JOSEPH R. BLUM
Director

STATE OF WASHINGTON

DEPARTMENT OF FISHERIES

115 General Administration Building, M.S. AX-11 • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

January 28, 1992

The Honorable Ann Anderson
Washington State Senator
Co-chair of the Joint Select
Committee on Flood Damage Reduction
Legislative Building, Mail Stop AS-32
Olympia, Washington 98504

JAN 30 RECT'D

Dear Senator Anderson:

At the Senate Agricultural and Water Resources Committee hearing on the 1992 Flood Control Bill (SB-6095) January 23, 1992, a request was made of the Washington Department of Fisheries (WDF) to provide a policy statement regarding vegetation removal from gravel bars in streams. WDF does not have a specific formal agency policy regarding vegetation removal, although I assure you that protection of riparian and aquatic vegetation is very important to continued fish production. The general WDF Habitat Management Policy (Policy 410, September 10, 1990, attached) is applicable, however, since stream side vegetation is an important element of fish habitat. This policy has a goal of no net loss of productive capacity of fish habitat.

Riparian vegetation and most aquatic vegetation provide beneficial fish habitat. In general, woody vegetation along the watercourse provides shade for water temperature control and cover for fish to hide from predators, input of organic nutrients which form the basis of the food chain in the stream ecosystem, direct input of arthropods on which fish feed, and input of large organic debris which also provides cover, habitat diversity, and an organic base for production of organisms on which fish feed.

WDF will typically discourage the removal of woody vegetation from riparian areas and gravel bars. Where removal of vegetation is permitted within WDF authority, mitigation will typically be required, often through vegetation restoration or development of a vegetation management plan on adjacent shorelines. As noted in Mr. Haring's testimony, proposals for vegetation removal from gravel bars are reviewed on a site-specific basis to determine the impacts to fish life. WDF also considers increased flood risk if the vegetation is to be left in place, although our expertise is in evaluation of impacts to fish life. We often find that the vegetation present on gravel bars within the ordinary high water mark is the only or the best vegetation throughout a reach of stream, increasing the need for protection within that reach.

Riparian vegetation is very important to fish production. Many land use practices, including development, forest practices, agriculture, and flood protection have significantly altered the riparian ecosystem. This has resulted in reduced fish production and often increases the risk of erosion to stream banks. WDF's authority to manage riparian vegetation is restricted, unless the action affects the bed or flow of the stream. The capability to continue viable salmon production will necessitate protection of the riparian community, either by local jurisdiction or increased authority provided to state agencies. I hope you share our concern that fish habitat receive adequate protection in the design and construction of flood control projects.

Please contact either Duane Phinney at 753-3621 or Don Haring at 753-2984 if we can be of further assistance on this matter.

Sincerely,

Bill Koss

William D. Koss
Assistant Deputy Director
Salmon Program

WDK:DH:dmm

Attachment - WDF Policy 410

cc: Duane Phinney
Don Haring
Gordy Zillges, WDW
Ed Manary
Susan Markey

WASHINGTON DEPARTMENT OF FISHERIES

Policy Number: 410

Title: HABITAT MANAGEMENT POLICY

Approved: _____ Director

DEPARTMENTAL POLICY

Effective Date: Sept. 10, 1990

[X] New [ ] Revision

POL-410 HABITAT MANAGEMENT POLICY

It is the goal of the Washington Department of Fisheries (WDF) to achieve no net loss of productive capacity of the habitat of food fish and shellfish resources of the state. WDF will implement this policy through conditioning permits over which the Department has direct control and commenting to other agencies and jurisdictions. In the long-term WDF will seek a net gain in the productive capacity of the habitat through restoring productive capacity lost through natural causes or human activities and by taking actions to improve existing habitat or create new habitat.

The goal of no net loss of habitat productive capacity in the short-term can be achieved by pursuing the objective of conditioning, authorizing or commenting on proposed activities in a manner that will lead to no net loss. Specifically:

1a. Where WDF has permitting authority, seek to condition and authorize projects in a manner that will lead to no net loss.

1b. Where WDF does not have permitting authority, provide comments to the administering agency requesting that any approval include conditions that will lead to no net loss.

