

WAC 222-16-025 *Fish protection standards and objectives for forest practices hydraulic projects. (1) Pursuant to RCW 76.09.040 (3)(a), the fish protection standards in the hydraulic code rules (chapter 220-110 WAC) applicable to forest practices activities are incorporated into the forest practices rules.

(2) The department will evaluate forest practices hydraulic projects on the basis of whether they will meet fish protection standards. The primary objectives of the fish protection standards are to:

- (a) Protect fish life;
- (b) Achieve no-net-loss of productive capacity of fish or shellfish habitat;
- (c) Minimize project-specific and cumulative impacts to fish life; and
- (d) Mitigate for unavoidable impacts to fish life and fish habitat.

(3) "Fish life," "protection of fish life," "mitigation," and "no-net-loss" are defined in WAC 220-110-020 as follows:

(a) "Fish life" means all fish species including, but not limited to, food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

(b) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

(c) "Mitigation" means actions required as provisions of forest practices hydraulic projects to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required will be considered and implemented, where feasible, in the following sequential order of preference:

(i) Avoiding the impact altogether by not taking a certain action or parts of an action;

(ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(v) Compensating for the impact by replacing or providing substitute resources or environments; or

(vi) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

(d) No-net-loss means:

(i) Avoidance or mitigation of adverse impacts to fish life; or

(ii) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(iii) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

(4) The following general provisions shall apply to forest practices hydraulic projects in Type S or F Waters:

(a) If fish may be adversely impacted as a result of the project, the landowner may be required to capture and safely move food fish, game fish, or other fish life (at the discretion of the department in

consultation with the department of fish and wildlife) to the nearest free-flowing water. See board manual section 5 for further guidance.

(b) Disturbance to the stream bed, banks, and riparian vegetation shall be restricted to that necessary to complete the project.

(c) All disturbed areas shall be protected from erosion. The banks shall be revegetated with native or other approved woody species, or stabilized with other approved erosion control techniques, and maintained as necessary to ensure survival. See board manual section 5 for technical guidance.

(d) Equipment shall not enter or operate within the wetted perimeter of a stream unless such activity is approved in a forest practices application.

(e) Equipment shall be inspected, cleaned, and maintained to prevent loss of petroleum products waterward of the ordinary high water line. See board manual section 5 for further guidance.

(f) Excavation for and replacement of footings and foundations shall be landward of the ordinary high water line unless the construction site is separated from typed waters by use of a dike, cofferdam, or other structure.

(g) Structures containing concrete shall be sufficiently cured prior to contact with water.

[Statutory Authority: RCW 76.09.040(3). WSR 13-21-032, § 222-16-025, filed 10/8/13, effective 12/30/13.]