

Proposed Revision of the Hydraulic Code Rules

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Habitat Program

Overview

Saltwater sections

- Revised sections
 - Work times
 - Overwater structures
- New sections
 - Outfalls and tide gates
 - Test boring



Authorized Work Times in Saltwater Areas

Reduce risk

- Minimizes impacts to fish life at critical life stages.
- In-water work is allowed during non-critical periods of the year.



Habitats Protected By Work Times

- Habitats that support critical life stages
 - Juvenile salmon migration areas
 - Spawning beds
 - Herring
 - Surf smelt
 - Sand lance
 - Settlement and nursery areas
 - Lingcod
 - Rockfish
 - Razor clam



Proposed Changes to Work Times

- Add habitats
 - Juvenile rockfish
 - Razor clam beds
 - Herring spawning beds
 - Area 15 and 16
- Additional timing restriction
 - Juvenile salmon migration areas
- Removed
 - Rock sole spawning beds



Public Comments About Work Times

- Support and concerns about flexible approach
- Support and concerns for restricting timing only in documented areas
- Concern about removal of rock sole spawning bed protection
- Concern about more restrictive timing juvenile salmon



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Residential Docks, Watercraft Lifts and Mooring Buoy

Structures built over or float on the water

- Piers
- Ramps
- Floats
- Piling
- Watercraft lifts
- Mooring buoys



Potential Impacts

Fish life concerns

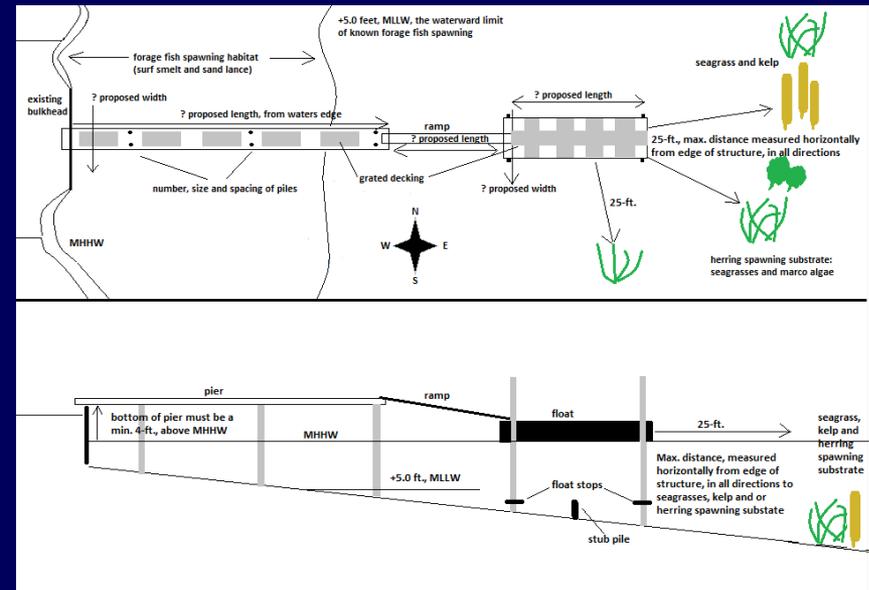
- Shading
 - Aquatic plant growth
 - Movement and feeding behavior
 - Predation
- Sound waves
 - Pile driving
- Water quality
 - Treated wood



Proposed Changes to Rules

Major changes:

- Limit nearshore over and in-water coverage
- Require buffer between structure and seagrass or kelp
- Limit use of treated wood



Public Comments

Concerns

- Buffer distance from seagrass and kelp
- Design criteria is too restrictive or not restrictive enough



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Outfall and Tide Gate Structures in Saltwater Areas

- Outfalls move water from one place to another, typically to a body of water.
- Tide and flood gates are adjustable gates used to control water flow in estuary, river, stream, or levee systems.