The Department establishes two additional goals with respect to habitat:

2. Restore the productive capacity of habitats that have been damaged or degraded by natural causes or as a result of human activities.

3. Improve the productive capacity of existing habitat and create new habitat.

Goal 1. Achieve no net loss of productive capacity of the habitat of foodfish and shellfish resources of the state.

Strategy

The Department will actively enforce the habitat protection laws in the Fisheries Code and use all other available authority and influence to protect the habitat of the state's food fish and shellfish from degradation. When available authority includes that contained in RCW 75.20.100 and .103, the principle extends to game fish (steelhead and other trout, etc.) habitat as required therein.

Department staff will pursue this goal by seeking to have a proponent of an activity potentially damaging to the habitat, in order of priority:

1. Take all reasonable steps to avoid habitat damage,

2. Take all reasonable steps to minimize any unavoidable habitat damage, and

3. Replace, using proven methods, the full productive capacity of unavoidably damaged habitat.

Replacement will normally be required in a location and by methods such that the replacement habitat benefits the stock that is impacted. Compensation by methods other than replacement of the productive capacity of the lost habitat (e.g., hatchery) will be considered only in unique situations (e.g., where the damaged habitat is that of a stock being managed for hatchery, as opposed to natural, production).

In cases where there is doubt that the required mitigation will achieve its objective, the project proponent will be required to support and fund monitoring of the mitigation and provide additional mitigation if initial mitigation does not achieve full replacement.

If proven mitigation techniques have not been demonstrated, the Department will oppose the project.

As part of this policy the Department will:

1. Provide information to project proponents at the earliest possible stage that will enable them to avoid or minimize adverse habitat impacts,

2. Coordinate with other parties that have a regulatory function with respect to a particular activity. This includes, but is not limited to, other state agencies, local governments, federal agencies, and Indian tribes--recognizing that the Washington Treaty Indian tribes have a special role, and

3. Expedite project review and response to minimize delays and conflicts.

Hydroelectric impoundments. The exception to the foregoing is that hydroelectric projects will be opposed within all remaining habitats accessible to salmon or reasonably expected to be made available.

Goal 2. Restore the production capacity of habitats that have been damaged by natural causes or by the results of man's activities.

Strategy

Much food fish and shellfish habitat of the state has been damaged by human activities. Some of that loss can be rectified and the productive capacity of the habitat can be restored. The preferred method of accomplishing restoration will be to have those responsible for damage do the restoration voluntarily. In cases where the responsible party will not do so voluntarily, the Department will utilize legal means of requiring damage repair. Where no legal means exists or where no responsible party can be identified, the Department will repair the damage. Cooperative projects where the Department and the responsible party jointly address the problem will be considered.

The Fisheries Code (RCW 75.20.060) requires that all dams or other obstructions (e.g., roads, dikes) across a stream be equipped with a fishway approved by the Department and that the fishway be properly maintained. RCW 75.20.040 requires that a water diversion device be equipped with an approved screen and that it be properly maintained. The Department will seek to achieve compliance with these two statutes. In those cases where the owner of the diversion or stream blockage, upon proper notification, fails to comply with either of the above statutes, the Department will remedy the problem and seek compensation from the owner as provided in the law.

Goal 3. Improve the productive capacity of existing habitat and create new habitat.

Strategy

In many situations, the productive capacity of food fish or shellfish habitat can be increased. This will be done by the Department by determining the habitat factor limiting the production of a particular species and devising methods for dealing with the limiting factor (e.g., placing gravel within a stream to provide additional spawning area). In other situations, habitat for a particular species will be created where none exists (e.g., construction of artificial reefs for marine fish species and placing gravel on tidelands for hardshell clam production) and access will be sought

for habitat that is not accessible (e.g., above waterfalls that block access to migrating salmon). The Department will actively seek funds to increase the productive capacity of food fish and shellfish habitat. Many other government agencies, individuals, and groups share this goal. The Department will actively work with them to increase productivity.

RESEARCH STRATEGY

As a part of the strategy for pursuing the three goals, the Department will actively pursue applied research measures required to maintain, restore and improve the productive capacity of food fish and shellfish habitat as outlined in this policy.