

Mason County:
Endangered Species Act Report 2001

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**Prepared by the
Mason County
Department of Community Development**

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1.0 INTRODUCTION

Hood Canal summer chum and Puget Sound Chinook salmon have been listed by the National Marine Fisheries Service (NMFS) as threatened under the federal Endangered Species Act (ESA). The U.S. Fish and Wildlife Service (U.S. FWS) listed bull trout as threatened. Between these listing, virtually all of Mason County is affected. The listings will mean that activities that cause harm to the listed species or their habitat will be prohibited and can be classified as a “taking” of the threatened species. Ultimately, the goal is not only to avoid takings, but to cause the recovery of the species to the degree that its survival is secure. The details of what this means for the species, region, and Mason County are currently under development.

Mason County plays only a small part in salmon recovery. The actions of each citizen, as well as of various governmental and non-governmental organizations, will determine if there is salmon recovery throughout the Environmentally Significant Unit (ESU) for each species. These entities have authority, means, and resources not available to the county.

This document presents a summary of the efforts taken by Mason County in response to these listings and the direction of its future efforts. Mason County is only one of many parties whose cooperation and efforts will be necessary to make recovery happen.

ESA listing and “take”

While recognizing the impact of global cycles in ocean conditions and climate, NMFS largely attributes the decline of the listed species to human “take.” NMFS states:

West Coast populations of these salmonids have been depleted by take resulting from harvest, past and ongoing destruction of freshwater and estuarine habitats, poor hatchery practices, hydropower development, and other causes.¹

The 4(d) rule lists general activities that constitute “take” of a listed species and specific activities or programs that will be protected from the take prohibitions. The protected activities are conditioned by geographic location, in some cases. In all cases, the protected activities are conditioned by specific requirements in order for the protection to apply. Land use activities, habitat restoration activities, forest practices, fishery management, water diversions, pollutant discharges, and physical disturbances to streams and habitat are among the activities affected by the ESA rule.

¹ 65 FR 170.

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2.0 SALMON RECOVERY EFFORTS IN MASON COUNTY

Mason County and its many partners are pursuing both restoration and protective measures.

To organize the role Mason County plays, its activities have been grouped into the following categories:

- 2.1 Planning and Regional Coordination
- 2.2 Permitting
- 2.3 Mason County Projects
- 2.4 Salmon Habitat Enhancement Projects

2.1 Planning and Regional Coordination

As the circumstances that have lead to the decline of these fish are complex, the solutions for recovery will not be simple and extends well beyond the borders of Mason County.

The key to effectively managing any resource is good information, reasonable objectives, and set goals. There is currently incomplete information to develop an efficient and effective management plan for the listed species and for the area within Mason County. There is also a need for continuing coordination amongst all the parties responsible for resource recovery. There are several programs in which the county is involved which are intended to address this deficiency. These include:

- 2.1.1 Ongoing watershed planning under RCW 90.82.
- 2.1.2 Analyzing habitat limiting factors pursuant to the Salmon Recovery Act
- 2.1.3 Developing a shared salmon strategy for the Environmentally Significant Unit
- 2.1.4 Completing the Salmon refugia studies for the Puget Sound watersheds.
- 2.1.5 Ongoing Salmon recovery funding programs under RCW 77.85
- 2.1.6 Implementing water quality plans under WAC 400-12.
- 2.1.7 Implementing programs of the Puget Sound Water Quality Action Team.
- 2.1.8 Developing quality improvement programs for impaired waters.

There are, of course, many other efforts to further develop the relevant science, to develop recovery goals and plans for the listed species, and so forth, which are being pursued by Federal and state agencies, and other parties outside of Mason County.

2.1.1 Ongoing watershed planning under RCW 90.82.

Mason County is participating in watershed planning efforts, pursuant to RCW 90.82, the Watershed Management Act, in the following Watershed Resource Inventory Areas (WRIA) – 14, 15, 16, 22. These watersheds cover all of Mason County, except for a very small area within the Olympic National Park.

Mason County is the lead entity for watershed planning for WRIA 14, and 16. The "Planning Units" for WRIA watershed planning includes local, Tribal, and State

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governments, and water resource interests (or stakeholders). One of the first goals of the Planning Units is to complete a water resource assessment, including an assessment of quantity, quality, and habitat. The assessments may lead to policy recommendations to the State Department of Ecology for instream flows within each WRIA.

