imposed load.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-795, filed 4/19/16, effective 5/20/16; Order 74-26, § 296-155-795, filed 5/7/74, effective 6/6/74.]

AMENDATORY SECTION (Amending WSR 16-09-085, filed 4/19/16, effective 5/20/16)

WAC 296-155-810 Catch platforms. (1) During the demolition of the exterior walls of a structure originally more than 70 feet high, you must erect catch platforms along the exterior faces of such walls where necessary to prevent injury to persons working below.

(2) You must construct and maintain such catch platforms not more than 3 stories below the story from which the exterior walls are being removed, until the demolition has progressed to within 3 stories of the ground level.

(3) Catch platforms must not be less than 5 feet in width measured in a horizontal distance from the face of the structure and constructed of outriggers and planks. You must lay planks tight together and without openings between the planks and the wall.

Note: Catch platforms may be constructed of other approved materials of equal strength and security against falling material.

(4) Catch platforms must (~~be capable of sustaining a uniform live load of not less than 125 pounds per square foot~~) meet the strength and stability requirements of supported scaffolds in chapter 296-874 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 16-09-085, § 296-155-810, filed 4/19/16, effective 5/20/16; Order 74-26, § 296-155-810, filed 5/7/74, effective 6/6/74.]

WSR 21-09-077

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 20, 2021, 1:36 p.m., effective May 21, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-50 WAC, Coordinated quality improvement program, coordinated quality improvement program (CQIP) requirements are amended to provide clarification, streamlining of processes, modernization, and updates for compliance with state statutes. The rules include clarification of definitions; a new requirement for mandatory renewal of CQIP programs currently approved by the department; a new requirement for renewal of CQIP programs every five years; and a new fee for processing renewed CQIP. The adopted rule aligns with current statute.

Citation of Rules Affected by this Order: New WAC 246-50-050; and amending WAC 246-50-001, 246-50-005, 246-50-010, 246-50-020, 246-50-030, 246-50-035, 246-50-060, and 246-50-990.

Statutory Authority for Adoption: RCW 43.70.510.

Other Authority: RCW 43.70.250(2).

Adopted under notice filed as WSR 20-21-099 on October 20, 2020.

A final cost-benefit analysis is available by contacting Jovi S. Swanson, P.O. Box 47890, Olympia, WA 98504-7890, phone 360-545-7315, TTY 711, email jovi.swanson@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 8, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 8, Repealed 0.

Date Adopted: April 12, 2021.

Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary

OTS-1615.2

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-001 Purpose ((and scope)). ((+1)) The purpose of ((the)) a coordinated quality improvement program is to improve the quality of health care services ((by identifying and preventing health care)) and identify and prevent medical malpractice under RCW 43.70.510. This chapter establishes the criteria and approval process

for health care entities who choose to apply for a department of health-approved coordinated quality improvement program under RCW 43.70.510. A coordinated quality improvement program((s)) plan must be approved by the department ((are provided discovery limitations under RCW 43.70.510 (3) and (4). Information and documents specifically created for, collected, and maintained by an approved quality improvement committee are also exempt from disclosure under chapter 42.17 RCW.

~~(2) This chapter allows health care provider groups, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved under chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the authority and rules of any state agency or any subdivision such as health care institutions and medical facilities other than hospitals, to maintain a department-approved coordinated quality improvement program for the purpose of improving the quality of health care and identifying and preventing health care malpractice.~~

~~(3) This chapter does not apply to hospital quality improvement programs required by RCW 70.41.200)) before the discovery limitations provided in RCW 43.70.510 (3) and (4) and the exemptions under RCW 42.56.360 (1) (c) and 43.70.510(5) shall apply.~~

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-001, filed 1/18/06, effective 2/18/06. Statutory Authority: RCW 43.70.510. WSR 96-09-042, § 246-50-001, filed 4/11/96, effective 5/12/96; WSR 94-24-001, § 246-50-001, filed 11/23/94, effective 12/24/94.]

