

Summary of the CAO update recommendations of the Black Hills Audubon Society.
(Sent to the Thurston County Planning Commission on October 18, 2010.)

The Black Hills Audubon Society has conducted a Best Available Science (BAS) review of the current (2005) CAO Draft that is being updated. Several important scientific papers and guidances have been published since the 2005 draft CAO, and our review found several areas that need to be significantly strengthened in order to adequately protect our critical areas for future generations. The results of our review are contained in three documents that have been received by the Planning staff and are available online (see below). Those documents are submitted, by reference, as part of these comments.

General Comments on The Draft Document:

- “No Net Loss” is the standard of protection for all critical areas. This means we must prevent adverse impacts to critical areas as the first option, minimize adverse impacts as the second option, and mitigate adverse impacts as the last choice. We are also required to reduce risks associated with hazard areas.
- While “No Net Loss” is the base standard, a “special consideration” clause places extra weight on functions necessary to recover salmon. This requirement for anadromous fisheries means, “The scientific evidence...must be more heavily weighted against issues of practicality and economics...when dealing with anadromous fish. This directs that local governments must go beyond what might otherwise be done in designating and protecting other kinds of critical areas.” This part of the statute directs measures for both preservation and enhancement, and limits the discretion available to local governments when dealing with anadromous fish. Thurston County’s nearshore areas are important habitat for the Puget Sound Chinook salmon (listed as threatened under the Endangered Species Act (ESA)), the Puget Sound-Strait of Georgia ESU Coho (listed as a species of concern under the ESA), as well as Chum, Cutthroat, and Steelhead.
- It makes economic sense to protect ecologically important areas. The inlets, coves, and their headwaters within Thurston County produce ecosystem goods and services that provide valuable monetary public benefits to the region. Our quality of life and economy are dependent on these services.
- A 2006 study shows that under our current approach to land use, the impervious area of Thurston County’s most important basins will reach levels in the near future at which stream and basin health cannot be sustained. Both increased protections and enhancement will be needed to assure against further degradation from current vested development and anticipated future growth.
- The CAO draft, as it is currently written, does not provide for the enhancement of existing disturbed areas. The below recommendations suggest regulations and incentives that not only prevent adverse effects, but that also lead to improved conditions in areas that are significantly degraded.

Comments on Riparian Buffer Widths:

These recommendations are guided by the common sense principle that one size does not fit all when it comes to land use planning. More protective regulations that would help achieve the standard of “no net loss” should be applied to areas of high ecological importance, where they can do the most good, while a more flexible level of protections could be allowed for lands with marine critical areas in landscapes that are more densely developed.

Fresh Water Streams:

Apply minimum riparian buffer widths of 250 feet for fish bearing streams; 100-200 feet for non-fish bearing streams that drain to high quality water bodies; and 100-150 feet for other non-fish bearing streams.

Marine Critical Areas:

Apply minimum buffer width protections based on two general categories of marine critical areas:

(1) Areas of high ecological importance

Establish greater protections for these areas and apply a minimum 250 ft buffer width for marine shorelines, which is recommended by the Washington Department of Fish and Wildlife (WDFW). Areas of high ecological importance should include the Shoreline Master Program (SMP) designations of Natural, Rural Conservancy, and Resource Conservancy as well as areas of Urban Conservancy that have been prioritized for forage fish habitat preservation and restoration, among other important designation criteria; and

(2) Areas of lower ecological importance

Allow flexibility in areas of more intense modification and use in the SMP designations of Shoreline Residential and Urban Conservancy. Establish buffers on a site-by-site basis, to provide a minimum protection of between 80% to 90% function, with the objective of maximizing buffer width and quality to prevent adverse effects.

- BAS indicates that a minimum 1,000 ft. buffer is needed to maintain the key marine riparian functions of: pollutant removal; sediment filtration/control; inputs of large woody debris; and wildlife habitat. The recommended 250 ft. minimum buffer for areas of high ecological importance will not satisfy the “no net loss” standard on its own. However, combined with incentives to increase buffers above the minimum 250 ft., and an improved stewardship for all waterfront landowners to maintain and enhance the condition of their riparian habitat areas, and if Thurston County seeks further approaches to protect ecosystem functions at a landscape scale under the Comprehensive Plan, this 250 ft. minimum buffer can be a reasonable step towards achieving CAO goals.
- Thurston County has several waterfront homes with buffers of 200 to 250 ft. that have mature native vegetation on medium to low banks. These sites offer aesthetically pleasing settings and views. A 250 ft. buffer will not place an economic burden on

landowners but rather increase value of the property due to additional slope stability, and protection from marine erosion and inevitable sea level rise.

- The scientific literature on appropriate buffer widths for different functions generally assumes that those buffers have mature, native vegetation, typically dominated by conifers. To ensure that riparian buffers will contribute to sustaining the essential functions, native shoreline vegetation should be conserved where new developments and/or uses are proposed. Where the riparian area has been altered, the habitat should be restored to structured native vegetation.
- We support the use of tax incentives to landowners who manage and enhance buffers along fresh water streams, marine buffers and maintain natural shorelines that improve the flow of ecosystem services for public benefit.
- The CAO must explicitly consider the cumulative effects of development and other human activities in light of expected sea level and hydrological changes. It may be prudent to require wider vegetated buffers and wider building setbacks along low-lying rivers and coastlines.

Comments on Geologically Hazardous Areas:

- Impervious surface/tree cover should be linked with water quality issues, making sure that both are addressed in discussions of infiltration.
- The definition of impervious should be clearly stated as 100%.
- Information from studies addressing riparian vegetation should be applied to bluff stability.
- Discussions on vegetation removal/management regulations would benefit from specifics and references on aspect, soils, site objectives, and long-term management plans. Correlate language for single-family residences with those of forest conversions, especially in dealing with hydrologic effects, slope stability, and groundwater recharge.
- Tailor required reports to specific problems and sites and pose specific questions that can be objectively evaluated.

Comments on Non-Conforming Uses:

- To help offset the problems associated with non-conforming uses, encourage landowners to maintain/enhance/restore native habitat in buffer areas around nonconforming developments. Provide these landowners with incentives, including recognition for good stewardship by changing their non-conforming designation to a more positive term that reflects the improvement. Consider establishing an education outreach program (similar to Mason County) for owners of critical areas to help achieve this and other related goals.

- We do not support the building of shoreline protective structures/armoring (e.g. bulkhead, gabion, riprap, or wall). The recommended standard buffer widths for important ecological areas, as described in our referenced BAS report on marine habitats, avoid the need for shoreline stabilization. In addition, viable alternatives to structures/armoring exist for protection against marine erosion for all shoreline properties.

Comments on Low Impact Development:

- Developers should be encouraged and, under certain circumstances, required to use Low Impact Development (LID) methods as per the Technical Guidance Document for Clearing and Grading in Western Washington, May 2005, which updates the 2003 Guidance the County used to develop the current draft CAO.
- LID language should be incorporated into other sections of the document: subdivision, stormwater facilities, and roads/streets, using the WDFW Guidance “Land Use Planning for Salmon, Steelhead and Trout.” 2009.