After development of in-stream flow recommendations, the Planning Units may choose to develop policies to improve stream flows. According to RCW 90.82, Planning Units are to address the use of water conservation, water reuse, and other policies that mitigate low flow conditions.

Ultimately, the goal of the Planning Units and the process is to prepare watershed plans that address the quantity and quality of water needed for future development, take into consideration habitat and other issues, and are adopted and implemented by the responsible parties. Each watershed is on its own timeline. Completion of all the plans should be achieved by 2006.

2.1.2 Analyzing habitat limiting factors pursuant to the Salmon Recovery Act.

Part of watershed planning includes the limiting factors analysis pursuant to ESHB 2496 adopted by the 1998 Legislature, Salmon Recovery Act. The Washington State Conservation Commission is preparing a series of reports on salmon and steelhead habitat limiting factors. This analysis has been done for WRIA 22, but not for the other WRIs in the county. These reports are also limited in not addressing hatchery, harvest, or hydro-power factors. Completion of these reports in the Mason County area should be done by the end of 2003.

2.1.3 Developing a shared salmon strategy for the Environmentally Significant Unit.

Mason County has been participating with the other agencies that make up the Puget Sound Salmon Forum. The purpose of the shared strategy program is to provide an inclusive and ESU wide focus and organization for salmon recovery. This is expected to be a multi-year program that will result in a coordinated recovery strategy. One possible goal for the process will be to develop watershed specific recovery goals.

Updated information on this process should continue to be available at www.sharesalmonstrategy.org

2.1.4 Completing the Salmon refugia studies for the Puget Sound watersheds.

Mason County has supported studies to identify high quality salmon refugia. Such a study was done for WRIA 15 in 2000 by Kitsap County. Studies for WRIA 14 and 16 are underway (currently funded to Concurrent Technologies Corporation through the Salmon Recovery Board), and are expected to be complete within a year. Phase 1 of these studies was completed in December of 2000.

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The value of these studies is in identifying high quality habitat areas that might receive special treatment for protection or enhancement as part of the recovery strategy. These might include purchase of land or development rights or affect the priority of enhancement projects.

2.1.5 Ongoing Salmon recovery funding programs under RCW 77.85.

Mason County has been participating in creating an interim habitat recovery strategy for the WRIAs, as a necessary step in setting of priorities for funding pursuant to RCW 77.85.

The Hood Canal Coordinating Council (HCCC) is a regional organization for the Hood Canal area. The county is one of the founders and directors of the HCCC, which is the lead entity for the process created in RCW 77.85 for the Hood Canal and the Hood Canal summer chum salmon. The county has worked on the technical group which prioritizes projects within its watersheds. The county also continues to work with the other lead entities for the other WRIAs in the process of reviewing and recommending projects. Work will continue to refine the WRIA strategies and the limiting factors analysis is completed and salmon recovery goals set under the ongoing processes discussed above.

2.1.6 Implementing water quality plans under WAC 400-12.

While not targeted as salmon recovery programs, there are several on-going water quality programs that have a role to play. Mason County has been participating in these other watershed planning efforts for over ten years. Mason County contributed staff time and other in-kind resources in the development of non-point pollution early watershed action plans through WAC 400-12.

The following WAC 400-12 plans were developed: Comprehensive Water and Sewer Plan and Water Pollution Control and Abatement (1971), Mason County Watershed Ranking Final Report (1988), Totten-Little Skookum Inlet Watershed Action Plan (1989), Oakland Bay Watershed Management Plan (1990), Lower Hood Canal Watershed: Mason and Kitsap Counties, WA (1991), Lower Hood Canal Watershed: Non- Point Source Pollution Watershed Action Plan (1992), Lower Hood Canal Watershed Action Plan (1994), West Shore Hood Canal Watershed; Mason/Jefferson Counties (1995),

These regional plans assessed the potential for non-point pollution sources to affect freshwater and marine water quality. Each plan contained planning and action items to be implemented that would mitigate impacts from non-point water quality pollution. Most of the actions called for in these plans have been done. Monitoring of implementation of these plans continues. There are currently active oversight groups in both the Oakland Bay and Lower Hood Canal watersheds.

