

**CRITICAL AREAS ORDINANCE UPDATE- Best Available Science Review****Fish and Wildlife Habitat Conservation Areas**

- In 2008, WDFW updated its **Priority Habitats and Species List**.  
*Recommendation: The new list will be referenced where appropriate.*
  
- In 2009, WDFW published a new guidance document for landscaped planning (**Landscape Planning for Washington's Wildlife: Managing for Biodiversity in Developing Areas**. December 2009). This document gives examples of major stressors linked to residential land uses that influence wildlife, as well as considerations for developing Habitat Management Plans at the site-scale and planning at the watershed-scale.  
*Recommendation: This document may be referenced in the CAO as a guidance document for development of Habitat Management Plans*
  
- **Aquatic Habitat Guidelines**  
Aquatic Habitat Guidelines are a series of technical guidance documents and White Papers from the Washington Department of Fish And Wildlife. Originally focused on the protection and restoration of salmonid habitat, they have recently broadened to include fully functioning systems through comprehensive and effective management of activities affecting aquatic and riparian ecosystems. Recent updates include:
  - **Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (2009)**  
Provides policy and regulatory guidance/examples for protecting anadromous fish habitat. The recommendations are basic and do not go beyond the current CAO policies or development standards. However, they do provide further support for the existing CAO.
  - **Stream Habitat Restoration Guidelines (revised 2012)Water Crossing Design Guidelines (2013)**  
*Recommendation: These documents are not expected to change any of the development regulations of the CAO, but will be referenced as guiding documents for use in the development of Habitat Management Plans or similar functions.*
  
- In 2012, WDFW published updated management recommendations for the Great Blue Heron (**Management recommendations for Washington's priority species: Great Blue Heron**. March 2012).  
*Recommendation: Habitat Management Plans (HMPs) will be encouraged to use these management recommendations as a guide.*
  
- From 2010-2016, Wild Fish Conservancy conducted water type surveys using the protocols and definitions provided in WAC 222-16-031 and Section 13 of the Forest Practices Board Manual. The stream channel locations and characteristics were documented and typed, with map

changes submitted to the WA Dept. of Natural Resources for inclusion in updated maps. WFC maps and associated reports are available online at:

<http://wildfishconservancy.org/resources/maps> , under **West Sound Watersheds, Kitsap Peninsula (WRIA 15)**.

**Recommendation:** *Per the update to WAC 365-190-130 noted below, this stream data should be added to Kitsap County GIS for use and support of planning and permitting activities.*

### *Legislative Changes*

- In 2007, the US Fish and Wildlife Service officially removed the Bald Eagle from the federal Endangered Species list. Accordingly, a state Bald Eagle management plan is no longer required; however, landowners must still comply with the federal Bald and Golden Eagle Protection Act (16 USC 668) to avoid impacting eagles.

**Recommendation:** *The species also remains classified as a State Sensitive species by WDFW and are still protected under the CAO. Clarifications regarding these changes will be added where necessary.*

- In the 2010 update, WAC 365-190-130 was added to address and amend prior regulations on fish and wildlife habitat conservation areas. Many minor clarifying changes were made, but the more substantial ones include:
  - Allowing evaluation of land uses that may contribute positively to FHWCA functions in addition to those that may negatively impact functions
  - Considering state wildlife areas (managed by WDFW) as potential FWHCAs.
  - Expressly identifying the Priority Habitats and Species (PHS) database (also managed by WDFW) as a resource for designating and protecting FWHCAs, providing further guidance on identifying “habitats and species of local importance.”
  - A recommendation to consider salmon recovery plans and other information prepared by the National Marine Fisheries Service, WDFW, the state Recreation and Conservation Office, and the Puget Sound Partnership when designating, protecting and restoring salmonid habitat.
  - A statement that jurisdictions “should not rely solely on Washington state department of natural resources maps of [the] stream types for purposes of regulating land uses or establishing stream buffers.” In addition, jurisdictions using the DNR stream typing system “should develop a process to verify actual stream conditions, identify flow alterations, and locate fish passage barriers by conducting a field visit.” This verification should occur “during the wet season months of October to March.”

**Recommendations:** *Modifications will be made to the appropriate definitions and/or sections to incorporate these changes.*

- In 2012, the legislature amended RCW 36.70A.030(5) to exclude certain artificial features, such as irrigation and drainage ditches, from the definition of “fish and wildlife areas” if they “lie within the boundaries of and are maintained by a port district or an irrigation district.” WAC 365-190-030 was amended in 2015 to incorporate this new definition.

**Recommendation:** *This new language will be updated in the CAO where necessary.*