**WAC 220-660-330 Authorized work times in saltwater areas.** (1) **Description:** The department applies timing windows to reduce the risk of impacts to fish life at sensitive life stages. In-water work is not allowed during critical periods of the year unless a person can take mitigation measures to eliminate risk during critical periods.

(2) **Fish life concerns:** Work in or near salt waters of the state can harm fish life at sensitive life stages including spawning, incubation, juvenile migration, rearing, and feeding. Therefore, work must occur at times of the year when the risk to fish life is reduced unless the risk can be avoided.

(3) **Authorized work times:** The department must specify authorized work times for hydraulic projects when it issues HPAs. The department will allow work waterward of the OHWL for the following times, areas, and species.

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

(b) Tidal Reference Areas 1 through 17; October 15 through May 15 for projects in or adjacent to juvenile lingcod settlement and nursery areas. April 1 through December 31 for projects in or adjacent to lingcod nests.

(c) Tidal Reference Areas 1 through 17; September 30 through March 15 for projects in or adjacent to juvenile rockfish settlement and nursery areas.

(d) Tidal Reference Area 14; October 1 through May 15 for projects in or adjacent to documented razor clam beds.

(e) Tidal Reference Areas 1 through 17; the authorized times and areas for protection of migrating juvenile salmonids in the nearshore, and for projects in documented Pacific herring spawning beds and in or adjacent to documented surf smelt are listed in the following table:

**Table 4**
**Authorized Times for Protection of Juvenile Salmonid Migration, Feeding and Rearing Areas and Pacific Herring Spawning and Surf Smelt Spawning Beds**

| AUTHORIZED TIMES | | | |
|---|---|---|---|
| **Tidal Reference Area** | **Juvenile Salmonid Migration, Feeding and Rearing Areas** | **Surf Smelt Spawning Beds** | **Herring Spawning Beds** |
| 1 | July 15 - February 15 | (not present) | April 1 - January 15 |
| 2 | July 15 - February 15 | April 1 - June 30 | April 1 - January 15 |
| 3 | July 15 - February 15 | May 1 - September 30 | April 1 - January 15 |
| 4 | August 1 - February 15 for all work except dredging in all areas except Commencement Bay.<br>September 1 - February 15 for dredging in all areas except Commencement Bay.<br>July 15 - February 15 for all work in Commencement Bay. | April 15 - September 30 | April 15 - January 15 |

| AUTHORIZED TIMES | | | |
|---|---|---|---|
| **Tidal Reference Area** | **Juvenile Salmonid Migration, Feeding and Rearing Areas** | **Surf Smelt Spawning Beds** | **Herring Spawning Beds** |
| 5 | August 1 - February 15 for all work except dredging.<br>September 1 - February 15 for dredging in all areas except Duwamish Waterway.<br>October 16 - February 15 for dredging in the Duwamish Waterway upstream of the East and West Waterways. | April 1 - August 31 in all areas except Eagle Harbor and Sinclair Inlet.<br>In Eagle Harbor and Sinclair Inlet, authorization is conditional upon inspection because year-round spawning occurs. | May 1 - January 15 |
| 6 | July 15 - February 15 for all work except dredging.<br>September 1 - February 15 for dredging. | April 1 - August 31 | (not present) |
| 7 | July 15 - February 15 for all work except dredging in Port Gardner and the Snohomish River.<br>September 15 - February 15 for dredging in Port Gardner.<br>September 1 - February 15 for dredging in the Snohomish River. | Authorization is conditional upon inspection because year-round spawning occurs. | April 15 - January 31 |
| 8 | August 1 - February 15 | Authorization is conditional upon inspection, because year-round spawning occurs. | April 15 - January 31 |
| 9 | August 1 - February 15 | Authorization is conditional upon inspection, because year-round spawning occurs. | April 15 - January 31 south of a line running due west from Governor's Point.<br>June 15 - January 31 north of a line running due west from Governor's Point. |
| 10 | July 15 - February 15<br>July 15 - January 15 for all work from Tala Point to the Dungeness River.<br>September 1 - March 1 San Juan Islands. | April 1 - July 31 except in the San Juan Islands where authorization is conditional upon inspection because year-round spawning occurs. | May 1 - January 15 |
| 11 | July 15 - January 15 | March 1 - September 15 | April 1 - January 15 |
| 12 | July 15 - January 15 | March 1 - August 31 | April 15 - February 15 |
| 13 | July 15 - January 15 | February 16 - July 31 | April 15 - January 15 |
| 14 | July 15 - February 15 | October 1 - June 30 | (not present) |
| 15 | July 15 - February 15 | (not present) | April 1 - January 31 |
| 16 | July 15 - February 15 | (not present) | March 15 - January 31 |
| 17 | July 15 - February 15 | (not present) | March 15 - January 31 |

(f) If the surf smelt spawning season for the project location is six months or longer, the department may permit work outside of the authorized work times if:

(i) A department-trained biologist, following the department's intertidal forage fish spawning habitat survey protocol per WAC 220-660-340, conducts a spawning survey at the job site;

(ii) The results of the inspection show that no spawning is occurring or has recently occurred; and

(iii) If the survey shows eggs are not present, the person may start work. The person must start work within 72 hours of a survey.

(g) In documented intertidal forage fish spawning areas, the department must not allow work during surf smelt spawning seasons shorter than six months or during the Pacific sand lance spawning season. The department will make exceptions for projects receiving emergency, imminent danger, and expedited HPAs.

(h) The department will require an intertidal forage fish spawning bed survey if the job site is adjacent to a documented forage fish spawning bed, the beach at the job site has bed materials similar to the documented beach, and the work will occur during the spawning season.

(i) When specifying authorized work times for hydraulic projects, the department must consider the construction techniques, mitigation measures proposed, location of the project, and characteristics of habitats potentially affected by the project. The department may inspect the work area to evaluate the habitat.

(j) During times when work in waters of the state is prohibited to protect nearshore juvenile salmonid migration, rearing, and feeding areas, the department may permit construction if the structure is located at or landward of the OHWL, and if all construction work is conducted from the landward side of the project.

(k) The department may apply additional timing restrictions to protect other important habitat that supports fish life at a specific site.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.04.020, 77.55.021, 77.55.091, 77.55.181, 77.12.047, and 34.05.328. WSR 26-15-073 (Order 26-13), s 220-660-330, filed 7/15/26, effective 8/15/26. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-330, filed 12/30/14, effective 7/1/15.]