2.1.7 Implementing programs of the Puget Sound Water Quality Action Team.

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Mason County has been participating in the state's Puget Sound water quality programs, currently headed by the Puget Sound Water Quality Action Team, and has implemented many aspects of the various management plans and work plans which have been developed over the years. Plans were recently updated and work continues to this date. The current editions are the "2000 Puget Sound Management Plan" and the "2001-2003 Puget Sound Work Plan."

2.1.8 Developing quality improvement programs for impaired waters.

More recently, the state Department of Ecology has been working on cleaning up some impaired waters in Mason County through the development of implementation strategies. Specifically, the Skokomish River and Union River are in process. Mason County has been one of the many agencies participating in these programs, primarily through the Environmental Health Department.

For the Skokomish River, the total maximum daily load analysis was accepted by the U.S. Environmental Protection Agency in August 2001. This means that there is a year to finalize the detailed implementation plan for cleanup.

2.2 Permitting

Mason County has the responsibility for permitting most new development in the county. In addition to permits issued by the county, the permitting process often involves review by or notice of other agencies. This allows them to be more effective in their responsibilities as well.

Permitting activities have been grouped into the following categories:

- 2.2.1 Land use regulations.
- 2.2.2 State Environmental Policy Act.
- 2.2.3 Forest Practice Permits.
- 2.2.4 Enforcement.

2.2.1 Land use regulations.

Mason County regulates critical areas, including fish and wildlife habitat areas. The state Growth Management Act provides for the protection of critical fish and wildlife habitat with special consideration being given to the protection and enhancement of anadromous fish and with the use of best available science. Mason County has had most of its critical area regulations approved as being in compliance with the Act, and is in the process of updating the remainder of its regulations pursuant to the Act. Critical area species and habitats include the Federally listed species.

Other county regulations also come into play in protecting the environment. These include:

- Development Regulations
- Subdivision Ordinance

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Resource Ordinance (Critical areas and Forest, Agriculture, and Mineral Lands)
Flood Damage Prevention Ordinance
Stormwater Management Ordinance
Shoreline Master Program
Environmental Health Codes

In various ways, these regulations protect the species and their habitat. Among other benefits, they:

1. Direct site development to appropriate areas.
2. Control stormwater discharge impacts of new development.
3. Require riparian buffers.
4. Regulate and avoid when possible stream crossings by roads.
5. Protect historic stream meander patterns, flood plains and channel migration zones.
6. Limit hardening of stream banks.
7. Protect wetlands and their buffers.
8. Protect the hydrologic capacity of streams.
9. Prevent erosion and sediment runoff from construction.
10. Provide for maintenance detention basins.
11. Provide enforcement to assure that the development will comply with the ordinances.

2.2.2 State Environmental Policy Act.

Mason County also relies on State Environmental Policy Act (SEPA) and JARPA processes for regional and interagency coordination on permitting. New questions that address the listed salmon species were added to the SEPA application checklist. SEPA is also always required when any part of the permitted work will be done in water or wetlands. Applications are transmitted to other agencies, both providing them notice of proposed development and providing them with an opportunity to provide input into the decision. Shoreline permits also may use the JARPA forms so that information necessary for other agencies to review a proposal is provided by the applicant efficiently.

2.2.3 Forest Practices Permits.

In Mason County, the principal land use is forestry. Forest practices includes a range of activities including: road construction, harvest, suppression of diseases and insects, fertilization, reforestation, and slash and debris disposal. Local governments exercise limited land use control on forest practices [RCW 76.09]. Forest practices which are not reviewed through specific processes that address development issues have a six-year development moratorium imposed on them. The Washington Department of Natural Resources (DNR) is responsible for permitting these forest practices. Salmon issues have been addressed through the Forests and Fish Act and implementing state regulations.

Mason County reviews all forest practice applications on lands that will be converted, or are likely to convert, to a use other than commercial timber production under its SEPA

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authority, and requires compliance with its critical area regulations. A property owner planning to convert property to a use other than forestry in the near future must obtain a Class IV General Permit. A SEPA review is required for all Class IV general permits. DNR issues the permit. No development moratorium is placed on these properties.

Bridges and some road construction near streams within Shorelines Management Act jurisdiction is also regulated by the county, and the review will usually involve SEPA review.

