



July 31, 2018

Skagit County Planning Department  
1800 Continental Place  
Mt. Vernon, WA 98273

**RECEIVED**

*By Stacie Pratschner at 8:06 am, Aug 02, 2018*

**Hard copy of petition received on July 31, 2018.**

RE: Great Blue Heron Critical Areas Ordinance Update

To Whom It May Concern:

Skagit Land Trust is proposing an update to Skagit County's Critical Areas Ordinance to protect Great Blue Herons – an iconic local species with a unique presence in the county. Skagit County hosts some of the largest concentrations of Great Blue Herons on the west coast with a long history of “mega-colonies” of thousands of birds at March Point, Samish Island and other locations. Skagit Land Trust (SLT) has more than 25 years of experience stewarding the two largest Great Blue Heron colonies in Skagit County – on March Point and the recently abandoned Samish Island heronry - as well as smaller colonies.

Recently, heron nesting areas have shown signs of stress and disturbance with the loss of coastal nesting habitat. SLT is concerned that without articulated, clearer protections, this charismatic and much-loved bird could face an uncertain future in the County. SLT has conducted annual nest counts at each site we manage for many years, as well as behavioral monitoring during nesting season. A team of highly-engaged Skagit County residents have volunteered and served as citizen scientists to better understand heron habitat and behavior in the County. This citizen-based work has yielded information which we think can help inform planning for the heron's habitat conservation.

We have noted that landowners are frequently not aware of how their land management actions could impact heron-nesting areas. Often we have heard, “If we had known, we would have incorporated strategies into our plans”. Issuing more detailed Critical Area review and site assessment criteria related to herons would provide clarity to landowners and County staff in determining the impact of activities on known heron colonies. Making the county's heron protections more consistent with the species being listed as a priority species by the State of Washington, will also bring the county in-line with efforts of other local governments – including the City of Anacortes – to strengthen protections for the majestic bird.

We are pleased to note that Skagit County already lists Great Blue Herons in SCC 14.24.500(4) as an official Habitat and Species of Local Importance. SCC 14.24.520(4) indicates that they should be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 (Standard Critical Review and Site Assessment). However currently there are no specific protections for herons and their habitat areas enumerated in the CAO. The urgency of clarifying protections for our local heron colonies and habitat was heightened last spring when the nearly century-old heronry on Samish Island was abandoned midway through the breeding season. Though the cause of the abandonment cannot be narrowed down to one specific trigger, it highlights the need to look carefully at local land-use and zoning policies to ensure that protections for this iconic species are in place and known.

Therefore, we are proposing an update to the CAO. The attached proposal is informed by the March 2012 Washington State Department of Fish and Wildlife Management Recommendations for Great Blue Herons (<https://wdfw.wa.gov/publications/01371/wdfw01371.pdf>). Using science-based standards, WDFW recommends important protections for heron habitat that should be considered in clarifying and strengthening Skagit County's protection of this Species of Local Importance.

### **CAO Priority Habitat and Species**

Local land use planning should, when possible, protect existing great blue heron colonies using colony site-specific management plans that consider the colony size, location, relative isolation, and degree of habituation to human disturbance. Such planning should also include and engage the people who live and own property around identified heron colonies.

Although the WDFW recommendations cover a wide range of heron habitat and feeding areas in need of protection, we believe it is most important to start with protections for heron nesting areas. Therefore, our proposal is informed by management recommendations that would strengthen protections for:


- Nesting colony areas: WDFW-identified nesting sites, such as March Point and others are shown on the WDFW heron colony map (attached). Establish buffer zones around these areas to separate incompatible uses from the habitat areas.
- Former nesting colonies: The habitat of former small colonies would be protected for at least 10 years, but especially for former larger colony sites.

The proposal does not seek new regulatory protections for heron foraging areas. We do understand that as part of the standard and existing critical areas review process for development that might affect Species of Local Importance, an applicant may be asked to identify the presence of foraging areas that might be used by potentially affected heron populations and discuss how their proposal might affect nearby foraging activity.

In sum, Skagit Land Trust recommends the County be informed by the WDFW management recommendations for Great Blue Herons and take into account conditions unique to Skagit County as it considers strengthening its Critical Areas Ordinance protections for this species. Corresponding amendments to the Comprehensive Plan's Environment Element may also be warranted.

Thank you very much for the opportunity to make this proposal.

Sincerely,



Molly Doran,  
Executive Director



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
voice 360-416-1320 · www.skagitcounty.net/planning

Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

## Submitted By

Name	<u>Molly Doran</u>	Organization	<u>Skagit Land Trust</u>
Address	<u>1020 S 3rd St.</u>	City, State	<u>Mount Vernon, WA</u> Zip <u>98273</u>
Email	<u>mollyd@skagitlandtrust.org</u>	Phone	<u>(360) 428-7878</u>

## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.

The proposal asks for code amendments to the Critical Areas Ordinance (SCC 14.24), and possibly new policy language in the Environment Element of the Comprehensive Plan (Chapter 5), to strengthen protections for Great Blue Heron nesting habitat in Skagit County.

2. Describe the reasons your proposed amendment is needed or important.

Great Blue Herons are an iconic species in Skagit County. Recently, heron nesting areas have shown signs of stress and disturbance. The Skagit Land Trust is concerned that without articulated, clearer protections, this charismatic and much-loved bird could face an uncertain future in the county.

3. If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):

Possible revisions to The Environment Element, Chapter 5.

4. If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:

No, the revisions would not create inconsistencies. They would further support existing and proposed new code language in the Critical Areas Ordinance supporting Great Blue Herons as a Habitat and Species of Local Significance.

5. If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?

Yes, the revisions would require corresponding amendments to the development regulations, specifically the Critical Areas Ordinance.

