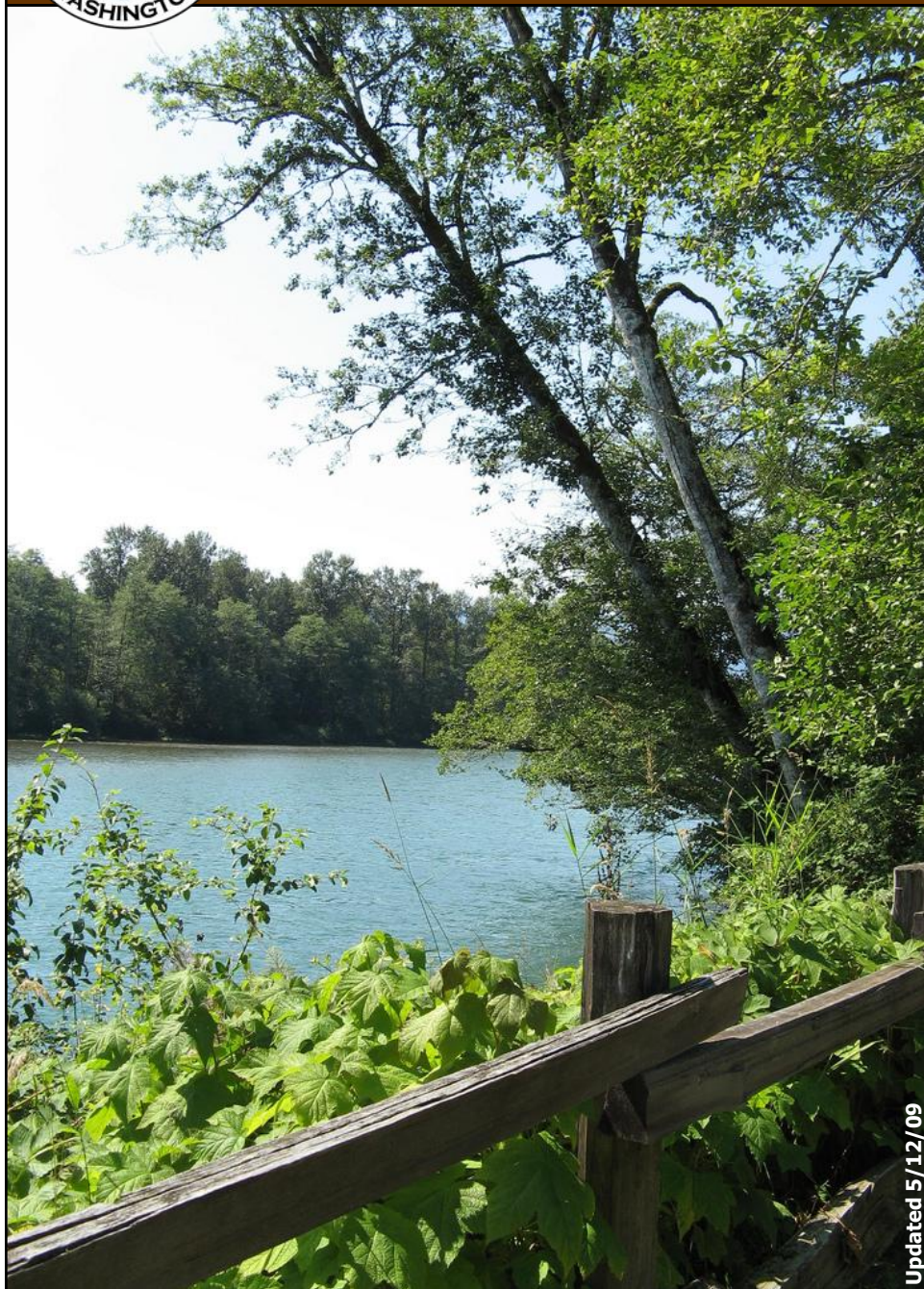




Agriculture and Critical Areas: What You Need to Know



Skagit County's Innovative Approach to Critical Areas Protection on Ag Lands

Washington counties are required by state law to designate and protect critical areas—wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently-flooded areas, and geologically hazardous areas. Preventing stream pollution is critical for downstream recreation and shellfish farming. Fish and wildlife habitat areas and wetlands are especially important to healthy salmon and endangered Orca whale populations.

