

Fish and Wildlife PLANNER



A Newsletter for Washington's Professional Planning Community

November 2007

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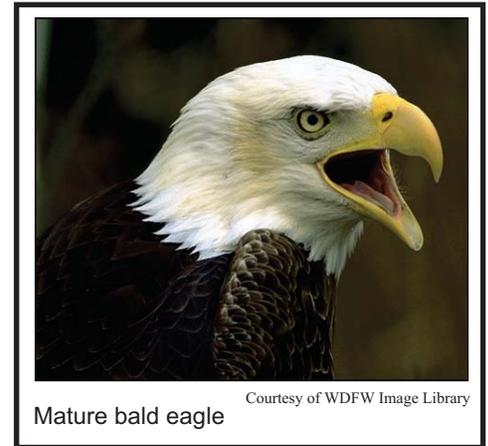
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Changes proposed to state bald eagle listing status and management

By Gretchen Blatz, *Washington Department of Fish and Wildlife*

The U.S. Fish and Wildlife Service (USFWS) announced its decision to remove the bald eagle from the list of federal endangered and threatened wildlife in a [final rule](#) published in the Federal Register July 9. The delisting went into effect in the lower 48 states August 8, and the bald eagle became a federal species of concern that no longer warranted protection under the Endangered Species Act (ESA).

The bald eagle is currently a [State Threatened](#) species in Washington. WDFW has proposed to reduce its state status to [Sensitive](#) pending approval from the State Fish and Wildlife Commission. This decision will be based on the commission's evaluation of WDFW's updated [Bald Eagle Status Report](#).



Mature bald eagle

Courtesy of WDFW Image Library

Although the bald eagle is no longer protected under the ESA, other state and federal rules still apply (see below) and need to be followed when a project might impact eagle habitat.

Why were bald eagles delisted?

The federal decision to delist the eagle was based on best available science. Through the use of measurable criteria, biologists identified consistent, widespread population increases in federal recovery zones. Recovery goals for bald eagle populations were met, and in most cases surpassed. The overall national bald eagle population has increased to nearly 9,800 pairs from an estimated low in 1963 of 487 breeding pairs. Between 1990 and 2000, populations increased 8 percent annually, with an average annual productivity of 1 fledgling per nesting pair (Federal Register, Volume 72, Page 37346).

Current federal protections

Although ESA protections have been lifted, federal protections remain under separate U.S. Codes, including the [Bald and Golden Eagle Protection Act](#) (The Eagle Act, or BGEPA) and the [Migratory Bird Treaty Act](#) (MBTA). The eagle act prohibits the "take" or "disturbance" of a Bald or Golden Eagle. Under this act, take means to wound, kill, poison, shoot, shoot at, trap, collect, pursue, molest or disturb an eagle. Disturb means to agitate "to a degree that causes, or is likely to cause injury, decreased productivity, or nest abandonment." Take is also illegal under the MBTA and is similarly defined as "to pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect ... migratory birds, their parts, nests or eggs." In the final ruling to delist, USFWS proposed a rule to allocate permits to allow limited incidental take under the BGEPA.

Further, [The Lacey Act](#) makes it illegal to "import, export, transport, sell, receive, acquire, or purchase any fish or wildlife" unlawful under foreign, federal or state law to take, possess, transport or sell.

Please see BALD EAGLE on Page 2



Washington
Department of
**FISH and
WILDLIFE**

The U.S. Fish and Wildlife Service published the [National Bald Eagle Management Guidelines](#) to provide state and federal agencies, private landowners, land managers, and planners with general guidelines on how to avoid disturbance to nesting, roosting, or foraging eagles and to help these parties avoid violating federal laws that prohibit these disturbances. The guidelines address different types of activities and provide details on how certain activities may relate to protective provisions outlined in the BGEPA.

Current state protections

Pursuant to RCW 77.12.655, Washington's [Bald Eagle Protection Rules](#) (WAC 232-12-292 Section 4.4) were established to protect eagle habitat, including nests, roosts and perch trees, through the development of Bald Eagle Management Plans (BEMP). A BEMP is a contractual agreement between a landowner and WDFW intended to minimize or avoid impacts to eagles. Washington law further defines [habitat buffer zones](#) to protect eagles and eagle habitat from harm and harassment. Management planning requirements are described in detail in WDFW's Priority Habitat and Species [PHS Bald Eagle](#) publication. This publication details the scientific basis for BEMP components that are intended to address habitat protection. A centralized online resource that provides an overview of the BEMP process is provided on the [Bald Eagle Management and Protection in Washington](#) web page. Several other helpful links are available including eagle management [FAQs](#) as well as a list of [WDFW management plan contacts](#) listed by county.

