

**STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
HABITAT PROGRAM**

DATE: June 15, 2017

TO: Region 4 and 6 Habitat Program Staff
 Science Division Staff
 Protection Division Staff

SUBJECT: **NEW GUIDANCE REGARDING HYDRAULIC PROJECT APPROVAL (HPA)
 PROVISIONS FOR THE PROTECTION OF INTERTIDAL FORAGE FISH SPAWNING
 BEDS**

WDFW has adopted a new standard for documenting surf smelt spawning beds. This email is a follow-up to Phill Dionne's email dated March 28, 2017. The new standard extends the length of a documented surf smelt bed from the current 305 m to 1267 m. When surf smelt eggs are observed within a 30 m sampling transect, the length of documented surf smelt spawning bed now extends in both directions from the center of the transect up to a distance of 634 m (1267 m total) or until there is a change in beach type (bed materials) based on Washington Department of Natural Resources ShoreZone inventory data. As a result of this change, the total length of currently-documented surf smelt spawning beds throughout Puget Sound increased from 517 kilometers to 1063 kilometers. The spawning location map will be updated next week to show this change; we will notify you by email when the change is completed.

Documented Surf Smelt Spawning Beds

There is no change to how HPAs are provisioned for work on documented surf smelt spawning beds. Currently, the presence of a documented surf smelt spawning bed can restrict project type, design, and timing. This has not changed. The construction of a new shoreline armoring structure or expansion of an existing structure that will result in a loss of documented surf smelt spawning beach should still be processed under RCW 77.55.021 instead of RCW 77.55.141. In addition, the authorized work times (WAC 220-660-330(3)(e)) are not changing and a survey option (WAC 220-660-330(3)(f)) is still available in nine of the thirteen tidal reference areas where the surf smelt spawning period is six months or longer. Habitat biologists should include timing constraints in HPAs to protect newly documented surf smelt spawning habitat (assuming the habitat is suitable for spawning).

Pacific Sand Lance Spawning Beds

Current science doesn't support a change to the length of a documented sand lance spawning bed. The current length of 305 m for a sand lance spawning bed remains in effect.

Job sites “adjacent to” intertidal forage fish spawning beds

The new science does not support requiring a survey or timing provisions for work occurring on beaches adjacent to the newly expanded documented surf smelt spawning beds. As a result, you should use WAC 220-660-070(1)(h) to vary from WAC 220-660-330(3)(h).

We are investigating to confirm the appropriate permanent sand lance adjacency requirements that reflect the current scientific data. In the interim, a beach bordering a documented sand lance spawning beach should be considered “adjacent” if the beach is within 634 m (2080 ft.) of the mid-point of the documented beach and the beach has similar bed materials to the documented beach. For projects “adjacent to” documented sand lance spawning beds, habitat biologists should allow an intertidal forage fish spawn survey option. Biologists should include the following provisions in the HPA:

- i. “The project location is adjacent to a documented Pacific sand lance intertidal spawning beach. If you plan to work on the beach between *month/day* through *month/day*, you must contact a biologist trained by the Department of Fish and Wildlife to arrange an intertidal forage fish spawning beach survey. The biologist must follow the department-approved protocol and use the standard department data sheets when conducting the survey. If the biologist does not observe sand lance eggs during a beach survey, work must begin within seventy-two hours of survey. If sand lance eggs are found, work cannot begin until a subsequent survey shows there are no eggs on the beach.” **Note: The date will likely be October 15 to December 31 and January 1 to February 28 of any year; however, you may need to adjust this date if authorized work times for other fish species at the project location don’t coincide with the sand lance work time.**
- ii. The biologist must submit the completed intertidal forage fish spawning beach survey data sheets within seventy-two hours of completing the survey to WDFW by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946. In addition, the biologist must preserve the winnowed portion of the sediment samples and retain them for a minimum of four weeks. The sediment samples must be provided to WDFW staff upon request. The list of trained biologists, the approved protocol and data sheets are available on the department's web site.”

Questions

Contact your supervisor or Randi Thurston by email at randi.thurston@dfw.wa.gov or by phone at 360-902-2602 if you have questions. Thank you