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-005 Applicant eligibility. (1) The following health care entities may apply for the coordinated quality improvement program:

(a) ~~((Provider groups of five or more providers;))~~ Health care institutions and medical facilities other than hospitals, that are licensed by the department;

(b) ~~((Health care))~~ Professional societies or organizations ((, including, but not limited to, state or local health care professional associations)) ;

(c) Health care service contractors as defined in RCW 48.44.010;

(d) Health maintenance organizations as defined in RCW 48.46.020;

(e) Health carriers ~~((as defined in RCW 48.43.005;~~

~~(f) Health care institutions or medical facilities other than hospitals; and~~

~~(g))~~ approved pursuant to chapter 48.43 RCW;

(f) Any other person or entity providing ((personal)) health care coverage under chapter 48.42 RCW((, and)) that is subject to the ((authority and rules of any state agency or subdivision)) jurisdiction and regulation of any state or any subdivision thereof; and

(g) Health care provider groups of five or more providers.

(2) This chapter does not apply to hospital coordinated quality improvement programs required by RCW 70.41.200.

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-005, filed 1/18/06, effective 2/18/06.]

AMENDATORY SECTION (Amending WSR 14-08-046, filed 3/27/14, effective 4/27/14)

WAC 246-50-010 Definitions. The ~~((words and phrases))~~ definitions in this ~~((chapter have the following meanings))~~ section apply throughout this chapter unless the context clearly ~~((indicates))~~ requires otherwise.

(1) "Alternative program" means a coordinated quality improvement program determined by the department to be substantially equivalent to RCW 70.41.200(1).

(2) "Department" means the Washington state department of health.

(3) "Governing body" means:

(a) The person, persons, or board responsible for the health care entity; or

(b) In the case of a provider group where no person, persons, or board is in charge of all providers ~~((+))~~, the person, persons, or group identified by the provider group is responsible for the coordinated quality improvement program.

(4) ~~((("Health care entity" means a health care institution, medical facility, provider group, professional society or organization, health care service contractors, health maintenance organizations, health carriers approved under chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction of any state agency or any subdivision thereof, authorized by RCW 43.70.510 to have a department approved coordinated quality improvement program.~~

(5) ~~((("Health care institution" or "medical facility" includes the following:~~

(a) ~~((Adult residential rehabilitation centers regulated under chapter 71.12 RCW;~~

(b) ~~((Alcohol and drug treatment facilities and hospitals regulated under chapter 70.96A RCW;~~

(c) ~~((Emergency medical care and transportation services regulated under chapter 18.73 RCW;~~

(d) ~~((Assisted living facilities regulated under chapter 18.20 RCW;~~

(e) ~~((Childbirth centers regulated under chapter 18.46 RCW;~~

(f) ~~((Community mental health centers regulated under chapter 71.05 or 71.24 RCW;~~

(g) ~~((Home health agencies, home care agencies, hospice care centers, and hospice agencies regulated under chapter 70.127 RCW;~~

(h) ~~((Medical test sites regulated under chapter 70.42 RCW;~~

(i) ~~((Nursing homes regulated under chapter 18.51 RCW;~~

(j) ~~((Pharmacies regulated under chapter 18.64 RCW;~~

(k) ~~((Private psychiatric hospitals and residential treatment facilities for psychiatrically impaired children and youth regulated under chapter 71.12 RCW;~~

(l) ~~((Rural health care facilities regulated under chapter 70.175 RCW;~~

(m) ~~((Organizations that provide designated trauma care services individually or jointly under chapter 70.168 RCW;~~

- ~~(n) Facilities owned and operated by a political subdivision or instrumentality of the state, including, but not limited to:~~
- ~~(i) Public health departments;~~
 - ~~(ii) Fire districts and departments;~~
 - ~~(iii) Soldiers' and veterans' homes;~~
 - ~~(iv) State mental health institutions;~~
 - ~~(v) Health clinics operated by educational institutions;~~
 - ~~(vi) Department of corrections health care facilities;~~
 - ~~(vii) County jail health clinics;~~
 - ~~(viii) County drug and alcohol treatment facilities; and~~
 - ~~(ix) Public hospital districts;~~
 - ~~(o) Facilities required by federal law and implementing regulations, including, but not limited to:~~
 - ~~(i) Native American health facilities; and~~
 - ~~(ii) Veterans' affairs health services; and~~
 - ~~(p) Other facilities that the department determines meet the definition of "health care facility" in RCW 48.43.005.~~
- ~~(6-)) "Health care provider" or "provider" means ((:~~
- ~~(a) A person regulated under Title 18 RCW to practice health or health related services or otherwise practicing health care services in this state consistent with state law; or~~
 - ~~(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of the employee's or agent's employment performing health care or auxiliary services.~~
- ~~(7-)) a health care professional licensed under the chapters specified in RCW 18.130.040.~~
- ~~(5) "Health care provider group" or "provider group" means an organized body or consortium of five or more providers in total.~~
- ~~((8-)) (6) "Negative health care outcome" means a patient death or impairment of bodily function other than those related to the natural course of illness, disease, or proper treatment in accordance with generally accepted health care standards.~~
- ~~((9-)) (7) "Professional society or organization" means a group of health care professionals((7)) including, but not limited to, state or local health care professional associations.~~
- ~~((10-)) (8) "Program" means coordinated quality improvement program under RCW 43.70.510.~~

