

# Overview of Version 2 Proposed Changes to WAC 220-110 Washington Department of Fish and Wildlife Hydraulic Code Rules

14 August 2012

## Overview

All chapters were plain-talked (e.g. active voice, short sentences) and organized to look and read consistently. We organized the technical provisions by freshwater and saltwater to make it easier for applicants to find the rules that pertain to their project. We also added a description of project types, associated fish life concerns, and additional headings to improve readability and clarify the reasoning behind the provisions.

New sections are identified as such. Sections with substantive (or non-substantive) changes are also identified. Some sections are re-worked for readability, or to provide consistency among sections. Following are simple descriptions of the changes for each WAC 220-110 section.

Sections	Changes
220-110-010 Purpose	This replaces WAC 220-110-010. We simplified the purpose statement.
220-110-020 Instructions for using chapter 220-110 WAC	This section is new.
220-110-030 Definitions	This replaces WAC 220-110-020. We separated the definitions into three categories; general terms, mineral prospecting terms, and aquatic-plant-removal-and-control-specific terms.
220-110-040 Adaptive Management of the hydraulic project approval program	This is a new section. It describes the process the department will use to make changes to policies, procedures, and rules going forward.
220-110-050 Applicability of hydraulic project approval requirements	This is a new section. This section (exemptions) reflects changes to the statute since 1994.
220-110-060 Procedures—hydraulic project approvals	This replaces WAC 220-110-030 and 220-110-031. We added subsections for chronic danger HPAs; fish habitat enhancement projects HPAs, and marina and marine terminal maintenance HPAs to reflect changes to the statute since 1994. In addition, we added a section about simplified HPAs to reflect a planned change in procedures.

220-110-070 Permit consolidation	This is a new section.
220-110-080 Hydraulic Project Approval and Forest Practices Act integration	This is a placeholder.
220-110-090 Changes to hydraulic project approval requirements	This replaces WAC 220-110-032.
220-110-100 General mitigation requirements for hydraulic project approvals	This is a new section. This section reflects our current mitigation policy M5002.
220-110-110 Technical provisions	This replaces WACs 220-110-040 and 220-110-230.
220-110-120 General construction requirements	This is a new section. This chapter contains construction provisions common to many project types. They address site access, equipment operation, water quality management, revegetation and work area isolation.
220-110-130 Authorized work times in freshwater areas	This is a new section.
220-110-140 Freshwater habitats of special concern	This is a placeholder. If there are freshwater habitats you think should serve an essential function in the developmental life history of freshwater fish or shellfish or anadromous fish, please tell us what these are and why.
220-110-150 Stream bank and lake shoreline stabilization	This replaces WACs 220-110-050 and 220-110-223. Subsections covering groins, barbs, engineered log jams, floodplain roughness, and flow spreaders are added.
220-110-160 Residential docks, buoys and other overwater structures in freshwater areas	This replaces WAC 220-110-060. We added a subsection for watercraft lifts and mooring buoys. There are substantive changes to the requirements in this section.
220-110-170 Boat ramps and launches in freshwater areas	This replaces WAC 220-110-224.

220-110-180	Marinas and terminals in freshwater areas	This is a new section. The current WAC only has a section for marinas in saltwater.
220-110-190	Dredging in freshwater areas	This replaces WAC 220-110-130. We made no substantive changes to the requirements from the current WAC.
220-110-200	Sand and gravel removal	This replaces WAC 220-110-140. We made no substantive changes to the requirements from the current WAC.
220-110-210	Water crossing structures	This replaces WAC 220-110-070. We added stream simulation and moved the hydraulic design method to fishways. The new WAC has both performance-based criteria and design-type criteria to add design flexibility.
220-110-220	Fishways	This is a new section.
220-110-230	Channel change/realignment	This replaces WAC 220-110-080. With the exception of subsection (a) we made no substantive changes to the requirements in the current WAC.
220-110-240	Large woody material removal and relocation in freshwater areas	This replaces WAC 220-110-150. We made no substantive changes to the requirements from the current WAC.
220-110-250	Beaver dam management	This is a new section.
220-110-260	Pond construction	This replaces WAC 220-110-180. We made no substantive changes to the requirements from the current WAC.
220-110-270	Water diversions and intakes	This replaces WAC 220-110-190. We made no substantive changes to the requirements from the current WAC.
220-110-280	Outfall structures in freshwater areas	This replaces WAC 220-110-170. We made revisions to reflect the changes in the statute since 1994.
220-110-290	Utility crossings in freshwater areas	This replaces WAC 220-110-100. We added directional drilling, jacking, and boring, and divided the provisions into categories.
220-110-300	Felling and yarding of timber	This replaces WAC 220-110-160. We made no substantive changes to the requirements from the current WAC.

