

March 17, 2015

[POTENTIAL TFW POLICY FP RULE CHANGES TO CLARIFY OFF CHANNEL HABITAT LANGUAGE – DICK MILLER AND RAY ENTZ]

Commented [DM1]: Murky text only

	Ambiguous or problem language
[text]	Ray's suggested changes to clarify
[text]	Dick's suggested changes to clarify
strike	Suggested elimination of language
*note	Justification or rationale – Colored by author
** note	Clarifying language that may need to be part of rule language – colored by author.

WAC 222-16-030 Water typing system. [Not in effect]

***(2) "Type F Water"**

- (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:
 - (i) The site must be connected to a fish habitat stream and accessible during some period of the year, and
 - (ii) The off-channel water must be accessible to fish.

WAC 222-16-031 Interim water typing system. [Effective 12/16/06]

***(2) "Type 2 Water"**

- (d) Are used by fish for spawning, rearing, , or migration. Waters having the following characteristics are presumed to have highly significant fish populations:
 - (i) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than 4 percent.
 - (ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or
- (e) Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:
 - (i) The site must be connected to a fish bearing stream and be accessible during some period of the year; and
 - (ii) The off-channel water must be accessible to fish through a drainage with less than a 5% gradient

***(3) "Type 3 Water"**

- (b) Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the board manual section 13. If fish use has not been determined:
 - (i) Waters having any of the following characteristics are presumed to have fish use:
 - (A) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less;

- (B) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres contributing basin size in Eastern Washington, based on hydrographic boundaries;
 - (C) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish bearing stream;
 - ~~(D) Ponds of impoundments having a surface area greater than 0.5 acre at seasonal~~
- (ii) The department shall waive or modify the characteristics in (i) of this subsection where:
- (A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish;
 - (B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or * note: confusing non-specific language that needs clarification.
 - (C) Sufficient information about a geomorphic region is available to support a departure from the characteristics in (i) of this subsection, as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties. *note: same clarification need on opening statement.