

From: [Nation, Theresa K \(DFW\)](#)
To: [Jim McDonald](#)
Cc: [SEPADesk2 \(DFW\)](#)
Subject: Your SEPA Comment on DNS 24-006
Date: Thursday, April 11, 2024 3:34:49 PM

To Mr. McDonald,

Thank you for your comments on the SEPA Determination of Nonsignificance #24-006 regarding Rule Making to Incorporate SHB 1085 for Flotation Materials. This rule proposal amends the Hydraulic Code Rules (Chapter 220-660 WAC) to bring them in line with recent changes to state law. Specifically, the scope of the proposal is limited to improving the description of enclosed flotation materials allowed in overwater structures, such as docks. The Hydraulic Code Rules have long required flotation materials to be enclosed. WDFW does not anticipate that the proposed rule will change the number of overwater structures.

The second part of your letter, recommending the requirement of reef-mimicking features, falls under actions that we would categorize as mitigation. WAC 220-660-080 identifies mitigation sequencing and compensatory mitigation requirements, but does not prescribe specific measures. (The department defines mitigation as sequentially avoiding impacts, minimizing and rectifying unavoidable impacts, and compensating for remaining impacts. This mitigation must achieve no net loss.) Mitigation measures for overwater structures are considered on a case-by-case basis and are informed by factors such as the project impacts, design, and location. The installation of reef-mimicking features may be suitable and feasible as mitigation for some projects, but not others. That is why they may appear in individual Hydraulic Project Approval (HPA) permits, but are not included in the overall code.

Thank you again for your interest in Washington's treasured natural resources. Please reach out to me if you have any questions about this rule proposal.

Regards,

Theresa Nation

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Your original comments:

Comment on DNS 24-006 Received via PublicInput Public Comment Portal.

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To: **Washington Department of Fish and Wildlife** FlotationRules@publicinput.com

We need to alter our view that these over-water structures are bad; therefore, less is better.

Though I support the use of functional grating.

The best near-shore habitat that exists are large trees. These trees provide shade, which is defined as a bad thing when provided by a dock or a float. And when one of these large trees falls into a water body, it provides excellent habitat for additional organism growth and cover for smaller fish. It also provides a lot of shade in the water.

Observations made around docks and other in-water structures seem to always have more aquatic life present. These structures should be regulated so they function more like artificial reefs or a fallen tree.

Artificial reefs can be broadly defined as any submerged structures placed on substratum to mimic some characteristics of a natural reef, often to augment fishery yields. Other structures like piers and docks are not designed for this purpose, yet effectively function as artificial reefs. Ranging in size from small concrete reef balls to massive offshore oil rigs, these artificial structures can support extremely high densities of fish (Seaman, 2000). For example, it was recently suggested that oil and gas platforms off the coast of California have the highest fish production per unit area of any marine habitat worldwide, as much as an order of magnitude higher than other marine ecosystems (Claisse et al., 2014).

Therefore, the proposed rules should be expanded so that these artificial flotation structures will function more like reefs or a fallen tree. This could be accomplished by requiring the installation of concrete reef balls and/or metal screens between pilings to provide in-water structure that will support aquatic life.

R, Jim McDonald
Bremerton