17.01.110 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

A. PURPOSE.

Fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated populations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean intergovernmental cooperation and coordination is critically important in a region. In some cases, it is sufficient to assure that a species will usually be found in certain regions across the state. The provisions for the protection of habitat contained in this section can not succeed in their purpose of supporting viable populations of fish and wildlife species unless other agencies and the public also act to protect the species. In the case of anadromous fish, the Statewide Salmon Recovery Strategy identifies that it will take a balanced approach to addressing the factors of decline that are within human control, including harvest, hatchery, habitat, and hydropower. The underlying assumption within this section is that impacts to anadromous fish or their habitat or to fish and wildlife conservation areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan as described in Section 17.01.110.J. The intent of this Section is to:

1. Protect critical habitat features to support genetically viable populations of fish and wildlife species and allow for commercial and non-commercial uses;

2. Protect the biological, physical, and chemical components of water quality for the benefit of aquatic and terrestrial resources, as well as human consumptive uses;

3. Ensure that natural stream and marine shoreline functions such as flow patterns, production of sediment and large woody debris are maintained with minimal interference or impact to private property;

4. Protect habitat for federal or state listed endangered, threatened or sensitive fish and wildlife.

5. Encourage non-regulatory methods of habitat retention whenever practical, through education, and the Open Space Tax Program.

6. To supplement the Shorelines Master Plan for Mason County to preserve and protect critical fish and wildlife habitat pursuant to (WAC 365-190-080(5)). It is the intent that this ordinance will compliment and supplement the Shorelines Master Plan.

7. To implement the Mason County Comprehensive Plan and to achieve these purposes consistent with the Comprehensive Plan.

B. FISH AND WILDLIFE HABITAT CONSERVATION AREA CATEGORIES.

Fish and wildlife habitat conservation areas include both aquatic and terrestrial areas within Mason County. The approximate location and extent of critical fish and wildlife habitat areas are displayed in the Washington Department of Fish & Wildlife's (WDFW) Priority Habitat and Species (PHS) Program database. Mason County will also use other available information for these critical fish and wildlife habitat areas, including tribal and federal databases and local knowledge. The following categories shall be used in classifying critical areas to be regulated under this ordinance:

1. Commercial and recreational shellfish areas.
2. Kelp and eelgrass beds; herring, sand lance, and smelt spawning areas.
3. Naturally occurring lakes and ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat.
4. Streams.
5. Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area.
6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal
7. State Department of Natural Resources natural area preserves and natural resource conservation areas.

8. Areas with which Federal or State endangered, threatened and sensitive species of fish and wildlife have a primary association. Those species known to be found in Mason County are listed in Table 1. Protection of species habitats is determined by the State or Federal listing, and their actual presence near the site subject to review. Other listed and protected species may be found in Mason County, which are not in Table 1.

8. Other areas that contain habitats and species of local importance (which include juvenile salmonid migration areas) as listed in Table 1 below. Species of local importance may include, but are not limited to, State Candidate and Monitor species.

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fish</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bull Trout</td>
<td><em>Salvelinus confluens</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Puget Sound Chinook</td>
<td><em>Oncorynchus tshawytscha</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Hood Canal Summer Chum</td>
<td><em>Oncorynchus keta</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Dolly Varden</td>
<td><em>Salvelinus malma</em></td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td><strong>Amphibians</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Pond Turtle</td>
<td><em>Clemmys marmorata</em></td>
<td>Endangered</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Cascade Frog</td>
<td><em>Rana cascadae</em></td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Van Dyke's salamander</td>
<td><em>Plethodon vandykei</em></td>
<td>Species of Concern</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Tailed Frog</td>
<td><em>Ascothorax truei</em></td>
<td>Monitor</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Olympic Torrent salamander</td>
<td><em>Rhyacochiton olympicus</em></td>
<td>Monitor</td>
<td>none</td>
</tr>
<tr>
<td><strong>Mollusks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newcomb’s littoral snail</td>
<td><em>Algomida newcombiana</em></td>
<td>Species of Concern</td>
<td>Species of Concern</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marbled Murrelet</td>
<td><em>Brachyramphus marmoratus</em></td>
<td>Threatened</td>
<td>Threatened</td>
</tr>
<tr>
<td>Bald Eagle</td>
<td><em>Haliaetus leucocephalus</em></td>
<td>Threatened</td>
<td>Threatened</td>
</tr>
<tr>
<td>Northern Spotted Owl</td>
<td><em>Strix occidentalis</em></td>
<td>Endangered</td>
<td>Threatened</td>
</tr>
<tr>
<td>Northern Goshawk</td>
<td><em>Accipiter gentilis</em></td>
<td>Candidate</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Peregrine Falcon</td>
<td><em>Falco peregrinus</em></td>
<td>Endangered</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Pileated Woodpecker</td>
<td><em>Dryopus pileatus</em></td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Common Loon</td>
<td><em>Gavia immer</em></td>
<td>Sensitive</td>
<td>none</td>
</tr>
<tr>
<td>Harlequin Duck</td>
<td>Histrionicus histrionicus</td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------</td>
<td>------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Brandt's Cormorant</td>
<td>Phalacrocorax penicillatus</td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Olive-sided Flycatcher</td>
<td>Contopus boreas</td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Golden Eagle</td>
<td>Aquila chrysaetos</td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Great Blue Heron</td>
<td>Ardea herodias</td>
<td>Monitor</td>
<td>None</td>
</tr>
<tr>
<td>Merlin</td>
<td>Falco columbarius</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Purple Martin</td>
<td>Progne subis</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Western Bluebird</td>
<td>Sialia mexicana</td>
<td>Monitor</td>
<td>None</td>
</tr>
<tr>
<td>Vaux's Swift</td>
<td>Chateura vauxi</td>
<td>Candidate</td>
<td>None</td>
</tr>
</tbody>
</table>

**Mammals**

| Gray Wolf | Canis lupis | Endangered | Endangered |
| Pacific Fisher | Martes pennanti | Endangered | Species of Concern |
| Townsend's big-eared bat | Plecotus townsendii | Candidate | Species of Concern |
| Shelton pocket gopher | Thomomys | Candidate | None |
| Merriam's Shrew | Sorex merriami | Candidate | None |
| Roosevelt elk | Cervus elaphus roosevelti | none | None |
| Pygmy Shrew | Sorex hoyi | Monitor | None |

**Table 2.** Priority Species not Federally or State listed and not governed by this ordinance.

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Grouse</td>
<td>Dendragapus obscurus</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Band-tailed Pigeon</td>
<td>Columba fasciata</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Wood Duck</td>
<td>Aix sponsa</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Hooded Merganser</td>
<td>Lophodytes cucullatus</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Mountain Quail</td>
<td>Oreortyx pictus</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

**C. DESIGNATION**

The areas classified in Section B above as Fish and Wildlife Habitat Conservation Areas (FWHCA) are hereby designated under RCW 36.70A.060 and RCW 36.70A.170, as critical areas requiring proper land management to protect their value and functions.