6. If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).

Most likely SCC 14.24.500 and related sections.

7. If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:

Not applicable.

8. *If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.*

See attached proposal summary.

9. *Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.*

This proposal does not seek to remove or weaken any existing Comprehensive Plan policies; instead, it seeks to strengthen existing policies regarding protection Great Blue Herons which are already identified in the code as a Habitat and Species of Local Significance.

10. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*

The proposal is consistent with community vision statements, goals, objectives and policy directives regarding protecting environmental quality, conserving local habitats and species, maintaining quality of life for Skagit County residents, and respecting private property rights.

11. *Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.*

The proposal summary attached to this form discusses existing Great Blue Heron nesting areas or colonies that may be affected by the proposal.

12. *Describe how adopted functional plans and Capital Facilities Plans support the change.*

The proposal would not have a significant effect on adopted functional plans and capital facilities plans.

13. *Describe any public review of the request that has already occurred.*

No public review of the request has occurred to date.

## Notices

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**Fees.** No fees are required for a policy or code change suggestion, per SCC 14.08.020(6).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.

## **Skagit Land Trust Great Blue Heron Habitat Conservation Proposal**

### **Purpose**

The purpose of this proposal is to strengthen protections for Great Blue Heron habitat in Skagit County.

Great Blue Herons are an iconic species, recognized and loved by many as they hunt in upland fields and along the shorelines of the Salish Sea. Skagit County lists the Great Blue Heron as a “species of local importance,” and the Washington Department of Fish and Wildlife (WDFW) lists Great Blue Heron nesting colonies as a “priority species.”

Skagit County hosts some of the largest breeding colonies of Great Blue Herons on the U.S. west coast, drawn by areas of intact, mature coastal forest and nutrient rich eel grass beds. For example, the heronry at March Point contains over 600 nests.

The increased concentration of Great Blue Herons in mega-colonies in Skagit County increases the vulnerability of the colonies to habitat loss and disturbances. Such disturbances can disrupt heron feeding activities and lead to the abandonment of colonies.

This proposal will strengthen the County’s Critical Areas Ordinance (CAO) as it relates to Great Blue Heron nesting areas by amending the CAO (SCC 14.24) to provide reasonable land use measures to protect against harmful disturbances.

### **Step 1 – Identify Heron Colonies**

Under the proposal, Skagit County will use the Washington Department of Fish and Wildlife’s (WDFW) periodically updated map of Great Blue Heron colonies (see attachment) to identify recorded heronry locations in Skagit County. The WDFW map will include a GIS layer outlining the boundary of the perimeter nest trees for colonies with 20 or more nests. The County will then develop and publish up-to-date maps of known heron nesting habitat in the County, including heron colonies with active nests (like those at March Point, Washington Park, and Barney Lake), and those recently abandoned but to which herons may return up to 10 years following abandonment (like those on Samish Island and in the Skyline area of Anacortes).

These maps would be made available to the County and to the public through a Skagit County GIS map layer and other property information records, as appropriate.

### **Step 2 – Establish Colony-Specific Management Plans including Year-Round and Seasonal Buffers**

For each major heron colony, the County will develop site-specific management plans that consider the colony size, location, relative isolation, and degree of habituation to human disturbance.

Using WDFW-mapped heron colony locations and, when applicable, nest tree boundary maps, the County will establish:

- seasonal buffers around those areas within which certain land use and development activities will be restricted during the nesting season, from the beginning of February through August; and
- year-round buffers within which certain activities would be restricted throughout the year or, where unfeasible, mitigation would be required.

The County will establish these buffer areas with an awareness of the guidelines set forth in the March 2012 Washington State Department of Fish and Wildlife Management Recommendations for Great Blue Herons (<https://wdfw.wa.gov/publications/01371/wdfw01371.pdf>), while also taking into account conditions unique to Skagit County.

- Recognizing that heron colonies are not static, and that herons may move nests within a colony from year to year, the County will set adequate year-round buffers that will allow for movement and expansion of nesting areas.
- Recognizing that herons who have established colonies close to human activities may tolerate more disturbance than colonies in less developed areas, the County will set seasonal buffers that may vary with the surrounding level of development, and that will be determined by the noise level of various land use and development activities.

### **Step 3: Implement Heron CAO Requirements on Project Basis**

Already, Great Blue Heron colonies are listed in SCC 14.24.500(4) as official Habitats and Species of Local Importance and are provided some level of protection by that section of code:

All other fish and wildlife habitat conservation areas, including habitats and species of local importance, shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 and this Section

In addition, we propose that when a landowner applies for a development or clearing permit, they would be notified by County planning staff if their property falls within a heron buffer area established under Step 2 above. If so, their permit would need to comply with the Great Blue Heron management plan developed by the County for that specific colony.

The process described above would be subject to the County's standard critical areas review and site assessment procedures as delineated in SCC 14.24.080, including the General Mitigation Requirements outlined in SCC 14.24.080(5).

## **Definitions**

The following definitions of terms, provided to help with understanding and implementation of the above requirements, are drawn directly from the WDFW recommendations.

**Breeding season:** February 1<sup>st</sup> to August 31<sup>st</sup>.

**Heron Colony:** The area where multiple heron nests are located.

**Megacolony:** 100 or more nests

**Seasonal “quiet” buffer:** An area just adjacent to the outer edge of the year-round buffer. Within this area certain loud activities such as blasting, or the use of chain saws are not recommended.

**Year-round buffer:** An area set between the outer edge of the nesting colony and the inner perimeter of the seasonal buffer. Within this area most land use activities are not recommended at any time of the year.

# Skagit County Great Blue Heron Colonies

