

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Topics covered in this Development Information Bulletin (DIB) include:

- What is a Fish and Wildlife Habitat Conservation Area?
- How can I determine if I have a one on my property?
- What are the regulations?
- Biological Site Assessments and Habitat Management Plans

WHAT IS A FISH AND WILDLIFE HABITAT CONSERVATION AREA?

The following species and habitats are protected under ICC 17.02.110.C:

SENSITIVE, THREATENED OR ENDANGERED SPECIES

Fauna:	Common Name	Classification
<i>Eumetopias jubatus</i>	northern sea lion	threatened
<i>Haliaeetus leucocephalus</i>	bald eagle	threatened
<i>Pandion haliaetus</i>	peregrine falcon	endangered
<i>Eschrichtius glaucus</i>	gray whale	sensitive
<i>Brachyramphus marmoratus marmoratus</i>	marbled murrelet	threatened
Flora:		
<i>Agroseris elata</i>	tall agroseris	sensitive
<i>Aster curtus</i>	white-top aster	sensitive
<i>Castilleja levisecta</i>	golden indian paintbrush	endangered
<i>Circuta bulbifera</i>	bulb bearing water hemlock	sensitive
<i>Fritillaria camschatcensis</i>	black lily	sensitive
<i>Meconella oregana</i>	white meconella	
<i>Puccinella nutkaensis</i>	Alaska alkaligrass	Sensitive

SPECIES OF LOCAL IMPORTANCE

	Common Name	Protected Habitat
<i>Ardea herodias</i>	great blue heron	nest
<i>Gavia immer</i>	common loon	nest
<i>Pandion haliaetus</i>	Osprey	nest
<i>Dryocopus pileatus</i>	Pileated woodpecker	nest
<i>Cygnus buccinator</i>	Trumpeter swan	

HABITATS OF LOCAL IMPORTANCE

Newman Lakes	Bos Lake	Cultus Bay
Deer Lagoon	Useless Bay	Penn Cove
Crockett Lake	Whidbey Island Game Farm	Hastie Lake

For more information on habitats of local importance, see DIB #523.

In addition, the following habitats are protected:

- Streams (See DIB #509)
- Commercial and recreational shellfish beds.
- Kelp and eelgrass beds.
- State preserves and conservation areas.
- Herring and smelt spawning areas.

HOW CAN I FIND OUT IF I HAVE A PROTECTED SPECIES OR HABITAT ON MY PROPERTY?

Some locations of protected species and habitats in Island County are mapped. However, many do not appear on any maps. **If a protected species is nesting or occupying an area, or an area meets the criteria for a protected habitat, it is regulated whether or not it is shown on County maps.** Maps with approximate locations of these features may be viewed by the property owner or authorized agent and only for the property in question.

You may call or visit to ask if any of these species or habitats are mapped on your property (be sure to have your parcel number at hand). However, applicants are usually responsible for hiring a professional to determine whether a given area has a regulated habitat. It is the property owner's responsibility to know what regulated features exist on a given property.

WHAT ARE THE REGULATIONS?

Any disturbance to protected species or habitat requires a permit from Island County. Disturbance includes clearing, grading, filling, excavation, removal of vegetation, road building, construction, diverting or altering watercourses, or any other physical alteration. Protection of such species and habitats is handled on a case-by-case basis, although Fish and Wildlife Habitat Conservation Areas require a 75-foot buffer. For certain areas, specific regulations have been drafted, as follows:

Bald Eagle

A simple management plan has been developed to protect bald eagle nests and important eagle habitat areas. An agreement form may be filled out and filed with the County at no cost, which may restrict cutting certain habitat trees and may restrict cutting during the nesting season (during winter and through the spring) for the protection of bald eagles. Proposals very close to a nest site, or with a high potential for impact, may need an individualized management plan prepared through the Washington Department of Fish and Wildlife. The degree of restriction depends on the proximity to a nest site. (ICC 17.02.110.C.5.)

Kelp and Eelgrass Beds, Surf Smelt and Pacific Herring Spawning Areas, and Commercial and Recreational Shellfish Beds

These shoreline habitat areas are protected by a 75-foot buffer. No development within this 75-foot buffer may occur without approval of the County.

This buffer may be reduced for single-family residences when adjacent development is closer. No other development is permitted in the buffer area, including decks, patios, or landscaping. Development of new bulkheads in these areas requires the preparation and approval of a Biological Site Assessment (see below).

See ICC 17.02.110.C.5 for more detailed information on protection standards for these areas.

THE BIOLOGICAL SITE ASSESSMENT

The following excerpt from ICC 17.02.110.C.2 explains when a Biological Site Assessment is required and what it must contain:

"When a development proposal is located on lands which may contain, based upon maps and other information maintained by the Department, a habitat for a Protected Species, other than Bald Eagle nesting territories or species of local importance, or when the applicant proposes to alter, decrease or average the standard buffer, a Biological Site Assessment (BSA) shall be required. A BSA shall be prepared by a qualified professional biologist, plant ecologist, or similarly qualified professional with experience assessing the relevant species and/or habitats.

The level of detail in a BSA should be proportionate to size and impacts the project proposal, and shall include, at a minimum, the following:

- a) *A site plan indicating all Fish and Wildlife Habitat Conservation Areas falling on or within one-hundred (100) feet of the portion of the subject property proposed for development;*
- b) *Descriptions of all Fish and Wildlife Habitat Conservation Areas shown on the site plan;*
- c) *Description of the proposed project, including, but not limited to, associated earthwork (grading, excavation, filling), structures, utilities, and existing habitat other than Fish and Wildlife Habitat Conservation Areas (wetlands, other vegetated areas, including areas which may act as corridors, ravines or steep slopes, etc.);*
- d) *Analysis of impacts to the protected species or habitats. A discussion of impacts to all Fish and Wildlife Habitat Conservation Areas must be included;*
- e) *Regulatory summary, identifying other agencies with jurisdiction;*
- f) *If adverse impacts to protected species or habitats are likely to occur, a conceptual mitigation plan, including an analysis of feasible mitigation alternatives that would mitigate adverse impacts of the project. The effectiveness of the proposed mitigation measures shall be compared to other feasible alternatives. Mitigation alternatives shall be presented in the following order (in accordance with WAC 197-11-766):*
 - (i) *Avoiding the impact by not taking a certain action or parts of an action;*
 - (ii) *Minimizing impacts by limiting the degree of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;*
 - (iii) *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
 - (iv) *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;*
 - (v) *Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;*
 - (vi) *Monitoring the impact and taking appropriate corrective measures.*
- g) *Best Management Practices, including a discussion of on-going maintenance practices that will assure protection of all Fish and Wildlife Habitat Conservation Areas on-site after the project has been completed. If monitoring is required, this section shall include a description of proposed monitoring criteria, methods, and schedule.*
- h) *The recommendations of the BSA, once approved, shall be included as conditions of approval of the underlying permit."*

The BSA may contain the Habitat Management Plan, which is simply a series of recommendations to minimize impacts to the protected species or habitat.

IMPORTANT NOTE - "Development Information Bulletins" (DIBs) are intended to assist the general public in understanding the effect of codes and regulations. DIBs are not complete statements of the laws and rules and should not be used as a substitute for them. If conflicts and questions arise, the code and regulations are the final authority. Because these regulations may be revised or amended at any time, consult Island County staff to be sure you understand all current requirements before beginning any work. It is the responsibility of the applicant to ensure that the project meets requirements of all current codes and regulations.

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