[Statutory Authority: RCW 43.70.510 and 2012 c 10. WSR 14-08-046, § 246-50-010, filed 3/27/14, effective 4/27/14. Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-010, filed 1/18/06, effective 2/18/06. Statutory Authority: RCW 43.70.510. WSR 96-09-042, § 246-50-010, filed 4/11/96, effective 5/12/96; WSR 94-24-001, § 246-50-010, filed 11/23/94, effective 12/24/94.]

AMENDATORY SECTION (Amending WSR 94-24-001, filed 11/23/94, effective 12/24/94)

WAC 246-50-020 Coordinated quality improvement program—Components. A program under the provisions of RCW 43.70.510 shall include, at a minimum:

(1) The following components, as modified and approved by the department to reflect the structural organization of the health care entity:

- (a) A governing body;
- (b) A committee, appointed by the governing body, with a broad representation of the services offered, responsible for:
 - (i) Reviewing services rendered, both retrospectively and prospectively, to improve the quality of health care by measuring key characteristics such as effectiveness, accuracy, timeliness, and cost;
 - (ii) Reviewing categories and methodologies of services rendered and to be rendered with the goal of improving health care outcomes;
 - (iii) Overseeing and coordinating the program;
 - (iv) Ensuring information gathered for the program is reviewed and used to revise health care policies and procedures; and
 - (v) Reporting to the governing body, at least semiannually, on program activities and actions taken as a result of those activities;
- (c) Periodic evaluation of each provider under the purview of the program, including mental and physical capacity, competence in delivering health care, and verification of current credentials;
- (d) A procedure for promptly resolving all complaints pertaining to accidents, injuries, treatment and other events that may result in claims of health care malpractice;
- (e) A method for continually collecting and maintaining information concerning:
 - (i) Experience with negative health care outcomes and injurious incidents; and
 - (ii) Professional liability premiums, settlements, awards, costs for injury prevention and safety improvement activities;
- (f) A method for maintaining information gathered under the purview of the program concerning a provider in that provider's personnel or credential file, assuring patient confidentiality;
- (g) A process for reporting accidents, injuries, negative health outcomes, and other pertinent information to the quality improvement committee;
- (h) A process assuring compliance with reporting requirements to appropriate local, state, and federal authorities;
- (i) A method for identifying documents and records created specifically for and collected and maintained by the quality improvement committee;
- (j) Educational activities for personnel engaged in health care activities((r)) including, but not limited to:
 - (i) Quality improvement;
 - (ii) Safety and injury prevention;
 - (iii) Responsibilities for reporting professional misconduct;
 - (iv) Legal aspects of providing health care;
 - (v) Improving communication with health care recipients; and
 - (vi) Causes of malpractice claims; or
- (2) Components determined by the department to be substantially equivalent to those listed in subsection (1) of this section.

[Statutory Authority: RCW 43.70.510. WSR 94-24-001, § 246-50-020, filed 11/23/94, effective 12/24/94.]

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-030 Application ((and)) approval and renewal process.

((A)) (1) To obtain department approval of a program, an authorized

representative of the health care entity ((seeking department approval of a program shall submit to the department:

~~(1) An application on forms provided by the department;~~

(2) The program plan, printed on 8 1/2 by 11 inch paper, including)) shall submit to the department a completed application on forms provided by the department. A completed application must include at least the following:

(a) A table of contents clearly denoting, at a minimum, where each component specified in WAC 246-50-020 is located within the program plan; ~~((and))~~

(b) A program plan with detailed description of every aspect of the program including every component of the program required under WAC 246-50-020;

~~((3))~~ (c) The fee specified in WAC 246-50-990; and

~~((4))~~ (d) Other information as may be required by the department.