The [Growth Management Act](#) (Chapter 36.70A RCW) requires that city and state governments designate and protect [critical areas](#). Local governments must adopt development regulations that protect critical areas, such as habitat conservation areas for state sensitive species such as the bald eagle. Minimum guidelines for designating critical areas are established under [WAC 365-195-825](#).

Breeding population surveys

The U.S. Fish and Wildlife Service published a draft monitoring plan in the proposed federal rule to delist the bald eagle. In response to public concerns, the USFWS contracted with several state wildlife agencies to develop a national [post-delisting monitoring protocol](#). The protocol's goal is to detect a 25 percent change in breeding activity by monitoring nests at least every five years for 20 years following delisting. The pilot study to evaluate the protocol was conducted jointly by the USFWS and by biologists at state agencies in Maine, Florida, Minnesota and Washington. In 2005, WDFW completed two surveys of Washington's eagle population, resulting in a new state breeding population estimate of 840 occupied territories. Approximately 78 percent of these territories showed signs of active breeding (WDFW Raptor Occupancy and Productivity Database).

Bald eagle tools and data

WDFW provides direct data access to bald eagle nest information through the [PHS data request services](#). Data are available in digital, hard copy and tabular formats. As a supplement to the eagle territory maps, data associated with each territory can also be viewed using the online [Territory History](#) query tool. Data can be retrieved for a county or an individual territory and data for all territories are current through 2005. Data for many territories will be updated as spot checks and surveys are completed.

In an effort to provide local governments with the most current information on nest locations and breeding activity, WDFW's wildlife survey data management and geographic information system (GIS) units developed a file transfer protocol (FTP) data package that allows the download of spatial and tabular bald eagle data. To access this data, send an email to phsproducts@dfw.wa.gov to request a username and password.

Upcoming changes to WDFW's Priority Habitat and Species database

By Tim Young, *Washington Department of Fish and Wildlife*

In the coming months, the Washington Department of Fish and Wildlife (WDFW) will be making significant changes to the Priority Habitat and Species (PHS) data products distributed to planning agencies and other customers. These changes are in response to updates in GIS technology and also accommodate the redesign of WDFW's Wildlife Heritage database.

Transitioning from ArcInfo to ArcGIS

GIS professionals who have used Environmental System Research Institute's (ESRI) software are well aware of the company's shift to Microsoft Windows (ArcGIS) from the old Unix-based command line environment (ArcInfo Workstation). In this shift, underlying data has changed from proprietary, file-based formats to a more open and flexible relational database format. To adapt to this change, ESRI completely re-engineered its toolsets and programming methods. WDFW has responded to ESRI's technology changes by retooling data and data-distribution processes.

Data format and content changes

Those who will most significantly be affected by PHS data changes are customers who request data in digital form. In particular, we are looking into distributing digital data in different formats that may include geodatabases built on Microsoft Access, geographic markup language (GML), and shape files. Although some or all of these formats will be made available, ESRI's file-based coverage and export format (.e00) will no longer be distributed to WDFW customers. With the exception of our heritage and marbled murrelet data layers, the content of all other PHS datasets (e.g., field names and codes) will remain the same. However, hardcopy maps and reports obtained by WDFW will more clearly depict priority wildlife species and habitat occurrences.

Elements of the wildlife heritage and marbled murrelet databases have been retooled and combined as part of our migration to ArcGIS. In particular, when these databases are distributed to customers, the data package will include two spatial layers as well as a table. The spatial layers will consist of data in both point and polygonal form, while the table will contain extended attributes related to Marbled Murrelet observations. The tabular data associated with these data layers will be 'denormalized' to simplify the use of the data. This denormalized process will allow for the inclusion of more descriptive fields to better explain the meaning of individual attribute codes.

Transition to new data systems

WDFW plans to continue supporting data in its existing format through March 2008. However, examples that will illustrate the new content will be posted on the Internet this month. Sensitive data will be removed from this Internet site.

Customers who have requested digital data in the past 18 months will receive a letter with instructions for accessing the Internet site. Access to the site will include an email subscription service. We will use this service to notify subscribers about new additions to the web page, as well as other changes that may affect those using WDFW data. Other users of our PHS data can send an email to phsredesign@dfw.wa.gov if they have questions, wish access the Internet site or want to be added as subscribers to this email list.

Sustainable land use planning on the Tulalip reservation

By Daryl Williams, *Tulalip Natural Resources Department*
and John Carleton, *Washington Department of Fish and Wildlife*

Similar to any county or city, decisions influencing natural resource conservation on tribal lands require land use planners to sort and balance complex and competing needs of various interests. In particular, tribes foster economic growth, accommodate for adequate housing, provide opportunities for recreation, while also planning for open space and habitat for fish and wildlife. Tulalip tribal planners and decision makers have been proactive in developing a sustainable and resource-friendly land use vision. Recently this vision has been put into practice in several tribal projects.