Other counties have chosen to protect these critical areas using mandatory buffers—strips of land bordering the critical area where farming is not allowed. Skagit County does not require such buffers on ongoing-agricultural lands. Instead, Skagit County requires ag to comply with specific Watercourse Protection Measures. If we want to keep our flexible system and avoid one-size-fit-all buffers, it's important we follow these common-sense rules.



Watercourse Protection Measures for Ongoing Agriculture

If your property qualifies as “ongoing agriculture” (see back page), you don't have to stop your agricultural activities near streams. You do, however, need to comply with some simple standards that are designed to protect streams and wildlife habitat from pollution, runoff, and degradation. Consult Skagit County Code 14.24.120(4) for complete details.

LIVESTOCK:

- **Keep livestock out of the water.** Livestock access to watercourses must be limited to only the amount of time necessary for watering or crossing. Watering facilities or access must be constructed consistent with NRCS standards. NRCS does not allow water gaps on impaired streams.
- **Keep waste or sediment out of the water.** You must conduct your livestock or dairy operations without contributing waste or sediment in violation of state water quality standards.
- **Keep your pasture vegetated.** Maintain enough cover sufficient to avoid contributing sediment to watercourses. Avoid overgrazing near waterways.

Watercourse Protection Measures (cont'd)

NUTRIENTS AND FARM CHEMICALS:

- **Keep manure out of the water.** You may not put manure anywhere it is likely to be carried into a watercourse. Between October 31 and March 1, you may not spread manure within 50 feet of a watercourse, or anywhere on bare ground (unless permitted by a dairy nutrient management plan or other limited conditions).
- **Keep nutrient levels appropriate.** Don't over apply nutrients, so that the amount that passes through the soil below where they are used by plants is minimized.
- **Apply chemicals consistent with all label requirements.** Even better, consider going organic.

SOIL EROSION AND SEDIMENT CONTROL:

- **Design roads and structures to avoid contributing sediment.**
- **Keep agricultural equipment from causing bank sloughing or other failures.** Don't operate equipment too close to the watercourse.
- **Wherever possible, construct V-ditching only to drain into watercourses that don't contain fish.** Always avoid contributing excess amounts of sediment to the watercourse.

AGRICULTURAL DRAINAGE INFRASTRUCTURE:

- **Conduct regular maintenance between June 15 and October 31.** This work window is best for fish. Some exceptions may apply.
- **Keep excavation spoils away from the bank.** Prevent bank failures and ensure drainage from spoils won't contribute sediment.
- **Ensure mowing doesn't disturb soil or sediments.** Ensure that the cut vegetation does not block water flow.

See Skagit County Code 14.24.120(4) or contact Planning and Development Services for details.



What Qualifies as 'Ongoing Agriculture'?

"Ongoing agriculture" is an agricultural activity, including crop rotation, on lands zoned Ag-NRL or RRc-NRL that have been in continuous agricultural use since May 13, 1996. "Agricultural activity" is the use of land for commercial production of most agricultural products. In order for parcels of land under 20 acres to qualify, they must meet the criteria of RCW 84.34.020(2)(b)-(c), including:

- Parcels between 5 and 20 acres in size must be primarily devoted to agricultural use and produce \$100 or more per acre per year in gross income from agriculture use
- Parcels less than 5 acres must be primarily devoted to agricultural use and produce \$1500 per acre per year in gross income from ag use

See Skagit County Code 14.04 or contact Planning and Development Services for details.

What Are We Trying to Protect?

Our Critical Areas Ordinance is intended to support five basic functions that affect in-stream and near-stream habitat quality. While water quality is important, it's not the only function important to protect.

- **Recruitment of large woody debris to the stream:** large woody debris creates habitat structures necessary to maintain salmon/trout productive capacity and species diversity.
- **Shade:** Shading by the forest canopy maintains cooler water temperatures and influences the availability of oxygen for salmon/trout.
- **Bank integrity (root reinforcement):** Bank integrity helps maintain habitat quality and water quality by reducing bank erosion and creating habitat structure and in-water hiding cover for salmon and trout.
- **Runoff filtration:** Filtration of nutrients and sediments in runoff (surface and shallow subsurface flows) helps maintain water quality.
- **Wildlife habitat:** Functional wildlife habitat for riparian-dependent species is based on sufficient amounts of riparian vegetation to provide protection for nesting and feeding.

We're always interested in improving our information materials. Please contact Planning and Development Services with any suggestions!



For more information, contact:
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