(2) The department may grant or deny approval of an application. If an application is denied, the health care entity may modify and re-submit its application or request a brief adjudicative proceeding according to RCW 34.05.482.

(3) A health care entity that maintains a department-approved program must renew every five years after the date of initial approval. An application for renewal must meet the requirements of subsection (1) of this section. A program remains approved during the renewal process. A health care entity must apply for renewal on or before the original expired due date, unless it has received written confirmation from the department that the applicant may apply at a later date. Failure to apply for renewal will mean that the approval is expired and no longer valid. A health care entity that does not apply for renewal and the approval expires must reapply for the initial department approval by meeting the requirements of subsection (1) of this section.

(4) The department may grant or deny approval or application for renewal. If an application for renewal is denied, the health care entity may modify and resubmit its application or request a brief adjudicative proceeding according to RCW 34.05.482. A program remains approved while an application for renewal is under review, including the time that a health care entity may use to modify and resubmit its application for renewal, until the adjudicative process is exhausted, or the health care entity indicates it does not intend to seek renewal.

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-030, filed 1/18/06, effective 2/18/06. Statutory Authority: RCW 43.70.510. WSR 94-24-001, § 246-50-030, filed 11/23/94, effective 12/24/94.]

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-035 Modification of an approved plan. (1) To maintain department approval, a health care entity modifying the scope, components or operation of an approved program, shall submit to the department:

(a) An application package specified in WAC 246-50-030(1), modified as appropriate; and

(b) A detailed description of the modification and how it affects the program.

(2) A health care entity shall modify its approved program to comply with any changes in requirements for program approval adopted by the department or the legislature. Any such modification shall be made using the procedure outlined in subsection (1) of this section.

(3) A health care entity shall notify the department of a change in authorized representative within thirty days of a change. The procedure outlined in subsection (1) of this section does not apply to this subsection. A health care entity shall modify its approved program to comply with any changes in requirements for program approval adopted by the department or the legislature within six months of notice from the department that, unless it has received written confirmation from the department that it may apply at a later date. Any such modification shall be made using the procedure outlined in subsection (1) of this section.

(4) The department shall review each application package submitted under this section((7)) and either:

(a) Send written notification of approval to a health care entity submitting a program with the components specified in WAC 246-50-020; or

(b) Deny the application ((and provide the health care entity an opportunity for)). If denied, the health care entity may modify and resubmit its application package or request a brief adjudicative proceeding according to RCW 34.05.482 ((when the department declines to approve a program)).

((+3)) (5) A program remains approved while an application to modify is under review, including the time that a health care entity may use to modify and resubmit its application under this section or the adjudicative process identified in subsection (4) of this section is exhausted.

(6) The department shall retain a copy of the program plan.

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-035, filed 1/18/06, effective 2/18/06.]

NEW SECTION

WAC 246-50-050 One-time mandatory renewal process. All health care entities with currently approved programs must apply for renewal of their programs by December 31, 2021. An application for renewal must meet the requirements of WAC 246-50-030(1). A program remains approved while an application for renewal is under consideration by the department. Failure to apply for renewal by December 31, 2021, will mean the approval is expired and no longer valid.

[]

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-060 Public record disclosure. A program plan and all supplemental material are public records and are subject to the Public

Records (~~(disclosure law)~~) Act, chapter (~~(42.17)~~) 42.56 RCW, once the department receives them. Health care entities submitting material they believe is exempt from public record disclosure should clearly mark the portion or portions as "exempt" and state the specific statutory basis for exemption. The department will notify the health care entity of a public record disclosure request for material the entity marked "exempt" in accordance with this (~~(subsection)~~) section. The department will allow the health care entity ten work days from when it receives department notice to deliver to the department proof that the entity has initiated formal action to secure an injunction under RCW (~~(42.17.330)~~) 42.56.540. Upon receiving such proof, the department will notify the public record requester of the action the health care entity initiated under RCW (~~(42.17.330)~~) 42.56.540, and take no further action pending a decision by the court. The health care entity must notify the department if it withdraws or takes any other action to terminate the judicial process under RCW (~~(42.17.330)~~) 42.56.540. Absent proof from the health care entity that it has initiated action under RCW (~~(42.17.330)~~) 42.56.540, the department will disclose the records consistent with state and federal law.