Under the provisions of RCW 76.09, Mason County will soon amend its regulations so as to assume increased authority over forest conversions and may adopt provision to allow Conversion Option Harvest Plan (COHP). A COHP is a voluntary plan developed by the landowner and approved by the local government. Usually it would indicate the limits of harvest areas, the location of open space areas, the possible development site, and the critical areas. Property which uses the COHP process does not have a six year development moratorium placed on it. Although the County must approve the COHP, the overall responsibility for these permits, including enforcement, rests with the State Department of Natural Resources.

2.2.4 Enforcement.

Enforcement is an important aspect of regulation. The county recently enhanced its enforcement capability by hiring a full time planner to enforce land use and environmental codes, by establishing a hearing examiner's office to deal with cases fairly and promptly, by adding a deputy prosecutor for land use issues, and by providing for additional penalties and techniques to enforce compliance with the regulations.

2.3 Mason County Projects

Mason County is responsible for the provisions of some public services. These include: solid waste, sewer, water, roads, parks, and general governmental services. Under general governmental services are such offices as the Sheriff, Assessor, and Auditor. Provision of these services requires development from time to time for such activities as building offices or road construction or repair. The county also owns property and controls the use of the property by other parties, such as a private drive way access to a county road.

Projects conducted by Mason County or in which we participate include the following:

- 2.3.1 Work in the right-of-way.
- 2.3.2 Other county projects.

2.3.1 Work in the right-of-way.

Road work in the form of improvements and maintenance is probably the most common activity by Mason County that can have an impact on the environment. Best management practices for right-of-way management to protect salmon were prepared by the Mason

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County Public Works Department. The county used BAS and consulted with other counties, state agencies and Federal agencies in preparing the proposed best management practices (BMP). These BMP will govern all work within the public right-of-way, including work by utilities and private parties.

At this writing (December 2001), these proposed BMP had the approval of the technical review committee of NMFS for the purpose of inclusion in the 4(d) rule, but had not yet been published for review as part of the 4(d) rule. The 4(d) rule lists general activities that constitute “take” of a listed species and specific activities or programs that will be protected from the take prohibitions. The programs or activities receive protection because they have reviewed and determined to be sufficiently controlled so that the impact they might have on the listed species has been controlled to the extent that the program is acceptable and consistent with the ESA program. The protected activities may be conditioned by geographic location or in other ways to assure that this is true as can best be determined.

2.3.2 Other county projects.

Mason County also does other types of development from time to time, such as extending sewer lines or building offices. The county’s offices are primarily located in the City of Shelton and regulated by their codes, as well as any applicable state or Federal code. Other projects by the county may occur within county jurisdiction and are required to obtain permits from the county just as any other developer would. They are also required to obtain permits from any other agency with jurisdiction.

Of particular note is a project to provide a public sewer system for the Allyn Urban Growth Area and adjoining lands. This project has been implemented to address water pollution concerns from existing development in the North Bay - Case Inlet area. The sewer system will replace the use of on-site septic systems equivalent to 850 to 900 residences. The project is under construction and should be complete in 2002. The total rated capacity is equivalent to 1,547 residences, so it will also allow for the growth of the urban area without impacting water quality.

The county has also been studying the provision of sewer to the area along the north and south shores of Hood Canal including the Union River/Belfair area. While such a widely dispersed system was seen as not feasible, the county is proceeding with sewer development for the Belfair UGA. Such a system, as in the case of Allyn, would allow for development to proceed without the potential impacts to the basin that would otherwise occur.

The county has also identified, but not yet studied, stormwater issues in the urban areas as important to water quality. Stormwater for new development is closely regulated, but stormwater for existing developed areas and for single family development on existing lots can still be an issue.

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These projects are diverse in nature and only occasionally occur. Because of this, the county has not adopted BMP for them, but relies on the permitting processes.

2.4 Salmon Habitat Enhancement Projects

In addition to protecting ESA listed species through effective regulation, the county is taking active steps in the protection of habitat and the recovery of salmonid species. Funding for recovery activities have been and will continue to be supplied for habitat improvement, particularly for road work and related culvert projects. The future restoration projects will be directed by the strategy developed at the time the proposals are developed. Enhancement activities can be grouped as follows:

- 2.4.1 County partnerships
- 2.4.2 Other local partnerships
- 2.4.3 Other projects which improve habitat
- 2.4.4 Future projects.

2.4.1 County partnerships.

Mason County has undertaken a program of culvert improvements on county roads in coordination with local salmon enhancement groups, and it has supported other enhancement efforts.