Regulatory History of Outfall and Tide Gates

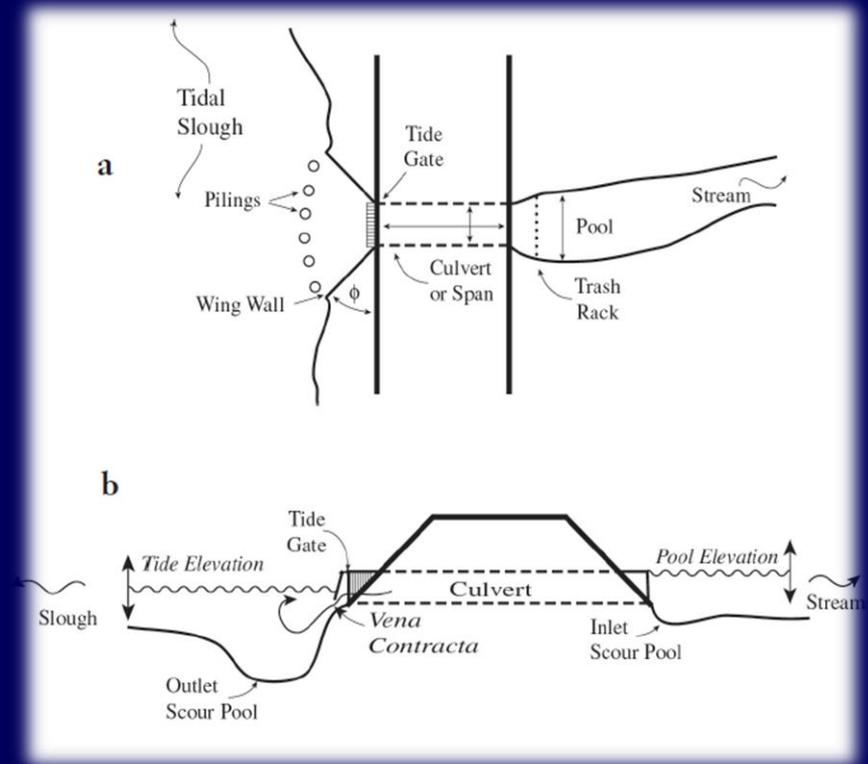
Changes to the law

- RCW 77.55.161
(2002) Stormwater Discharges
- RCW 77.55.281
(2005) Fishways on certain agricultural drainages



Potential Impacts of Outfalls and Tide Gates

- Outfalls increase erosion of a bed and bank, trap sediment, and cause a direct loss of beach and bank riparian habitat.
- Tide gates drain estuaries and block fish passage.



Proposed Rule Language for Outfall and Tide Gates

New section:

- Added statutory limitations
 - Cannot mitigate for water quality or quantity impacts.
 - Cannot require a fishway on a tide or flood gate in existence on May 20, 2003.



Public Comments

Requiring a fishway on culvert installed after May 2003 could prove to be burdensome and unfair to the agricultural community.



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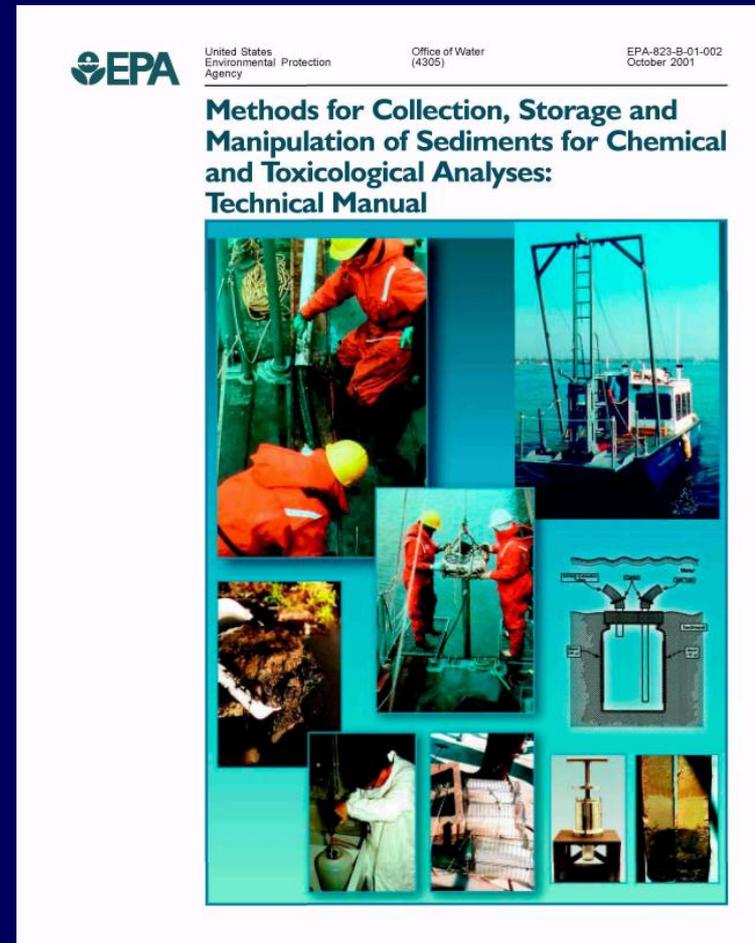
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Test Boring in Saltwater Areas

Boring is used to obtain information about the physical or chemical properties of the bed.

- Geotechnical exploration
- Subsurface sediment sampling



Potential Impacts

- Boring-related impacts to fish life are usually minor and short-term.
- Short-term impacts include:
 - Increased turbidity
 - Increased noise levels.



Proposed WAC Language

New section:

- Minimize turbidity and discharge of silt.
- Seal the borehole and substrate surface
- Prevent harmful materials from entering the state waters.



Next Steps

- Review and respond to comments
 - Explain why change is or is not warranted
 - Change EIS and rules
- Draft supplemental EIS
 - Add alternatives for consideration
- Complete economic analysis
- File CR-102 (June)
- Communicate
 - Forest industry, cities and counties, WSDOT, FHWA, and Tribes



Contact Information

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