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-060, filed 1/18/06, effective 2/18/06.]

AMENDATORY SECTION (Amending WSR 06-03-123, filed 1/18/06, effective 2/18/06)

WAC 246-50-990 Fees. A health care entity must submit a fee with each application as follows:

Title of Fee	Fee
Original application	\$250.00
Alternative application	40.00
Modification application of a department-approved program	65.00
<u>Renewal application</u>	<u>75.00</u>

[Statutory Authority: RCW 43.70.510, 70.41.200, 4.24.250. WSR 06-03-123, § 246-50-990, filed 1/18/06, effective 2/18/06. Statutory Authority: RCW 43.70.510. WSR 94-24-001, § 246-50-990, filed 11/23/94, effective 12/24/94.]

WSR 21-09-089
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 21, 2021, 10:23 a.m., effective May 22, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule change addresses capital construction agreements entered into by host and nonhigh school districts. The new section added to the chapter provides nonhigh districts (districts with no high school) with basic protections and ensures the host districts are able to secure financing of capital construction projects. Previously, nonhigh school districts were vulnerable to dissolution if the district and host high school district cannot agree to terms of capital construction financing.

Citation of Rules Affected by this Order: New WAC 392-132-075.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 21-06-115 on March 3, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 21, 2021.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-2932.1

NEW SECTION

WAC 392-132-075 Nonhigh school district capital fund payment schedules. When determining a nonhigh school district's capital fund payments to a serving high school district, a serving high school district may not:

(1) Bill the nonhigh school district an amount which is greater than the sum of the calculation determined by the superintendent of public instruction under WAC 392-132-040;

(2) Collect capital funds payments from a nonhigh school district using an expedited payment schedule which would require the nonhigh school district to make capital fund payments on a more accelerated or condensed payment schedule than that of the serving high school district.

[]

WSR 21-09-092

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed April 21, 2021, 11:26 a.m., effective May 22, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is revising this section to fix a broken hyperlink for apple health income and resource standards.

Citation of Rules Affected by this Order: Amending WAC 182-513-1380.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-05-036 on February 11, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: April 21, 2021.

Wendy Barcus
Rules Coordinator

OTS-2915.1

AMENDATORY SECTION (Amending WSR 20-08-082, filed 3/27/20, effective 4/27/20)

WAC 182-513-1380 Determining a client's financial participation in the cost of care for long-term care in a medical institution. This rule describes how the agency or the agency's designee allocates income and excess resources when determining participation in the cost of care in a medical institution.

(1) The agency or the agency's designee defines which income and resources must be used in this process under WAC 182-513-1315.

(2) The agency or the agency's designee allocates nonexcluded income in the following order, and the combined total of (a), (b), (c), and (d) of this subsection cannot exceed the effective one-person medically needy income level (MNIL):

(a) A personal needs allowance (PNA) under WAC 182-513-1105.

(b) Mandatory federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program under WAC 182-512-0050(1); and

(ii) Receives the wages as part of an agency-approved or department-approved training or rehabilitative program designed to prepare

the client for a less restrictive placement. When determining this deduction, employment expenses are not deducted.

(d) Guardianship fees and administrative costs, including any attorney fees paid by the guardian, as allowed under chapter 388-79A WAC.

(3) The agency or the agency's designee allocates nonexcluded income after deducting amounts under subsection (2) of this section in the following order:

(a) Current or back child support garnished or withheld from income according to a child support order in the month of the garnishment if it is:

(i) For the current month;

(ii) For the time period covered by the PNA; and

(iii) Not counted as the dependent member's income when determining the dependent allocation amount under WAC 182-513-1385.

(b) A monthly maintenance needs allowance for the community spouse as determined using the calculation under WAC 182-513-1385. If the community spouse is also receiving long-term care services, the allocation is limited to an amount that brings the community spouse's income up to the PNA.

(c) A dependent allowance for each dependent of the institutionalized client or the client's spouse, as determined using the calculation under WAC 182-513-1385.