**D. ESTABLISHMENT OF BUFFERS ON FISH & WILDLIFE HABITAT CONSERVATION AREAS**

1. Fish and Wildlife Habitat Conservation Areas shall have Buffers and Building Setbacks established. The standard buffer and setback requirements are shown in Table 3.
   a. Buffers or setbacks shall be maintained along the perimeter of Fish and Wildlife Habitat Conservation Areas. Buffer distances associated with streams shall be measured horizontally from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater. All other buffer distances shall be measured horizontally from the established FWHCA perimeter.
b. Buffers shall be retained in their natural condition, except as provided elsewhere in this ordinance.

c. Building Setback Lines: A building setback line of fifteen (15) feet is required from the edge of any buffer area, except for Type 1 saltwater and lake excluding Conservancy Shorelines.

2. The following are special provisions for buffers and setbacks on lots created prior to December 5, 1996, and which are located on saltwater or on a freshwater lake 20 acres or larger in size. As stated in the Table 3, there shall be a standard 100 foot buffer for a total of 100 feet as measured from the ordinary high water mark (OHWM). Provided, however, that in the following circumstances, these special provisions apply instead of the standard buffer and setback requirement.

a. Special provision for view protection on subject lots.

Applications for single-family residential construction and meeting the following conditions shall have buffers and setbacks as described below:

1) Where existing residences are on both sides of and within 150 feet of the lot line of the subject lot, and no more than 200 feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn across the subject lot which connects the shore-side roof lines of the first adjacent existing residences. (See Figure 1). The common line setback may be more or less than 100 feet from the OHWM, provided, however, that:

(a) the buffer shall not be less than 20 feet in width from the OHWM and a minimum setback from the edge of the buffer is 15 feet; and

(b) there shall be a maximum buffer of 100 feet from the OHWM with the balance of the setback established by the common line to be a building setback area.

(c) if the resulting buffer is less than 100 feet, it will be enhanced for wildlife function which will include at a minimum planting with native vegetation.

(d) if the resulting buffer is less than 100 feet, the development of site outside the buffer shall also use best management practices such as those in Appendix C to limit impacts to the resource.

2) Where an existing residence is on one side of and within 150 feet of the lot line of the subject lot, and no more than 200 feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn from the shore-side roof line of the existing residence and across the subject lot to a point which is 100 feet from the OHWM along the far lot line of the subject lot. (See Figure 2). The common line setback may be more or less than 100 feet from the OHWM, provided, however, that:

(a) the buffer shall not be less than 20 feet in width from the OHWM and a minimum setback from the edge of the buffer is 15 feet; and

(b) there shall be a maximum buffer of 100 feet from the OHWM with the balance of the setback established by the common line to be a building setback area.

(c) If the resulting buffer is less than 100 feet, it will be enhanced for wildlife function which will include at a minimum planting with native vegetation.

(d) If the resulting buffer is less than 100 feet, the development of site outside the buffer shall also use best management practices such as those in Appendix C to limit impacts to the resource.
3) As used in this section, a "residence" refers to the principal dwelling/residential structure and does not include outbuildings or other structures.

4) When applying 1) above, if the shoreline has a high degree of curvature, the Administrator may use the average set back from OHWM of the two existing residences rather than the imaginary line between the rooflines in order to establish the common line setback. When applying 2) above, if the shoreline has a high degree of curvature, the Administrator may use the average of the set back from OHWM of the existing residence and the 100 foot setback, rather than the imaginary line between the roofline and the 100 foot setback, in order to establish the common line setback.

b. Special provision for water-dependent uses on existing lots.
Applications for development defined as water-dependent uses shall provide the standard 100 foot buffer along as much of the shoreline as possible while making the minimum necessary adjustments to the buffer to provide for the water-dependent use, as determined by the Director. Such development shall meet the requirements of other applicable regulations, including other Resource Ordinance sections and the Mason County Shoreline Master Program.

<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Buffer</th>
<th>Building Setback from Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type S Stream</td>
<td>150 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type F Stream</td>
<td>150 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type SP Stream **</td>
<td>200 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type Np Stream</td>
<td>100 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type Ns Stream</td>
<td>75 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Saltwater and Lakes over 20 acres excluding Conservancy Shorelines</td>
<td>100 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Conservancy Shorelines*, Saltwater and Lakes over 20 acres</td>
<td>100 feet</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

*Conservancy Shorelines are those shorelines designated as Conservancy Shoreline Environment in the Mason County Shoreline Master Program.
Please see the Definitions section under "Stream" for further explanation.
S = shoreline of the state, F = fish habitat, Np = non-fish habitat with perennial (all year) water, Ns = non-fish habitat with dry periods or seasonal water flow. **SP stream is proposed for consideration if any specific streams are identified that are significant in terms of anadromous fish and recommended to be protected by a larger buffer.

3. Provision for Decreasing Buffer.

For major new development, Mason County may decrease the buffer after consultation with the Washington State Department of Fish and Wildlife and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, after review and approval of a Habitat Management Plan, and after a public hearing. Mitigation must be adequate to preserve or enhance the functions and values of the critical area. This means that a finding must be made that the net effect of the proposal is equal or better than applying the standard buffers. If enhancement is part of the mitigation plan, then a greater level of enhancement is required to offset the time lost while the enhancement matures.

4. Provision for Increasing Buffer.

Mason County may increase the buffer width on a case-by-case basis, after a public
hearing, as provided in subsection 17.01.120.L., when a larger buffer is necessary to protect the structure, function and value of Fish & Wildlife Habitat Conservation Areas. The buffer shall be increased or other protections shall be provided in order to prevent a significant adverse environmental impact by a proposed project on those functions and values. This determination shall be supported by appropriate documentation to be obtained in consultation with the state of Washington and the Skokomish Tribe, Quinault Tribe and/or the Squaxin Island Tribe. Such determination shall be attached as a permit condition and shall demonstrate that:

a. A larger buffer is necessary to maintain viable populations or critical habitat of endangered, threatened, or sensitive species; or
b. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts to the FWHCA; or
c. If the FWHCA contains variations in sensitivity, increasing the vegetation area widths will only be done as necessary to preserve the structure, function and value of the FWHCA.
d. If the increase in buffer is based on the upland area feeding substantial material to the net-shore drift system, as identified in the Mason County Shoreline Inventory Report, June 12, 1995, that the larger buffer is necessary in maintenance of that system and the functions and values of the FWHCA. The increase shall approximate the bluff erosion distance having occurred over the past 50 years, based on best available information.

5. Lakes and ponds under 20 Acres that are not regulated as wetlands and that do not have critical habitat for listed species of local importance shall have buffers of 35 feet with an additional 15 foot building setback.

E. STEWARDSHIP OPTIONS AND INCENTIVES

The purpose of this subsection is to encourage property owners to protect critical areas and their buffers and to reduce the burden on property owners from the application of the Resource Ordinance regulations. Options given below may be used individually, or they may be combined for greatest effect and benefit.