Economic development on the reservation

The major economic, recreational, and subsistence needs of the Tulalip Tribe are strongly resource dependent and require planning that focuses on sustaining a healthy environment on the reservation. The center of Tulalip tribal tradition is fishing and the Tulalip Hatchery and a fishing fleet based at Tulalip Bay supports much of the Tribe's fishing economy. Tribal members also depend on the reservation's important forests and woodlands for recreation and commercial forestry.

Although the importance of these natural resource activities is immeasurable, other ventures also have helped propel impressive economic growth on the reservation. The Tulalip Casino has been the central driver, but development of an outlet mall and other retail operations have been significant. Incorporation of the city of Quil Ceda Village has provided a focal area for commercial development. One effect of this recent economic success is the return of tribal members to the reservation because of the availability of living-wage jobs.

Balancing various land use activities

Located directly adjacent to Interstate 5, the commercial area is the most visible part of the reservation. What is less obvious is the land use vision that created the growth while limiting its adverse impacts on natural resources. Early in the tribal planning process the Tulalips decided it was essential to focus most commercial development along a narrow strip near the interstate. By containing commercial development to this small area, potential impacts to the reservation's valuable natural resources were minimized. Consequently, most reservation lands will be retained in a relatively undisturbed state. This undoubtedly will benefit habitat for fish and wildlife.

Beyond containing commercial development to a small area, the tribe also worked to minimize impacts on the developed sites. Handling stormwater on the casino's large parking lot was a challenge. In particular, the groundwater table was high and tribal planners were concerned that the lot might impact nearby wetlands. Planners considered using innovative low-impact development techniques, such as pervious pavement, but such methods could have increased contaminant loading. Other alternatives were considered until tribal planners came to a solution that seemed to provide the most protection to these important wetlands. The Tulalips settled on a system of collecting and doubly treating runoff, using a pair of sand filters and then injecting the treated water into the ground. This addressed stormwater treatment while maintaining the groundwater necessary for healthy wetlands.

Long-range conservation planning

The Tulalip Tribe recently began updating its zoning ordinance as well as planning its tribal land use for the next 50 years. The tribe's proactive planning has focused on gaining consensus among tribal

members and the tribal member's strong environmental ethic shows in the Tulalip's planning strategy. Such an ethic is apparent given the foresight of certain components of the land-use plan. For instance, through the use of zoning regulations much of the reservation's forest is being designated for long-term protection to insure that sustainable forestry, recreational uses, as well as natural habitat will be viable for years to come. A related protection includes the zoning of three areas for conservation where the harvest of vegetation for cultural purposes is now the only permitted use. Minimum buffer requirements are also being increased and conservation zones are being designated as parks. Habitat restoration is occurring along half the shoreline of Tulalip Bay and some shoreline will be officially designated as parkland.

Beyond establishing a strong land use vision, challenges remain for the tribe. Tribal planners continue to work with non-tribal reservation landowners to reduce water-quality impacts from farm operations by encouraging the use of riparian fencing and other mitigation measures. Tribal planners are also looking for alternatives with fewer impacts for expanding the marina. The Tribe is working cooperatively with nearby local governments and regional entities such as the Puget Sound Partnership to continue on a path of sustaining and improving the natural resources in and around the reservation.

This article is part of a continuing series in the *Fish and Wildlife Planner* to give examples of groups that have been successful in biodiversity planning in Washington.

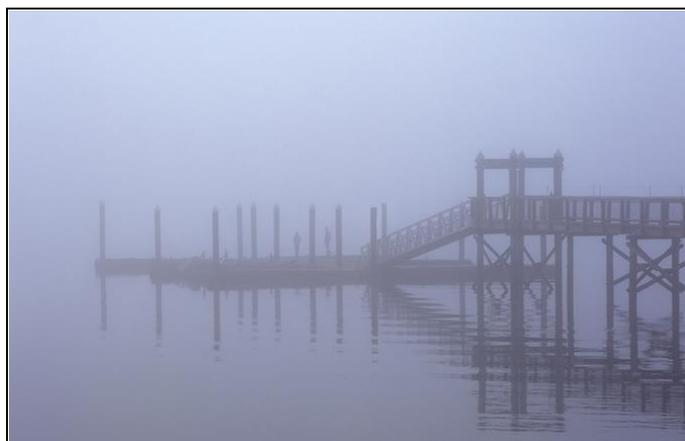
New guidance on Puget Sound nearshore habitat protection available

A new guidance publication, "Protecting Nearshore Habitat and Functions in Puget Sound: An Interim Guide" is available online at http://wdfw.wa.gov/hab/nearshore_guidelines/. This publication was written to provide local planners with:

- A synthesis of current science on several important nearshore habitats and processes,
- Directions on how to find relevant nearshore data,
- Recommendations for moving through the mitigation sequence (e.g., avoiding new activities, reducing impacts from approved activities, mitigating for cumulative impacts).

