

SDCI

Director's Rule X-2016 ~~((5-2007))~~

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 6 ((3))	Supersedes: <u>5-2007</u>
	Publication: ((2/5/07))	Effective: ((3/29/07))
Subject: Great Blue Heron Management Plan	Code and Section Reference: Seattle Environmentally Critical Areas Ordinance SMC 25.09.200.D ((C))	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Environmentally Critical Areas	Approved	Date
	<hr/> Nathan Torgelson, Director, SDCI	

BACKGROUND & PURPOSE:

Great blue herons can be vulnerable because of their tendency to aggregate during the breeding season. They are colonial breeders that nest in a variety of deciduous and evergreen tree species. Nests are usually constructed in the tallest trees available, presumably to reduce the risk of predation by mammals. The availability of suitable great blue heron breeding habitat is declining as human population increases. Great blue herons and their nests are protected under RCW 77.15.130 (Protected fish or wildlife -- Unlawful taking), and great blue heron nesting colonies are listed as a Washington Department of Fish and Wildlife (WDFW) Priority Species.

Statewide, the Washington Department of Fish and Wildlife (WDFW) recommends a permanent, year-round buffer of 60 meters (197 feet)~~((300 meters 984 ft))~~ from the perimeter of the great blue heron nesting colony for urban areas as defined by WDFW. Additional management recommendations include a seasonal buffer of 200 meters (656 feet) for loud noises and 400 meters (1,320 feet) for extremely loud noises such as blasting. The seasonal buffers are measured from the outside edge of the year-round buffer. These management recommendations can be found in the 2012 Washington's

Priority Species, Volume IV: Birds prepared by the WDFW~~((Washington Department of Fish and Wildlife))~~. This can be viewed by going to <http://wdfw.wa.gov/publications/01371/>~~((http://wdfw.wa.gov/hab/phs/vol4/gbheron.htm))~~ or by contacting WDFW~~((Washington Department of Fish and Wildlife))~~. The WDFW recommends that 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 the degree of habituation to human disturbance.

Definitions:

Great Blue Heron Nesting Season: February 1^(st) through August~~((July))~~ 31^(st)

Great Blue Heron Pre-Nesting Season: January 1 through March 31

~~((Colony Nesting Areas: Areas that are known to be great blue heron nesting areas as determined by WDFW. For the Kiwanis Ravine and North Beach colonies this includes the entire ravine areas as mapped.))~~

Great Blue Heron Management Area means the area consisting of a great blue heron nesting colony, the year-round buffer, and the seasonal buffer.~~((: All areas within 500 feet of a colony nesting area.))~~

Great Blue Heron Nesting Colony means the area inside the line created when the outermost nesting trees are connected. This line is the nesting colony boundary of two or more nests. For the Kiwanis Ravine and North Beach Ravine colonies, the nesting colony includes the entire ravine areas as mapped.

Great Blue Heron Management Core Zone means the area consisting of the great blue heron nesting colony and the year-round buffer.

Screening Tree means a tree that is within the direct line of sight between the structure(s) or development and the nesting area, and/or a tree that blocks the visibility of the nesting colony from the structure(s) or development during any part of the year, and within the great blue heron management area.

Great Blue Heron Pre-nesting Area means an area less than 1 kilometer from a great blue heron nesting colony where male birds congregate January 1 through March 31 of each year prior to occupying the nests.

Measurements:

Year-round buffer: The year-round buffer is measured from the nesting colony boundary.

Seasonal buffer: The seasonal buffer is measured from the great blue heron management core zone. For the Kiwanis and North Beach Ravines, the seasonal buffer is measured from the edge of the ravine areas as mapped.