1. Open Space Bonus: Any property owner, except on land designated as Long-Term Commercial Forest Lands, Agricultural Resource Lands or Mineral Resource Lands, may apply for a performance subdivision as provided in Chapter 16.22, Mason County Code. Approval of such a subdivision provides for a development density bonus - that is, it allows more lots for development - in exchange for the protection of critical areas and meeting other design requirements.

2. Open Space Tax Assessment and Public Benefit Ratings System: Any property owner may apply for current use property tax assessment for lands which are fish and wildlife habitat conservation areas or their buffers pursuant to RCW 84.34. The county is developing an Open Space Plan and system of evaluating the public benefit rating and an assessed valuation schedule to provide incentives for property owners to conserve important open space lands.

a. The land proposed for current use tax assessment shall be in a separate tract or a conservation easement.

b. Any person who owns an identified critical area or its associated buffer may place a conservation easement over that portion of the property. A conservation easement is a legal agreement a property owner makes to restrict the type and amount of development that may occur on a parcel. Each easement is tailored to the particular property and to the interest of the individual owner. The property owner grants an easement to an appropriate governmental agency or non-profit land trust. It provides significant property and federal income tax benefits to the property owner. The purpose of the easement shall be to preserve, protect, maintain, restore and limit future use of the property affected. The terms of the conservation easement may include prohibitions or restrictions on access and shall be approved by the property owner and the county.
3. **Density Credit.** On lands containing FWHCAs or their buffers, the county shall allow a transfer of density for residential uses from the portion of the property containing the critical areas or buffers to that portion of the property that does not contain critical areas or buffers - that is, the property could be developed with the same number of lots it would have if critical areas were not present - provided that such transfer does not create any adverse impacts to the critical area that can not be adequately mitigated and provided that all other development regulations can be met.

4. **Tax Re-assessment.** The owner of any property that has been affected by a permit decision by the county may request an immediate re-assessment by the Mason County Assessors Office, as provided by RCW Chapter 84.

5. **Conservation Futures.** If approved by a vote of the people of Mason County, Mason County shall use conservation futures revenue to compensate affected property owners for the impact of protecting fish and wildlife through the purchase of conservation easements on impacted land or the impacted land.

6. **Education.** The county encourages proper stewardship on land to provide benefits to fish and wildlife. The county shall provide educational information to the public through its sponsorship of the Washington State Cooperative Extension Service, the Mason Conservation District, or through the provision of informational materials in its offices.

7. **Best Management Practices.** Where not otherwise required, Mason County encourages the use of best management practices that are part of site preparation, development construction, and use activities after construction: erosion and sediment control measures; maintain existing vegetation and minimize site clearing; use native plants in landscaping rather than lawn areas; control runoff to small ponds and buffer vegetation; and minimize use of fertilizers and chemicals in property maintenance (pest, weed, and moss control, sealants, oils, and fuels).

8. **Enhancement.** Mason County encourages property owners to enhance critical areas and buffers which have been degraded by past land clearing and site modification activities or replaced by noxious vegetation. The county has established a Noxious Weed Board to assist with this process. Critical area enhancement projects shall require staff review and needed approvals. Mason County shall waive review fees for enhancement projects that meet either of the below criteria:

   (a) **Sponsored Projects.** Enhancement projects sponsored by Mason County, Washington Department of Fish and Wildlife, Mason Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Administrator which are consistent with the Comprehensive Plan, Resource Ordinance, and other plans adopted by the Board of County Commissioners.

   (b) **Vegetation Planting/Removal.** Planting of native vegetation or removal of non-native species for the enhancement of the critical area; provided, that such activities are performed using hand tools and are limited to the area being enhanced; provided further, that watering of newly planted vegetation is limited to the first three years. Watering of newly planted vegetation on landslide hazard areas shall require approval of a geotechnical report, mitigation plan or restoration plan in accordance with this chapter. Allowable hand tools include gas and electric-powered equipment which is typically moved by hand, including equipment such as chain saws, hedge trimmers, and lawn mowers.

F. **ACTIVITIES WHICH DO NOT REQUIRE A MASON ENVIRONMENTAL PERMIT**

The following uses shall be allowed, within a FWHCA or its buffer to the extent that they are not prohibited by any other applicable law or ordinance, provided they are conducted so as to minimize any impact on the values and functions of the FWHCA, and provided they are consistent with any county approved Resource Ordinance Special Study (such as a Habitat Management Plan or Geotechnical Report) or any state or Federally approved management plan for an endangered, threatened, or sensitive species.
1. a. The remodel, repair, or change of use of an existing building shall be approved within its existing footprint, plus or minus ten percent as long as the modification does not increase any intrusion into the FWHCA or its buffer.
b. Reconstruction of structures destroyed by fire or other means shall be approved, provided that the planned reconstruction occurs within the previous structural footprint and completed application is made within two years of the destruction. The ten percent expansion set forth in 1a. may also be applied.
c. To further reduce the impacts of existing development, the footprint of existing structures approved by permit within the FWHCA or its buffer may be combined into one footprint area equal to or lesser than the original area, provided that:
   (1) the combined footprint proposed shall be located in the site of legally established residences and garages most distant from or less intrusive to the FWHCA or buffer, and the other structures nearer to the FWHCA shall be removed from the FWHCA or buffer; and
   (2) the square footage area of the structure in the combined footprint may not be increased more than 20 percent of the total square footage area of the original structures. The ten percent expansion of footprint set forth in 1a. does not apply.

For the purpose of this section, footprint does not include uncovered decks and patios.

2. Maintenance and use of existing landscaped areas within the buffer area. An existing landscaped area is one which is defined by mowed grass, flower beds, orchard trees, non-native shrubs, and non-native trees. Maintenance and use includes mowing, weeding, trimming, replacement of vegetation types, placing landscape walls no more than 2 feet in height, excavating or placing top soil or compost not exceeding 6 inches in depth or 10 cubic yards in total, placing play equipment (swings, slides, temporary plastic above-ground pools, but not including tree houses or other play houses), and picnic tables and chairs. Maintenance does not include the removal of native trees over 6 inches in diameter at 4 foot height. Exposure of more than 200 square feet of soil at any one time requires stormwater precautions so that no contaminated run off reaches the river, wetland, stream, or lake. If such maintenance or use in the buffer area is abandoned or discontinued for greater than three (3) years, activities must conform to the provisions of Section 17.01.110.G.1.

3. All new and existing agricultural activities within any FWHCA and or its buffer complying with a current conservation plan that conforms with the standards and specifications of the Natural Resources Conservation Service and is submitted to and approved by the Administrator; or operating in conformity with a permit of a state agency, except as required by subsection 17.01.110 G.1.j. below.

