

**WAC 220-660-160 Marinas and terminals in freshwater areas.** The provisions in this section apply to constructing, maintaining and repairing marinas and terminals in freshwater areas.

(1) **Description:**

(a) A marina is a public or private facility providing vessel moorage space, fuel, or commercial services. Commercial services include overnight or live-aboard vessel accommodations (RCW 77.55.011(13)).

(b) A terminal is a public or private commercial wharf located in the navigable waters of the state and used, or intended to be used, as a port or facility for storing, handling, transferring, or transporting goods, passengers, and vehicles to and from vessels (RCW 77.55.011(14)).

(2) **Fish life concerns:** Marinas and terminals can alter the physical processes that create or maintain habitat that supports fish life. Possible impacts may include alteration of the light regime, hydrology, substrate conditions, and water quality. Marinas and terminals often have a larger impact area than residential docks and are often associated with heavy boat traffic and human use. Thus, the size and magnitude of the potential impacts to fish life may be greater.

(3) **Marina and terminal design - Generally:**

(a) The design, location, and construction of new marinas and terminals must follow the mitigation sequence to protect fish spawning and juvenile salmon migration corridors, rearing, and feeding areas.

(b) The department may require physical modeling, numerical modeling, or other information that demonstrates adequate water exchange and circulation after construction.

(c) Whenever feasible, locate new marinas and terminals in areas that will minimize impacts to fish life.

(i) Locate new marinas and terminals to protect native aquatic vegetation.

(ii) Locate new marinas and terminals in naturally deep areas to avoid or minimize the need for dredging.

(iii) Locate new marinas and terminals in areas deep enough to protect the bed from propeller wash impacts.

(iv) Locate new marinas and terminals in areas with low or impaired biological integrity such as heavily industrialized areas.

(d) Whenever feasible, design marinas and terminals to allow light penetration to shallow water areas.

(i) Design marinas and terminals so that most over-water coverage is in the deepest water feasible.

(ii) Minimize the amount of pier or dock area that directly contacts the shoreline.

(iii) Minimize the width of over-water and in-water structures in shallow water areas.

(iv) Design and construct piers and other over-water structures as high as feasible to increase light transmission.

(v) Whenever feasible, use light-reflecting materials on the underside of over-water structures that are not grated.

(4) **Marina design:**

(a) The department may require a marina design to include grating to minimize impacts to juvenile salmonid migration corridors and native aquatic vegetation. If grating is required, locate flotation under the solid decked area only.

(b) Orient grating so the lengthwise opening maximizes the amount of light penetration. Any objects that are not part of the structure on, above, or below the grating should not block light penetration.

(c) Whenever feasible, provide slips for smaller boats in shallower water and place slips for larger boats in deeper water.

(d) Do not locate new boathouses, houseboats, and covered moorages less than thirty feet from the shoreline and in water less than twenty feet deep (both criteria measured from mean low water). Houseboats with basements are not authorized.

(e) Any replacement roof for a covered moorage and boathouse in water less than thirty feet from the shoreline and in water less than twenty feet deep (both criteria measured from mean low water) must incorporate translucent materials or skylights in the roof.

(f) If artificial nighttime lighting is used in the design, use low-intensity lights that are located and shielded to prevent light from attracting fish, unless there are safety constraints.

**(5) Breakwater design:**

(a) Design and construct breakwaters to maintain shallow water juvenile salmon migration corridors.

(b) Avoid use of continuous sheet piles in water less than thirty feet from the shoreline and in water less than twenty feet deep (measured from mean low water).

(c) Use removable, floating breakwaters or wave boards.

**(6) Piling design:**

(a) Use the smallest diameter and number of pilings needed to construct a safe structure.

(b) New and replacement piling can be steel, concrete, recycled plastic, and/or untreated or department-approved treated wood.

(c) Treated wood piling must incorporate design features to minimize abrasion of the piling from contact with vessels, floats, or other objects.

(d) Whenever feasible, fit all pilings with devices to prevent perching by fish-eating birds.

**(7) Marina and terminal construction:**

(a) When installing steel piling, a vibratory hammer is preferred.

(b) If impact pile driving is needed, set the drop height to the minimum needed to drive the piling.

(c) Use appropriate sound attenuation to minimize harm to fish from impact pile-driving noise.

(d) To avoid attracting fish to light at night, limit impact pile driving to daylight hours whenever feasible.

(e) The department may require the following when removing piling:

(i) Use a vibratory system to dislodge piling whenever feasible;

(ii) After removal, place the piling on a construction barge or other dry storage site. Piling removed from the substrate must be moved immediately from the water into a barge or other dry storage site. The piling must not be shaken, hosed off, left hanging to dry or any other action intended to clean or remove adhering material from the piling;

(iii) If a treated wood piling breaks during extraction, remove the stump from the water column by fully extracting the stump or cut it three feet below the substrate and cap all buried stumps with clean sediment that matches the native material; and

(iv) Fill holes left by piling extraction with clean sediment that matches the native material whenever feasible.

(f) Securely anchor floats and mooring buoys.

(g) Dispose of removed docks, piers, ramps, floats, lines, chains, cables, and mooring anchors in an upland disposal site.

(h) Place floats and buoys removed seasonally in an upland area. Do not store on the beach.

(8) **Marina and terminal maintenance:**

(a) Upon request, the department must issue a renewable, five-year HPA for regular maintenance activities of a marina or terminal.

(b) Regular maintenance activities for the five-year HPA may include the following:

(i) Maintaining or repairing a boat ramp, launch, or float within the existing footprint;

(ii) Maintaining or repairing an existing over-water structure within the existing footprint;

(iii) Maintaining or repairing boat lifts or railway launches;

(iv) Maintaining or repairing pilings, including replacing bumper pilings;

(v) Dredging less than fifty cubic yards of material;

(vi) Maintaining or repairing shoreline armoring or bank protection;

(vii) Maintaining or repairing wetland, riparian zone, or estuarine habitat; and

(viii) Maintaining or repairing an existing outfall.

(c) The five-year permit must include a requirement that a person give the department a fourteen-day notice before regular maintenance activities start.

[Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-160, filed 12/30/14, effective 7/1/15.]