RULE:

As recommended by WDFW's 2012 Great Blue Heron management recommendations a 197 foot year-round buffer is established for Great Blue Heron nesting colonies in urban areas. For Kiwanis and North Beach Ravines a 500 foot seasonal buffer is established and for all other nesting colonies a 300 foot seasonal buffer is established. The seasonal buffers are smaller than WDFW's recommended seasonal buffers because ~~((As))~~ heron colonies within the City of Seattle are in part habituated to urban conditions and WDFW did not establish smaller seasonal buffers for urban areas. ~~((, as and a 152 meter (500 ft) Great Blue Heron seasonal Management Area is considered appropriate by WDFW.))~~ Typically in Seattle it is ~~((not physically possible to greatly))~~ difficult to restrict development within these buffer areas due to existing development and buildable lots in closer proximity to colonies. If development is proposed within a Great Blue Heron Management Area as ~~((mapped))~~ defined by this rule ~~((WDFW and/ or the City of Seattle))~~, the development conditions found in the appendix to this rule apply. ~~((Prior to development the applicant must have a Great Blue Heron Management Plan approved by DPD.))~~ Additionally, the pre-nesting areas will be mapped in order to study these areas and determine if these areas require protection, and will be monitored by professionally trained personnel to determine if the same level of protection suggested by Jeffrey M. Azerrad, Washington Department of Fish and Wildlife, 2012, page 8 should be triggered during the January 1 through March 31 pre-nesting congregations each year.

GREAT BLUE HERON MANAGEMENT PLAN

1. Conditions:

Within the Great Blue Heron Management Area(~~and Core Colony Nesting Area~~):

- Any clearing, grading, ~~(or)~~ outside construction or other activity that causes loud noise above ambient noise levels shall be done from September 1st through January 31st, outside of the nesting season(~~(February 1st through July 31st)~~). Ambient noise is specific to the location of the nesting colony site and can include include noises such as sirens and leaf blowers. Noises that are not considered ambient noise includes but is not limited to outdoor constructoin and the use of dump trucks, front end loaders, pile drivers and blasting equipment.

- All ~~((22))~~ 6 inch diameter breast height (dbh) or larger ~~((screening-))~~ trees shall be retained if the removal of those trees decreases the effectiveness of the trees screening of new and existing development from the colony and if replacing the removed trees with other trees does not screen the nesting colony to the same extent as the existing trees.~~((during the nesting season so as to block visual disturbance to the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure.))~~

Within the Great Blue Heron Management Core Zone

- No development shall occur in the great blue heron nesting colony.

- Any development within the year-round buffer shall use mitigation sequencing as set out in Section 25.09.065 to:
 - maintain baseline development conditions and ambient noise levels;
 - maintain great blue heron habitat features and processes and provide mitigation for any loss of heron habitat features and processes; and shall
 - Include an implementation plan for both the development and any required mitigation with maps, as-built drawings, vegetation removal and planting, timing, and an operation and maintenance plan for businesses that include outside operations.

- If a nesting colony has been abandoned by a great blue heron colony the great blue heron management core zone for this colony shall be protected for a period of 10 years from the last known active nesting season.

- If the parcel where the development will occur abuts ~~((the core))~~ a great blue heron nesting colony(~~nesting area~~) there shall be a minimum 15 foot building setback. The setback shall be vegetated using native vegetation ~~((in a manner-))~~ that screens activities on the parcel from the ~~((core))~~ nesting colony(~~nesting area~~).

2. Alternative:

The Washington Department of Fish and Wildlife may be willing to approve an alternative site-specific plan. To request a site-specific plan contact the Washington Department of Fish and Wildlife Urban Biologist at (425) 775-1311.

If the standard conditions set forth above in the Conditions section are acceptable, please sign below and this will serve as your Great Blue Heron Management Plan. Activities will be periodically monitored and failure to comply with the Plan constitutes a violation as set forth in the Environmentally Critical Areas Regulations (SMC Chapter 25.09).

I have read and understand the above conditions placed on parcel # _____
(APN number)

located at _____
(Property address)

(Signature) _____ (Date)

Great Blue Heron Management Plan

WDFW Site Specific Review Request

If an applicant does not wish to comply with the standard conditions of the Great Blue Heron Management Plan (Director's Rule 5-2007) they may request a site specific management plan from Washington Department of Fish and Wildlife (WDFW).

In order for WDFW to consider an alternative site-specific plan please provide the following information to SDCI. This information will be forwarded to WDFW for their review.

Name of Applicant

Project Address

Proposed Project Activities

Proposed Project Start And End Dates

Proposed Equipment And Materials To Be Used

Other Information