4. Buffer alterations for view corridors are allowed with emphasis placed on limbing and with selective timber removal minimized to the extent possible. Proposed alterations shall be the minimum to afford views within the buffer and shall minimize shrub vegetation removal and ground disturbance while maintaining the large mature trees. Under this provision, no more than 10 percent of trees in the buffer less than six inches in diameter at breast height may be cut without specific authorization from Mason County, which may allow removal up to 20 percent. View corridor improvement actions which include the cutting of trees larger than six inches in diameter at breast height will require Mason County approval prior to cutting, replacement with native tree and/or shrub plant species, and are limited to 15 percent of such trees in the buffer. The cutting down of more than 15 percent of such trees requires a Mason Environmental Permit from Mason County.

5. The felling of danger trees within buffers provided the following conditions are met:
a. When it is demonstrated to the satisfaction of the Mason County Director of Community Development or his or her designee ("Department") that an imminent threat exists to public health or safety, or the safety of private or public property. Landowner shall provide to the Department a written statement describing tree location, danger it poses, and proposed mitigation.
b. Should the imminent threat not be apparent to the Department (as danger trees are defined in Section 17.01.240), the Department may require the landowner submit a report from a professional forester or certified arborist.

c. Before a danger tree may be felled or removed, with the exception of an emergency pursuant to Section 17.01.170, the landowner shall obtain written approval from the Department. This approval shall be processed promptly and may not be unreasonably withheld. If the Department fails to respond to a danger tree removal request within 10 business days, the landowner's request shall be conclusively allowed.

d. Trees felled as danger trees shall be counted in the allowed amounts under Section 8.52.170(F)(4).

e. Mitigation as approved by the Department to include:
   i. the planting within the critical area or its buffer a total of six new native trees, each a minimum three years old. Should a report be submitted under subsection 5(b), it shall contain recommendations for suitable replacement trees.
   ii. felled trees shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading disease or pests;
   iii. the trunk of the cut tree may be segmented, but should be left in as large of segments as possible to provide habitat;
   iv. the branches from the cut tree may be removed to control fire hazard; and
   v. additional mitigation may be required if three or more trees are to be felled on one property within a 10 year period.

6. The removal from buffer areas of noxious weeds designated in Chapter 17.10 RCW and the enhancement of a buffer by planting indigenous vegetation (see also Section 17.01.110.E.8).

7. The construction of trails associated with residential use which shall be unpaved when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than three (3) feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area.

8. A habitat enhancement project that has minimum County review and is subject to the review and approval by a governmental agency, tribal agency, or fish and wildlife habitat enhancement group utilizing the process stated in R.C.W. 77.55.290.

9. Harvesting of Wild Crops: Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the Fish and Wildlife Habitat or regulated buffer (does not include tilling of soil or alteration of the Fish and Wildlife Habitat Conservation Area).

10. Any of the General Exemptions authorized by Section 17.01.130.

G. DEVELOPMENT AND ACTIVITIES REQUIRING A MASON ENVIRONMENTAL PERMIT IN FISH & WILDLIFE HABITAT CONSERVATION AREAS OR THEIR BUFFERS

A Mason Environmental Permit shall be obtained from the County, using the administrative review process in this Chapter, before undertaking the following activities in FWHCAS or their buffers. When a major new development is proposed within 1/4 mile of a listed species point location (den

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or nest site), as identified through the WDFW PHS data base, tribal and other local fish and wildlife databases or knowledge, a preliminary review by a qualified fish and wildlife professional shall be provided to the county which shall determine if a FWHCA or its buffer is within the area of the development.

1. A Habitat Management Plan (HMP) shall be prepared for these activities:
   a. The removal, excavation, grading, dumping, discharging or filling of any material unless part of a project which has been permitted pursuant to this section or for which no permit is required.
   b. The destruction or alteration of FWHCA's or their buffers through clearing, harvesting, shading, intentional burning, vegetation removal (terrestrial, freshwater, or marine), or planting of vegetation that would alter the character of the FWHCA or buffer, unless part of a project which has been permitted pursuant to this section or for which no permit is required.
   c. **New Construction and Major New Development.**
      1. New residential construction and major new development is not permitted within FWHCA or its buffer, except for the activities listed in this subsection G, or as approved through a variance or reasonable use exception as provided in subsection K.
      2. Appurtenant structures not needing building permits, associated with residential development and located in the FWHCA or buffer may be permitted. A proposal shall meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.
      3. Saltwater Activities: Accessory uses to existing or new development, such as a saltwater pier, dock, or float; boat ramp, boat lift, stairways, and stair-towers will need to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances. All activities in tidal/saltwater submerged lands shall avoid impacts to eelgrass and kelp beds to the maximum extent. If eel grass or kelp is known or suspected in the vicinity, then an aquatic vegetation survey is required to identify the location of eelgrass or kelp. Unavoidable impacts to these sensitive marine areas shall be addressed in a Habitat Management Plan that presents an acceptable mitigation program. Appendix B has best management practices for docks and floats.

The design and siting of these projects should not adversely impact water quality of receiving waters such as wetlands, streams, rivers, Hood Canal or Puget Sound. In addition, project design should meet or exceed any storm water design requirements to avoid any risk of decertification of shellfish beds or impacts to baitfish (herring, smelt, sand lance, candlefish, etc.) spawning areas.

d. **Stream Relocation:** Stream relocations are discouraged except for the purpose of fisheries restoration and require a Habitat Management Plan. Stream relocation shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval.
   i. The channel, bank and buffer areas shall be replanted with native vegetation that replicates a natural, undisturbed riparian condition; and,
   ii. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section 17.01.090, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained.
   iii. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated as determined by the monitoring in the Habitat Management Plan.
e. **Bank Stabilization.** A stream channel and bank, bluff, and shoreline may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a Building Permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall follow the standards of the Mason County Shoreline Master Program, Landslide Hazard Areas, and any floodplain management plan adopted by the Board of Commissioners.

Mason County may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. For bank stabilization projects within FWHCAs, emphasis shall be placed on bioengineering solutions (techniques used alone or in combination such as beach nourishment, coarse beach fill, gravel berms, or vegetation rather than hard surfaces such as concrete armoring) unless proved by the applicant to be infeasible. Bank stabilization projects may also require a Hydraulic Project Approval from the Washington Department of Fish and Wildlife and will be determined after consultation with WDFW.

f. **Gravel Mining.** Gravel mining is discouraged within FWHCAs or their buffers, and it shall not be permitted if it causes significant adverse environmental impact, but it may be allowed following the review and approval of a Habitat Management Plan, including a detailed mining and reclamation plan (required by the Washington Department of Natural Resources).

g. **Conservation.** Any conservation, preservation, or enhancement projects to protect functions and values of the critical area system, including activities and mitigation allowed pursuant to the mitigation priorities identified in Section I (see also Section 17.01.110.E.8).

h. **Outdoor Recreation, Education and Trails.** Activities and improvements which do not significantly affect the function of the Fish and Wildlife habitat or regulated buffer (including viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted in FWCHA or their buffers.

i. Trails and other facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas;

ii. Trails and other facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

iii. Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize of impacts to wildlife, fish, or their habitat and/or critical characteristics of the affected conservation area.

iv. Trails, in general, shall be set back from streams so that there will be minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible and trails within FWHCAs are not intended to be used by motorized vehicles.

i. **Road/Street Expansion & Construction.** Any private or public road or street expansion or construction which is allowed in a Fish and Wildlife Habitat Conservation Area or its buffer shall comply with the following minimum development standards:

i. No other reasonable or practicable alternative exists and the proposed road or street serves multiple properties whenever possible;

ii. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and,

iii. The road or street construction is the minimum necessary, as required by the Department of Public Works and Fire Marshall, and shall comply with the Department of Public Works' guidelines and Fire Code to provide public safety and mitigated storm water impacts. Minimum necessary
provisions may include projected level of service requirements.

iv. Construction time limits shall be determined in consultation with the
Washington Department of Fish and Wildlife in order to ensure species
and habitat protection.

j. **Agricultural Restrictions.** All new and existing agricultural activities within any
FWHCA or its buffer, unless exempted as provided in subsection 17.01.110.F.3.