220-110-310 Aquatic plant removal and control	This replaces WACs 220-110-331, 220-110-332, 220-110-333, 220-110-334, 220-110-335, 220-110-336, 220-110-337, and 220-110-338. We made no substantive changes to the requirements from the current WAC.
220-110-320 Mineral prospecting	We combined WACS 220-110-200, 220-110-201 and 220-110-202, and 220-110-206 in this chapter. The only change in the requirements from the current WAC is the addition of the beach prospecting subsection.
220-110-330 Habitat restoration in freshwater areas	This is a placeholder. If you think there are restoration activities that need technical provisions, please let us know what they are and what provisions you recommend.
220-110-340 Tidal reference areas	This replaces WAC 220-110-240. We made no substantive changes to the requirements from the current WAC.
220-110-350 Authorized work times in saltwater areas	This replaces WAC 220-110-250. We changed the timing to authorized times to match the mineral prospecting language. In addition, some timing for juvenile salmonid, surf smelt and herring protection is changed. We added timing for razor clams in tidal reference area 14.
220-110-360 Saltwater habitats of special concern	This replaces WAC 220-110-250. We added Eulachon spawning beds and Olympia oyster settlement areas and removed rock sole spawning beds. We also added geomorphic processes that form and maintain saltwater habitats of special concern.
220-110-370 Intertidal forage fish spawning habitat surveys	This is a new section.
220-110-380 Seagrass and macroalgae habitat surveys	This is a new section.
220-110-390 Bulkheads and other bank protection in saltwater areas	This replaces WACs 220-110-280 and 220-110-285. We made changes to the requirement for non-single family residence bulkheads. Single-family residence bulkhead requirements match the requirements in RCW 77.55.141.

220-110-400 Residential docks (piers, ramps, and floats), buoys, and other overwater structures in saltwater areas	This replaces WAC 220-110-300. We added a subsection for watercraft lifts and mooring buoys. There are substantive changes to the requirements in this section.
220-110-410 Boat ramps and launches in saltwater areas	This replaces WAC 220-110-290. There are some changes to the requirements in this section.
220-110-420 Marinas and terminals in saltwater areas	This replaces WAC 220-110-230. There are some changes to the requirements in this section.
220-110-430 Dredging in saltwater areas	This replaces WAC 220-110-230. There are some changes to the requirements in this section.
220-110-440 Outfall structures in saltwater areas	This is a new section.
220-110-450 Utility lines in saltwater areas	This replaces 220-110-310. There are some changes to the requirements in this section.
220-110-460 Habitat restoration in saltwater areas	This is a placeholder. If you think there are restoration activities that need technical provisions, please let us know what they are and what provisions you recommend.
220-110-470 Informal appeal of adverse administrative actions	This replaces WAC 220-110-340. We made no substantive changes to the requirements from the current WAC.
220-110-480 Formal appeal of administrative actions	This replaces WAC 220-110-350. We made no substantive changes to the requirements from the current WAC.
220-110-490 Compliance	This replaces WAC 220-110-360. We made substantive changes to the requirements to reflect the Governor's directive to develop rules for civil enforcement.