(d) Medical expenses incurred by the institutionalized individual and not used to reduce excess resources. Allowable medical expenses and reducing excess resources are described in WAC 182-513-1350.

(e) Maintenance of the home of a single institutionalized client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client or couple is likely to return to the home within the six-month period; and

(iv) When social services staff documents the need for the income deduction.

(4) A client may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the participation.

(5) A client is responsible to pay only up to the state rate for the cost of care. If long-term care insurance pays a portion of the state rate cost of care, a client pays only the difference up to the state rate cost of care.

(6) When a client lives in multiple living arrangements in a month, the agency allows the highest PNA available based on all the living arrangements and services the client has in a month.

(7) Standards under this section for long-term care are found at (~~www.heca.wa.gov/free-or-low-cost-health-care/program-administration/standards-lte~~) <https://www.hca.wa.gov/health-care-services-supports/program-standard-income-and-resources>.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 20-08-082, § 182-513-1380, filed 3/27/20, effective 4/27/20. Statutory Authority: RCW 41.05.021, 41.05.160, 2017 c 270. WSR 17-23-039, § 182-513-1380, filed 11/8/17, effective 1/1/18. Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 17-03-116, § 182-513-1380, filed 1/17/17, effective 2/17/17. WSR 13-01-017, recodified as WAC 182-513-1380, filed 12/7/12, effective 1/1/13. Statutory Authority: RCW 74.04.050, 74.04.057,

74.08.090, 74.09.530, section 6014 of the Deficit Reduction Act of 2005 (DRA), and 2010 1st sp.s. c 37 § 209(1). WSR 12-21-091, § 388-513-1380, filed 10/22/12, effective 11/22/12. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and Deficit Reduction Act of 2005, 42 C.F.R. Section 435. WSR 09-07-037, § 388-513-1380, filed 3/10/09, effective 4/10/09. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530. WSR 08-13-072, § 388-513-1380, filed 6/16/08, effective 7/17/08. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 2006 c 372. WSR 07-19-126, § 388-513-1380, filed 9/19/07, effective 10/20/07; WSR 07-01-072, § 388-513-1380, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530 and 2005 c 518 § 207 and Sec. 1924 Social Security Act (42 U.S.C. 1396r-5). WSR 06-07-144, § 388-513-1380, filed 3/21/06, effective 4/21/06. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 42 U.S.C. 9902(2). WSR 05-07-033, § 388-513-1380, filed 3/9/05, effective 4/9/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.575; 2003 1st sp.s. c 28, and section 1924 of the Social Security Act (42 U.S.C. 1396R-5). WSR 04-04-072, § 388-513-1380, filed 2/2/04, effective 3/4/04. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and Section 1924 (42 U.S.C. 1396R-5). WSR 01-18-055, § 388-513-1380, filed 8/30/01, effective 9/30/01. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and Section 1924(g) of the Social Security Act. WSR 00-17-058, § 388-513-1380, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 72.36.160, 74.04.050, 74.04.057, 74.08.090, 74.09.500 and Section 1924(g) of the Social Security Act, Section 4715 of the BBA of 1997 (Public Law 105-33, HR 2015). WSR 99-11-017, § 388-513-1380, filed 5/10/99, effective 6/10/99. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 43.20B.460, 11.92.180, and Section 1924 (42 U.S.C. 396r-5). WSR 98-08-077, § 388-513-1380, filed 3/31/98, effective 4/1/98. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530 and Social Security Act, Federal Register, March 10, 1997, pgs. 10856 - 10859, 42 U.S.C. 1396 (a)(1)(m). WSR 97-16-008, § 388-513-1380, filed 7/24/97, effective 7/24/97. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 95-44. WSR 96-09-033 (Order 3963), § 388-513-1380, filed 4/10/96, effective 5/11/96. Statutory Authority: RCW 74.08.090. WSR 95-11-045 (Order 3848), § 388-513-1380, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 74.08.090 and Title XIX State Agency Letter 94-49, notice of increase in SSI level. WSR 95-05-022 (Order 3832), § 388-513-1380, filed 2/8/95, effective 3/11/95. Statutory Authority: RCW 74.08.090. WSR 94-10-065 (Order 3732), § 388-513-1380, filed 5/3/94, effective 6/3/94. Formerly WAC 388-95-360.]