2. A Habitat Management Plan (HMP) will not be required the following activities which
comply with the development standards below, except as specified:

a. **Stream Crossings.** All stream crossings should be discouraged and alternatives
should be explored. Any private or public road expansion or construction which is
proposed and must cross streams classified within this Ordinance, shall comply
with the following minimum development standards:

i. Bridges or arch/bottomless culverts shall be required for all Type S or F
streams (which have anadromous fish habitat). Fish passage shall be
provided, if necessary to address man-made obstructions on site. Other
alternatives may be allowed upon a showing that, for the site under
review, the alternatives would be less disruptive to the habitat or that the
necessary building foundations were not feasible. Submittal of a Habitat
Management Plan which demonstrates that the alternatives would not
result in significant impacts to the Fish and Wildlife Habitat Conservation
Area (FWHCA) may be required if the information necessary to determine
if the permit requirements contained in subsection 1. 5. has been met. The
plan must demonstrate that salmon habitat will be replaced at a minimum
1:1 ratio,

ii. Crossings shall not occur in salmonid spawning areas unless no other
reasonable crossing site exists. For new development proposals, if
existing crossings are determined to adversely impact salmon spawning
or passage areas, new or upgraded crossings shall be located as
determined necessary through coordination with the Washington State
Department of Fish and Wildlife and the Skokomish Tribe, the Quinault
Tribe and/or the Squaxin Island Tribe;

iii. Bridge piers or abutments shall not be placed either within the floodway or
between the ordinary, high water marks unless no other reasonable
alternative placement exists;

iv. All stream crossings shall be required to pass 100 year projected flood
flows, even in non-fish bearing Type Np or Ns streams. In addition,
crossings for Type S or F should allow for downstream transport of large
woody debris;

v. Crossings shall serve multiple properties whenever possible.

vi. Where there is no reasonable alternative to providing a culvert, the culvert
shall be the minimum length necessary to accommodate the permitted
activity.

b. **Land Divisions.** In order to implement the purpose of this section and the County
Comprehensive Plan, to accommodate design innovation, creativity, and
flexibility, and to achieve a level of environmental protection that would not be
possible by typical lot-by-lot development, the use of the Performance Subdivision
process (Title 16 Mason County Subdivision Ordinance) is strongly encouraged.
Divisions of land (Subdivisions, Short Subdivisions, Large Lot Subdivisions) shall
comply with the following development standards:

i. In order to avoid the creation of non-conforming lots, each new lot shall
contain at least one building site that meets the requirements of this
Ordinance, including buffer requirements for habitat conservation areas.
This site must also have access and a sewage disposal system location
that are suitable for development and do not adversely impact the
ii. After preliminary approval and prior to final land division approval, the common boundary between a required buffer and the adjacent property shall be identified using appropriate signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods (fences or enhanced native planting) are determined by Mason County to provide adequate identification to the buffer and the FWHCA.

iii. Buffer areas shall be dedicated as permanent open space tracts, functioning as FWHCA buffers.

iv. If development is proposed within a FWHCA or its buffer, a HMP is required.

c. Utilities. Placement of utilities within designated Fish and Wildlife Habitat Conservation Areas may be allowed pursuant to the following standards:

i. Construction of utilities may be permitted in FWHCA's or their buffers, only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below. Utilities are encouraged to follow existing or permitted roads where possible.

ii. Construction of wells, sewer lines, water lines, or on-site sewage systems are not permitted in FWHCA's but may be permitted in a buffer area when the applicant demonstrates it is necessary to meet State and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirement of this section. Joint use of the sewer or water utility corridor by other utilities may be allowed. Encroachment of more than 50 feet into the buffer will require a HMP.

iii. New Utility Corridors shall not be allowed in FWHCA's with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptores which are listed as state candidate or state monitor, except in those circumstances where an approved Habitat Management Plan is in place.

iv. Utility corridor construction and maintenance shall protect the environment of Fish and Wildlife Habitat Conservation Areas and their buffers.

1. New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

2. New utility corridors shall be revegetated with appropriate native vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives for a three-year period.

v. Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray painted, nor shall lead base paints be used.

d. Forest Practices, Class IV General: Timber harvesting with associated development activity involving land conversions from Forest Use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this Ordinance including the maintenance of buffers, where required. If harvest or development is proposed within a FWHCA or its buffer, a HMP is required.

e. Mobile Home or RV Parks: new or expanded mobile home or RV parks shall comply with the following development standards:

i. Lots or spaces and other improved areas shall be outside of FWHCA and its buffer. Roads, utilities, and trails may encroach on the buffer or FWHCA as provided elsewhere in this section. The project as a whole shall not adversely impact the FWHCA.
ii. The common boundary between a required buffer and the adjacent property shall be identified using signs or alternative methods determined Mason County to provide adequate identification to the buffer and the FWHCA.

iii. Buffer areas shall be designated as open space and preserved to the extent possible.

iv. If development is proposed within a FWHCA or its buffer, a HMP is required.

f. 1. Freshwater Activities. Accessory uses to existing or new development, such as a freshwater pier, dock, or float; boat ramp, boat lift; stairways; stair-towers; will need to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

2. Park or community recreation development that is water dependent. In areas maintained as existing developed use for the park or community recreation land use, new development such as picnic or assembly structures is permitted and are required to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

g. Chemical Application or Storage. Chemical applications are not permitted within FWHCAs unless expressly approved as part of a farm plan, forest practices application or for the control of invasive or noxious plant species. In cases where approved chemical applications occur as part of a forest practices application or farm plan, proper reporting procedures shall be followed. Chemical application consistent with state and Federal regulation does not require a Mason Environmental Permit, but it does need to comply with the standards included herein. Chemical storage shall not be permitted within a FWHCA or its buffer.
H. HABITATS AND SPECIES OF LOCAL IMPORTANCE -- LISTING & DELISTING

1. Locally significant species are those which are not state listed as threatened, endangered or sensitive, but which live in Mason County, and the species is special importance to the citizens of Mason County for cultural or historical reasons, or the county is a critically significant portion of their range. Mason County is a critically significant portion of the range of a species when any of the following conditions apply:
   a. The species would be extirpated from the state of Washington if it is extirpated from Mason County; or
   b. The species' population would be divided into non-viable populations if it is extirpated from Mason County, where the isolated populations are critical to the survival of the species; or
   c. The species is listed as a state monitor or candidate species and Mason County is a significant portion of the range of the species and significant reduction or extirpation of the species from Mason County would result in changing the status of the species to that of state endangered, threatened, or sensitive.

