



# Director's Rule 8-2017 ((~~5-2007~~))

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

## BACKGROUND & PURPOSE:

Great blue herons can be vulnerable because of their tendency to aggregate during their 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.

Additionally, SDCI recommends that any additional WDFW defined pre-nesting areas be mapped and studied to determine if these areas require additional protection beyond the current great blue heron management area, and be monitored by professionally trained personnel to determine if the same level of protection suggested by the Washington Department of Fish and Wildlife, should be triggered during the January 1 through March 31 pre-nesting congregations each year. Updates to this rule would be published to indicate any changes in protection.

#### **Definitions:**

Great Blue Heron Nesting Season: February 1~~((<sup>st</sup>))~~) through August~~((July))~~) 31~~((<sup>st</sup>))~~)

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.

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 the great blue heron management areas for the Kiwanis Ravine, Commodore Park and the Ballard Locks heron colonies, and the area connecting the Kiwanis Ravine's great blue heron management area to the dock located at 2750 W. Commodore Way, and the area on the north side of the Locks that extends approximately 750-ft along the shoreline and extends waterward between 250-ft to 650-ft where male birds congregate each year prior to occupying the nests.

## Measurements and Maps:

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.

Maps of the great blue heron management areas are found by choosing the Wildlife box under the Environmentally Critical Areas layer of the City's GIS at:  
<http://web6.seattle.gov/dpd/maps/dpdgis.aspx>

## **RULE:**

A 197-foot year-round buffer is established for Great Blue Heron nesting colonies. Seasonal buffers shall be 500 feet for the Kiwanis and North Beach Ravines, and 300 feet for all other nesting colonies. ((As heron colonies within the City of Seattle are in part habituated to urban conditions, 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 restrict development within these areas due to existing development and buildable lots in closer proximity to colonies.)) If development is proposed within a Great Blue Heron Management Area or pre-nesting 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.))

# GREAT BLUE HERON MANAGEMENT PLAN

## 1. Conditions:

Within the Great Blue Heron Management Area (includes nesting colonies and both year-round and seasonal buffers)(-and Core Colony Nesting Area)) and any defined pre-nesting areas:

- Any clearing, grading, (~~(or)~~)outside construction or other activity that causes loud noise above ambient noise levels shall be done:
  - A. from April 1 through December 31, for the defined pre-nesting areas for the Kiwanis Ravine, Commodore Park and Ballard Locks nesting colonies.
  - B. from September 1<sup>st</sup> through December 31<sup>st</sup>,(~~(-outside of the nesting season((February 1<sup>st</sup> through July 31<sup>st</sup>)))~~) for the Great Blue Heron Management Areas for the Kiwanis Ravine, Commodore Park, and Ballard Locks nesting colonies; and
  - C. from September 1<sup>st</sup> through January 31<sup>st</sup> for the Great Blue Heron Management Areas for all other nesting colonies.

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 include but are not limited to outdoor construction 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 (includes nesting colony and year-round buffer)

- 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:
  - Limit development to be consistent with baseline development conditions in the vicinity, including light 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 a maintenance, operation, and general activities plan for the development that addresses outside activities, including activities on roof top decks, and the required mitigation to offset the impact of these activities on the great blue heron nesting colony. This plan shall demonstrate that the proposed development meets baseline development conditions such as light, ambient noise, pollution generating activities, including smoke from BBQs, and habitat features, including trees. Include maps, as-built drawings, any allowed vegetation removal and required planting, and timing and noise level restrictions.

- 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.

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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)

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(Signature)

(Date)

# **Great Blue Heron Management Plan**

## **WDFW Site Specific Review Request**

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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.

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**Name of Applicant**

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**Project Address**

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**Proposed Project Activities**

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**Proposed Project Start (~~A~~) and End Dates**

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**Proposed Equipment (~~A~~) and Materials (~~(F)~~) to Be Used**

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**Other Information**