

WAC 220-660-420 Artificial aquatic habitat structures in saltwater areas. (1) **Description:** An artificial aquatic habitat structure is a structure that humans design and place to provide long-term alterations to saltwater bottom habitat. The structure is designed and located to contribute to fish and shellfish management. Artificial reefs are one example.

(2) **Fish habitat concerns:** Artificial aquatic habitat structures draw large numbers of fish for the same reasons natural habitat structures do: They provide shelter, food, and a place for some species to spawn. They have holes and crevices in which both predator and prey can hide. However, artificial aquatic habitat structures alter the seabed and change the natural habitat. This alteration can change the make-up of the fish community and displace fish that used the natural habitat. Because artificial aquatic habitat structures can draw large numbers of fish into one place, coordination with fisheries managers is critical to prevent overfishing at these sites.

(3) **Artificial aquatic habitat structure design:**

(a) Artificial aquatic habitat structures must meet one or more of the following needs:

(i) Enhance fish viewing opportunity at a specific location;

(ii) Enhance or conserve aquatic resources; or

(iii) Mitigate for impacted habitat.

(b) Resource benefits must outweigh negative impacts caused by construction and placement of the structure.

(c) The department may require compensatory mitigation for unavoidable construction impacts to fish life and habitat that supports fish life.

(d) HPA applications must include the target fish species, species groups, or life stages that a person wants to enhance or rebuild. The critical habitat and environmental requirements of those species must be identified.

(e) A complete application to construct an artificial aquatic habitat structure must include the results of approved preconstruction surveys, a statement of the fishery or habitat need for the proposed structure, ongoing maintenance needs, if any, and a plan for quarterly monitoring for two years after construction.

(f) The department will require at least four preconstruction surveys:

(i) Preconstruction surveys must be conducted during each seasonal quarter prior to the start of the project (January through March, April through June, July through September, and October through December);

(ii) Post-construction quarterly monitoring must follow department-approved biological protocols. A person must submit results of completed surveys to the department annually; and

(iii) The department may require additional surveys.

(4) **Artificial aquatic habitat structure construction:**

(a) Locate the structure at least two hundred yards away from other areas of hard-rock habitat to reduce the probability of an aquatic invasive species infestation.

(b) Locate the structure where it will least disturb adjacent shorelines.

(c) Construct the structures with high-density materials that are nontoxic and inert in sea water.

(d) Use clean materials to construct the structure. Do not use materials that would leach metals, petroleum products, or other hazardous materials.

(e) At least ninety-five percent of the construction materials must be larger than one foot in diameter.

(f) Avoid using vertical walls. Structures must consist of piles of loose material or separate modules.

(g) Place the structure where it will cause the least impact to fish life and the habitat that supports fish life.

(h) Reef material must not cover more than fifty percent of the natural substrate within the permitted area.

(i) Any one rock pile or module must not cover more than ten percent of the total permitted area.

(j) Rock piles must be located at least fifty feet apart.

[Statutory Authority: RCW 77.04.012, 77.04.020, and 77.12.047. WSR 15-02-029 (Order 14-353), § 220-660-420, filed 12/30/14, effective 7/1/15.]