2. Locally significant habitats are those habitats in which significant species live, or which is of special importance to the citizens of Mason County because they have been determined to contribute to the variety of habitats or diversity of species.

3. Regulations prepared to protect locally important habitat and species shall consider and, where possible, support the economic development of Mason County and the use of resource lands and resources industry, enhance the affordability of housing, and otherwise promote the achievement of other goals in the Mason County Comprehensive Plan.

4. The process for listing or delisting an important habitat or species in Mason County shall be an amendment to this section of the Interim Resource Ordinance. This action may be initiated by request of the State Department of Fish & Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, County staff, or interested citizens. Any such request shall be in writing and shall include:
   a. The common and scientific names of the species under consideration;
   b. Habitat location on a map (scale 1:24,000);
   c. The reasons for the request, including:
      (1) declining or increasing population,
      (2) sensitivity to habitat manipulation.
   d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas, and other guidelines necessary for the protection of the nominated species.
   e. Other supporting documentation, including an analysis which weighs the non-environmental impacts of the proposal, addressing economics and land use, against the benefits of the proposed listing.

5. The written request and supporting data may be evaluated by a qualified wildlife biologist or equivalent professional selected by the County.

6. In addition to the above, the County shall consider the following factors when evaluating the request:
   a. The specificity and scientific validity of the information about the nominated species needs and behaviors;
   b. The sufficiency of habitat areas currently available to sustain the species over time; and
   c. The versatility of the proposed habitat area to sustain species other than the one being nominated for local species of importance designation.

I. APPLICATION REVIEW PROCESS

1. Upon the receipt of an application for development, the Director shall determine whether the requirements of this section apply. The Director may consult with affected Tribes or state agencies in determining that the subject property is shown to be documented habitat.
for federal or state listed endangered, threatened or sensitive species.

2. **Boundaries:** The procedures for formal determination of regulated Fish and Wildlife Habitat Conservation Area boundaries are as follows:
   a. The FWHCA boundary for streams shall be the Ordinary High Water Mark (OHWM) or channel migration zone (CMZ).
   b. The FWHCA boundary for marine shorelines and lakes greater than 20 acres shall be the OHWM.
   c. The boundary of all other FWHCA's may be determined using published databases, resource agency personnel, consultation with the Skokomish Tribe, Quinault and/or the Squaxin Island Tribe, and/or by a qualified environmental professional based upon site specific assessment and species presence.

3. **Permit Information:** When a Mason Environmental Permit is required under this section, it is the applicant's responsibility to provide all necessary and accurate data to the County for its review. This information will include a field delineation by a qualified professional (biologist, hydrologist, soil scientist, and/or other expert as circumstances warrant). Formal boundary determination is the responsibility of the County.
   a. When sufficient information exists from the County's natural resource inventory or other sources, Mason County may waive the requirement of a field delineation, provided a qualified professional has reviewed and approved such information as reliable.
   b. When requested by the applicant, or an affected party, the County may perform the data collection, at a fee, in lieu of direct action by the applicant.
   c. Where Mason County performs a formal determination at the request of the applicant pursuant to subsection b above, it shall be considered a final determination unless contested by the applicant or other affected party.
   d. Where the applicant has provided the information in support of a permit for a formal determination by the County of the Fish and Wildlife Habitat Conservation Area boundary, Mason County shall verify the accuracy of, and may render adjustments to, the boundary determination in compliance with the provisions of this ordinance.

4. When a Mason Environmental Permit is required, the permit shall be obtained from the County using the administrative review process in this chapter prior to undertaking regulated activities in a FWHCA or its buffer.

5. In addition to any other requirements, permits shall only be granted if:
   a. The proposed activity avoids adverse impacts to regulated FWHCA, or takes affirmative and appropriate measures to compensate for impacts. Mitigation sequencing should follow the avoidance, reduction, and compensation analysis, in that order of preference, and
   b. The proposed activity is consistent with an approved Habitat Management Plan, if such a plan is prepared; or
   c. The proposed activity is approved as a variance or reasonable use exception under this chapter, if applicable.

6. FWHCA permits shall not be effective and no activity thereunder shall be allowed during the time provided to file and process a permit appeal.

J. **HABITAT MANAGEMENT PLAN (HMP) REQUIREMENTS**

The following describes the requirements of a Habitat Management Plan as discussed in this ordinance.

A HMP shall consider measures to preserve and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation on the functions and values of the FWHCA. This report shall identify how the impacts from the proposed use or activity will be avoided or mitigated through habitat mitigation which meets the purposes of this ordinance. The most recent publication of the *Management Recommendations for Washington's Priority Habitats and Species*, as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and
Wildlife and with the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe and shall be the basis for the report. In the case of bald eagles, an approved Bald Eagle Management Plan by the Washington State Department of Fish and Wildlife meets the requirements for a HMP. For those projects requiring the preparation of a Biological Assessment (BA) or Biological Evaluation (BE) as part of the application for a Corps of Engineers permit, the approved BA or BE meets the requirements of a HMP, and the contents of the BA or BE meet the standards listed in J2.

Prior to submittal to the County, the Habitat Management Plan shall be reviewed and approved for adequacy by a qualified fish and wildlife professional. It shall contain but not be limited to the following information:

1. A map(s) prepared at an easily readable scale, showing:
   a. The location of the proposed site;
   b. The relationship of the site to surrounding topographic and built features;
   c. The nature and density of the proposed use or activity;
   d. Proposed building locations and sizes;
   e. A legend which includes:
      (1) A complete and accurate legal description and total acreage of the parcel;
      (2) Title, scale, date, and north arrow;
      (3) Certification by a qualified biologist.
   f. Existing structures and landscape features including the name and location of all water bodies.
   g. Location of listed species and their critical habitat areas.

2. A report which contains:
   a. A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat;
   b. An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats listed in this ordinance;
   c. A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. This explanation must address the management goals, policies and recommendations presented in this ordinance. While species and site specific management practices will often be required, some general best management practices have been developed in Appendix C and may be used in the plan. The mitigation plan must take into account safety issues (including fire safety) resulting from implementation. For instance, if harvest of trees is proposed, the plan must account for the presence of snags being left or other features of the plan. If merchantable timber or other trees can not be harvested safely with the mitigation proposed, then the merchantable timber or other trees must be left as part of the management plan. Monitoring of mitigation shall be required when appropriate or necessary to ensure effectiveness. Mitigation measures within the plan may include, but are not limited to:
      (1) Establishment of buffer areas;
      (2) Preservation of critically important plants and trees;
      (3) Limitation of access to habitat area;
      (4) Seasonal restriction of construction activities;
      (5) Clustering of development and preservation of open space;
      (6) Sign marking habitats or habitat buffer areas;
      (7) Title notice or plat dedication warning statements;
      (8) Conservation easements.

3. Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW) and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe shall be included in the HMP when available. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP and their review comments shall be included in the final report.
This is provided that the Washington State Department of Fish and Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe and, if required, the U.S. Fish and Wildlife Service respond in writing to Mason County with review comments or a request for additional information within 28 days from the date of issuance of a draft habitat management plan. If review comments or a request for additional information is not received in the prescribed time frame, the tribal, state and/or federal review comments on the habitat management plan shall not be required for completion of the HMP. Mason County shall have the authority to approve Habitat Management Plans or require additional information.

K. RELIEF FROM THE REQUIREMENTS IN THIS SECTION

Specific relief from the requirements of this section may be obtained on a case-by-case basis by applying for a variance (Section 17.01.150) or a reasonable use exception (Section 17.01.120).
APPENDIX B -

Recommendations for Dock and Float Design and Construction

- Encourage the use of shared dock facilities to reduce cumulative impacts.
- Relocate or realign the structure to avoid eelgrass beds.
- Extend the length of the walkway portion of the pier so that the terminal platform/boat mooring is located over water too deep to support eelgrass growth.
- If a deepwater location is not accessible, locate the terminal platform or float in water at least 4 ft deep to avoid grounding and prevent prop scarring.
- Orient all structures in a north-south direction to the maximum extent possible.
- Use elevated fixed piers at least 4-5 ft. above MHHW for the walkway portion, then attach a small float portion at the terminal end.
- Use alternative materials (e.g. grid surface for floats, reflective panels on fixed piers) to increase the amount of light penetration to seagrasses.
- Limit the width of the walkway portion of the pier to 4 ft.
- Limit the maximum size of the terminal platform or float.
- Use the minimum number of pilings required for structural integrity.
- Consider seasonal removal of the float.
APENDIX C
BEST MANAGEMENT PRACTICES FOR HABITAT MANAGEMENT PLANS

DURING CONSTRUCTION

- Perform any excavation and grading work during dry weather
- Install silt fencing around the work area to prevent erosion and siltation of marine and riverine waters.
- Minimize amount of erodible soils at any given time to the maximum extent feasible.
- Check all equipment daily for leaks. Refueling and lubrication of equipment should occur offsite. Don't store any fuel, lubricants, chemicals, or hazardous substances overnight within the project area.
- Do not apply any chemicals when there is a possibility of rain.
- Comply with all permits and requirements of the government authority or agency.

Stream Buffer Protection
Existing trees and other native vegetation within the stream buffer should again be left undisturbed in areas outside of the proposed construction zone. Any storage or stockpiling of construction materials associated with construction or ensuing occupancy of the residence should take place within a designated construction zone in order to limit impacts to the buffer. The banks and channel of the stream should not be used for foot traffic since this would damage vegetation and increase erosion along the stream channel. Logs that currently exist within the stream channel should not be removed or disturbed and future downed woody debris should be encouraged.

Nurse Log Placement
Overstory trees at least 4 inches diameter at breast height removed from the reduced buffer should be placed within the protected buffer to proved nurse log habitat. The logs could be segmented into 10-15 foot pieces to facilitate transport but would best be left as long as possible. It is recommended that these logs be placed randomly throughout the buffer to mimic natural distribution.

Construction Phase Best Management Practices
An increase in the amount of impervious surface is a concern whenever new buildings are constructed. Impermeable surfaces, such as roads, rooftops and drive ways, cause more rain to run off at accelerated rates and less water to infiltrate back into the soil (Leedy and Adams 1984). To prevent increased erosion and impacts to water quality, runoff from the building and other impervious surfaces may require a storm water management plan that diverts this runoff away from the ground surface and back into the ground. Other good examples of Low Impact Development techniques are provided in the “Low Impact Development Technical Guidance Manual for Puget Sound” prepared by Puget Sound Action Team and WSU Extension 2005.

Best Management Practices (BMPs) need to be adhered to throughout the construction phase.
- Appropriate erosion control devices, such as silt fencing, mulch berms, and erosion control matting should again be used if needed during all aspects of the construction phase to mitigate potential erosion and runoff into the stream.
- The most important goal during the construction phase is to consolidate the time period in which heavy earthmoving machinery is used. Earthwork activities should be implemented during the driest season of the year to minimize the risk of erosion-relate impacts to the stream. Any work requiring use of this type of equipment (such as site grading, road building, grubbing, cutting and filling) should also be implemented over short periods or events. This should avoid continued and prolonged disturbance of the environment with heavy equipment, as would be the case if the work occurred over multiple and/or unconsolidated events.
- Construction activities should be confined to discrete areas of the site to minimize disturbance to native vegetation in the buffer.
- No construction debris or supplies should be placed in existing forested areas or anywhere
along the stream bank.

- Coinciding with, or immediately subsequent to the completion of the construction work, the restoration and stabilization of bare ground should occur. Restoration and stabilization phases include the application of a native seed mix and landscape stabilization of any cut and filled areas. Native species of plants should be used in transition zones between the construction area and undisturbed native vegetation.

Suggested BMP focus on reducing increases in impervious surfaces, preserving hydrologic functions, and controlling potential adverse impacts to water quality.

- Clearly mark clearing limits with orange construction fencing;
- Install silt fencing at the clearing limits to prevent surface runoff, erosion, and water quality degradation;
- Cover or mulch bare areas to prevent surface erosion;
- Hydroseed disturbed areas with a slurry of native grass seed, mulch, and tackifier as soon as possible following completion of construction and at a minimum before the onset of fall rains;

RE-VEGETATION AND PLANTING

Earthwork

- No machinery earthwork will be necessary to implement this restoration plan; planting holes for specified vegetation installation will be hand dug. No additional clearing or grading should be required for site restoration.

Native Plantings

It is recommended that native plantings be installed within 10 foot wide restoration zones in linear strips extending across the site parallel to the edge of the buffer to achieve the following densities:

- Trees - 10’ on center
- Shrubs - 5’ on center
- Ferns - 4’ on center

The general plan calls for installing single trees, or clusters of three shrubs, on approximate 10-foot centers. Each row will alternate between 5 trees + 3 shrub clusters or 4 trees + 4 shrub clusters starting from the edge closest to the identified critical area proceeding to the edge of the buffer. Specifically for stream ravine replanting, cedar will be the first type of tree installed within the first row at the top of the ravine, and then incrementally changing one cedar tree to a fir through the first six rows, with all fir trees thereafter or to the edge of the buffer whichever comes first. Exact placement of installed materials will be up to the landscape installer, following the basic 10-foot spacing pattern prescribed. Finally, a native ground cover planting or sword fern will be randomly installed throughout the planting row on average four-foot centers. These densities have been selected to provide a moderately dense, structurally diverse plant community within the restoration area. Volunteer native vegetation can be counted towards the target densities of restoration plants.

