

DNR will eliminate three activities initially proposed for coverage under the DNR Aquatic Program habitat conservation plan (HCP)

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DNR has determined that the following three activities (of the seven activities proposed during recent public meetings) will not be included for coverage under the aquatic lands HCP:

1. Sand and Gravel Mining

Historically, sand and gravel was mined from state-owned aquatic land specifically for construction material. In more recent years, this activity has become increasingly rare. At present, such mining takes place only to collect the spoils from navigational dredging or to aid in flood control. Such mining must be permitted by the US Army Corps of Engineers, and must be analyzed for its potential impact to threatened and endangered species under Section 7 of the Endangered Species Act.

Although it would be possible to seek coverage for sand and gravel mining by including it in an HCP, DNR's ESA team has not identified any generally applicable conservation measures for sand and gravel removal. Therefore, DNR's will not specifically ask for coverage of sand and gravel mining in the HCP. The alternatives for coverage of this activity in the HCP include:

- a) Relying on Corps permits and associated Section 7 analyses to provide ESA liability reduction and case-by-case site-specific analysis of impacts from this activity.

- b) DNR will develop a policy that will no longer allow commercial sand and gravel mining on state owned aquatic land, except for navigation or flood control. Dredging proposals for flood control on state owned aquatic will require an analysis by a certified hydraulic engineer that validates flood-control reasons for removing the material as well as meeting the requirements of Section 7. This policy will be included in the HCP as a stewardship measure.

2. Small Scale Mining

Under existing laws and rules, DNR has the authority to designate areas for "recreational mineral prospecting," (RCW 79.14.315) and has a method in rule (WAC 332-16-255) for doing so. To date, DNR has not exercised this authority and knows very little about the extent and magnitude of this activity on state owned aquatic lands. DNR will rely on WDFW's gold and fish pamphlet (or other management tools that they may develop) to provide management guidance for small scale mining. Since DNR will not be exercising direct control over this activity, we will not seek coverage for small scale mining in the HCP.

3. Public Access

In initial analyses, "public access" activities were split into those which are associated with a structure on state-owned aquatic lands, and those that didn't involve a structure (e.g., beach walking.) In general, there are few conservation measures that apply to public access that are not associated with a structure. Public access will be removed as an activity for coverage under the HCP. Instead, DNR will address the effects of public access through associated leases (for those aspects of public access that are associated with a structure/lease), and as a stewardship measure in the HCP.

DNR will continue to seek coverage for overwater structures, complex facilities such as terminals and marinas, log booming and storage, and finfish and shellfish aquaculture.