The Hood Canal Salmon Enhancement Group and the South Puget Sound Salmon Enhancement Group are regional fish enhancement groups that work toward restoring critical salmon habitat. Both Regional Enhancement groups are engaged in numerous habitat restoration projects. Mason County Public Works has been actively working with both groups to remove fish passage barriers within the county.

Mason County has worked with other entities in setting enhancement projects pursuant to RCW 77.85. The county is one of the founders and directors of the Hood Canal Coordinating Council (HCCC), which is the lead entity for the process created in RCW 77.85 for the Hood Canal and the Hood Canal summer chum salmon. The HCCC has prepared a salmon recovery strategy for the Hood Canal and the Eastern Strait of Juan de Fuca to be used in prioritizing salmon enhancement projects in the near term. The county has also worked with other lead entities, such as the Mason Conservation District to prioritize projects within its other watersheds.

2.4.2 Other local partnerships.

One of the largest projects in the region is the Goldsborough Creek dam removal, which was finished in the fall of 2001. Although the county did not sponsor the project, it did coordinate with participating parties to assure that local approvals were handled. The project is an example of the role that Mason County will play in work being done.

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Other locally sponsored projects include those of the Mason Conservation District, which provides technical assistance to farmers and develops farm plans for the farms. The Conservation District has actively worked with landowners in salmon restoration projects such as re-meandering streams, culvert replacement, fencing, bank stabilization, tree planting, water quality monitoring, and public education. Since 1985, their enhancement projects include a total of 4.1 miles of salmon habitat restoration and protection, 17.2 miles of riparian fencing, and 12.3 acres of riparian plantings.

2.4.3 Other projects which improve habitat.

One should also note that the water quality programs as mentioned above, whether they are the provision of public sewer built by the county or the impaired water programs implemented by a number of agencies and individuals, also contribute to habitat enhancement. These projects are not normally described as salmon enhancement projects because they also serve other purposes, but they do directly improve habitat.

2.4.4 Future projects.

It can be expected that most of the groups that have been pursuing salmon enhancement projects in the past will continue to do so. They will use the resources and information they have available to develop and pursue projects. However, as noted above, much additional planning work is necessary over the next few years in order to develop and priorities future enhancement projects. Of particular concern is the work on identifying limiting factors on habitat and in the development on the ESU recovery plan with watershed specific goals. Effective and efficient management of the resource, including habitat enhancement, requires this basic work to be complete.

3.0 NEXT STEPS

Salmon are an important part of our culture and important to the citizens of Mason County. Mason County is involved in salmon recovery, enhancement and protection activities available through grant funding programs and protective ordinances. Although the endangered and threatened species have declined for a variety of reasons, local community efforts have resulted in enhancement, protection and restoration of critical habitat. Mason County has been involved in projects that protect and restore salmon habitat. Many of the projects involve partners, including the Conservation District, nonprofit environmental and conservation groups, and Tribes.

Mason County will continue preservation and restoration activities and will:

- 1 Continue to work with landowners to manage activities in riparian areas;
- 2 Support the Conservation District and other local restoration groups;
- 3 Participate in watershed and ESU Planning;
- 4 Coordinate recovery efforts through watershed scale plans;
- 5 Use BMP for county projects and other work in county right-of-ways;
- 6 Enforce its regulations;

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- 7 Amend its regulations from time to time to incorporate new information and best available science.
- 8 Study stormwater issues in its urban areas.
- 9 Continue the development of the Belfair UGA sewer system.

Mason County has begun the process to update the development ordinances and comprehensive plan to comply with the GMA. The county should finish its review and amendment process by the end of 2003. It is unlikely that the long-term strategy for the recovery of the salmon and steelhead will be complete in time for this process. The watershed planning process in which the county is participating will not be completed in this timeframe.

Mason County may consider other activities in the future, but these will be developed through the various planning processes already in place. Updates to the county regulations can be done each year, but are required on a regular basis by the GMA.

Mason County recognizes that recovery is valuable, but expensive. Equity for property owners is an issue, and the management of privately owned land is problematic if the owners are not willing and educated participants in the program. Both habitat preservation and habitat restoration require funding that will be beyond Mason County's financial resources. Preservation and restoration will require significant commitments of funding and other support from state and Federal agencies. It is difficult for the county to maintain its participation in regional planning efforts and to access the technical expertise to implement or update its regulations. In order for any ESA program to be effective, a strong public outreach component is also needed.