Typical native plant species that may be used with the restoration zone include:

**Trees:**
- Western red cedar (Thuja plicata) - 2 gallon
- Douglas fir (Pseudotsuga menziesii) - 2 gallon
- Western hemlock (Tsuga heterophylla) - 2 gallon
- Grand fir (Abies grandis) - 2 gallon
- Cascara (Rhamnus purshiana) - 2 gallon
- Cottonwood (Populus balsamifera) - 2 gallon

**Shrubs:**
- nootka rose (Rosa nutkana) - 1 gallon
- salmonberry (Rubus spectabilis) - 1 gallon
- salal (Gaultheria shallon) - 1 gallon
- evergreen huckleberry (Vaccinium ovatum) - 1 gallon
twinberry (*Lonicera involucrata*) - 1 gallon
snowberry (*Symphoricarpos albus*) - 1 gallon
elderberry (*Sambucus racemosa*) - 1 gallon
red osier dogwood (*Cornus stolonifera*) - 1 gallon

**Ferns:** sword fern (*Polystichum munitum*) - 1 gallon

All planting should occur during winter dormancy. The optimum time for planting is during February and March.

**Installation**
Installation of the prescribed vegetation will be performed by qualified landscapers familiar with planting of native vegetation in natural settings. Installation will be performed only after home construction on the property is completed to avoid damage to the plantings from construction activities. All installed vegetation shall be marked with colored flagging to facilitate monitoring inspections. A separate “as-built” plan will be provided by the landscaper if the planting pattern or schedule deviates from that listed within this document.

**Fertilizing**
Artificial fertilizer may be applied to each planting hole in the form of “slow-release” tablets or some other similar material. However, general broadcast fertilization MAY NOT be used within the landscape planting area.

**Maintenance**
Maintenance of the installations will be the responsibility of the landscape installer. Maintenance is to include and weeding or watering necessary to ensure plant survival for up to one year after the date of installation.

**Habitat Conservation Measures**

In general, proposed measures to protect habitat focus on promoting natural succession of native plant communities and increasing structural diversity and complexity.

- Minimize clearing and conversion of forest habitats to other uses, particularly within the stream and lake buffers;
- Retain larger conifers wherever possible; if trees are removed, use/retain large woody debris (LWD) in native plant communities to be retained. Retained LWD can be installed vertically or horizontally to provide habitat for woodpeckers, including pileated woodpecker.
- Retain and/or salvage downed large woody debris and western red cedar stumps;
- Thin dense, immature (sapling) red alder and underplant with native conifers to promote more rapid natural succession to later serial phase forest types;
- Enhance native plant communities by removing invasive and non-native species, such as Himalayan blackberry, and planting native trees and shrubs;
- Plant native shrubs and trees in the stream buffer, such as willows (*Salix sp.*), re-osier dogwood (*Cornus sericea*), and black twinberry (*Lonicera involucrata*). These will increase structural diversity and buffer functions, such as retention of organic matter and increasing shade and thermal protection;

**MONITORING THE SUCCESS OF THE PLANTING**

- Monitoring of the installed vegetation will be performed annually for three years following installation. Monitoring will entail inspection of each planted specimen for survival and vigor, and will be performed in August or September of each monitoring year. In addition, two photo points will be established that portray the planting area from each side of the property. A brief letter report summarizing monitoring findings will be submitted to Mason County Planning by 1 October of each monitoring year.
Contingency
- If mortality of the installed vegetation exceeds 10% for trees, 20% for shrubs and ferns, all dead materials will be replaced a 1:1 ratio. If mortality is related to an inappropriate species for the site conditions, adjustments to the Plant Schedule may be made to replant with a species more like to survive.

Monitoring of the site will begin the first fall following tree planting and maintained on a seasonal basis. The information gathered will provide the following: 1) condition of reintroduced plant species; 2) the use of the site by wildlife species; 3) any disturbance caused by the development and its effect on protected zones and associated aquatic habitat; 4) any occurrence of exotic species within the restoration zones; 5) any corrective measures that may be deemed necessary to provide desired conditions. This monitoring will be in effect for the duration of three years. The information gathered will be provided in an annual report and submitted to the Director of Mason County Department of Community Development.

ON-GOING HOMEOWNER RESPONSIBILITIES

Suggested BMP focus on reducing increases in impervious surfaces, preserving hydrologic functions, and controlling potential adverse impacts to water quality.
- Infiltrate clean runoff from impervious surfaces such as roofs using infiltration trenches to maximize groundwater recharge. Avoid using roofing materials, such as zinc-coated products, that could contribute metals to surface waters;
- Properly maintain septic system to avoid septic system failure;
- Landscape with native plants and use mulch and drip irrigation to reduce water consumption, conserve water, and reduce cumulative help maintain instream flows in downstream surface waters;
- Use low flow toilets and shower heads to conserve water and reduce water consumption;
- Avoid use of herbicides and pesticides, which may adversely affect native flora and fauna, as well as pest species;
- Use porous pavement or gravel instead of asphalt or concrete for the driveway to reduce stormwater runoff; use biofiltration swales or infiltration trenches to promote removal of pollutants and promote groundwater recharge.

Home Owners Best Management Practices
Residents living by the unique stream environments have a continuing responsibility for maintaining the conditions that provide the function of the stream.
- Soil or yard waste must not be dumped anywhere within the buffer so that it may enter the stream.
- Runoff from the building and other impervious surfaces should be directed to sub-surface trenching that diverts runoff away from the ground surface and back into the ground, or according to the stormwater management plan that has been approved for the site. The erosion of soil or the forming of channels should be prevented. These efforts will prevent increased erosion and impacts to water quality.
- The occupants of the residence should also promote landscaping with native species.
- Landscaping around the construction zone should be compatible and blend with the native buffer.
- Bird boxes should be built or purchased and placed on the property to promote avian wildlife. Bird boxes can be built and placed on snags or live trees according to the bird species requirements that may be most likely to utilize habitat at the site. Guidance on bird boxes is available from the Mason Conservation District.

Stream Buffer Protection
- Existing trees and other native vegetation within the stream buffer should again be left undisturbed.
- Any storage or stockpiling of materials should take place outside of the buffer in order to limit impacts to the buffer.
• The banks and channel of the stream should not be used for foot traffic since this would damage vegetation and increase erosion along the stream channel.
• Logs that currently exist within the stream channel should not be removed or disturbed and future downed woody debris should be encouraged.

Functions and values of the forested area between the proposed residence and the marine shoreline should be maintained through the following measure.
• Do not remove overstory trees (view corridors can be established or maintained by limbing the trees to the minimum extent necessary)
• Shoreline access should be limited to a 3-foot wide path, with stairs when necessary, to concentrate all foot traffic through a single corridor.
• Species such as English Ivy and Himalayan blackberry should be removed and prevented from further invading the site. This can be accomplished through persistent cuttings during the growing season.
• Sites where invasive species are removed should be replanted using native species.