The Aquatic Habitat Guidelines Working Group produced this publication. Participants in this multi-agency committee are the Washington departments of Fish and Wildlife; Ecology; Natural Resources; Transportation; and Community, Trade, and Economic Development, along with the state Recreation and Conservation Office and the Puget Sound Partnership.

A survey accompanies the document, and comments will be valuable in scoping future guidance materials. You can take the survey at: http://wdfw.wa.gov/hab/nearshore_guidelines/survey/.



Hood Canal pier

Photo courtesy of Steve Penland

Conferences, workshops & training

- **2008 Washington Planners' Forums:**

Winter Forums

- January 16 Eastern Wash. – Big Bend Community College, Moses Lake, Washington
- TBA Southwest Wash.
- TBA Olympic Peninsula
- TBA Northwest Wash.

Spring Forums

- April 16 Eastern Wash. – Big Bend Community College, Moses Lake, Washington
- TBA Southwest Wash.
- TBA Olympic Peninsula
- TBA Northwest Wash.

Schedules for the winter and spring forums have yet to be determined with the exception of the forums in eastern Washington. Dates and locations will be posted at <http://www.cted.wa.gov/site/395/default.aspx> as soon as they have been confirmed.

These forums provide an opportunity for planners, planning commissioners and elected officials to talk informally about local issues, share ideas, and receive updates from state and federal agencies whose work impacts land use. Please email Ted Gage for more information about the Planners' Forum series.

- **Biodiversity Conservation: What Works, What's Next?** – This conference will feature the release of Washington's Biodiversity Conservation Strategy. During this one-day conference, we'll be sharing innovative and promising approaches to the stewardship of the state's biodiversity. This will be an opportunity to see what the strategy may offer to a variety of interest groups that include planning professionals. The daylong conference will take place at the Bell Harbor Convention Center in Seattle on December 4, 2007. For more information please see the [Biodiversity Conference](#) website.
- **APA's 2008 National Planning Conference** - Las Vegas plays host to the American Planning Association's 100th National Planning Conference, Sunday, April 27, through Thursday, May 1, 2008. More than 5,500 planners, students, and citizens are expected to enjoy sessions, mobile workshops, training seminars, and networking opportunities. More information is at <http://www.planning.org/2008conference/>.
- **Coastal Management Courses** – The Coastal Training Program (CTP) is a coordinated effort between several agencies to provide practical, science-based training to professionals who make decisions about coastal management in Washington. CTP offers valuable courses for shoreline planners and coastal resource managers. A list of courses are at [CTP's](#) website.
- **Short Courses/Planning Education** – Free, three-hour workshops explain the legal basis of planning in Washington, the basics of comprehensive planning and implementation, and the role of planning commissions. The upcoming schedule is available on the [Department of Community, Trade and Economic Development's](#) website. Courses are scheduled at the request of local communities and are always open to the public. Everyone who attends will receive a short course manual. Call or email Ted Gage with questions at (360) 725-3049.

Grant opportunities

- **River restoration grants** – American Rivers, through its partnership with National Oceanic and Atmospheric Administration’s Community-based Restoration Program, provides funding for dam removal or fish passage projects to individuals and organizations such as civic associations and conservation groups; state, local and tribal governments; and other commercial and non-profit organizations. The partnership funds projects that benefit anadromous fish and support the restoration of habitat for anadromous species. Application deadlines are November 1 and April 1 of each calendar year. More information can be found at the [American Rivers](#) website. Questions can be directed to Serena McClain at rivergrants@amrivers.org.
- **Washington Wildlife and Recreation Program (WWRP) grants** - Administered by the [Recreation and Conservation Funding Board \(RCFB\)](#), the Program's primary goal is ...to acquire ... the most significant lands for wildlife conservation and outdoor recreation purposes. State and local agencies (cities/towns, counties, tribal governments, park and recreation districts, port and school districts) are eligible for these grants. Application for WWRP grants applications must be received by no later than May 1, 2008. For more information go to <http://www.rco.wa.gov/rcfb/grants/wwrp.htm>.
- **Aquatic Lands Enhancement Account (ALEA) grants** - WDFW will begin accepting applications December 1 from individuals and groups seeking financial support for volunteer projects that benefit fish and wildlife. ALEA grants provide cost reimbursement for volunteer projects that support fish, wildlife and their habitats, improve access to the outdoors, collect and disseminate fish and wildlife science and educate the public about resource conservation. Applications must be received by February 28, 2008. Application materials are available on WDFW's website at <http://wdfw.wa.gov/volunter/vol-7.htm> or by calling the department at (360) 902-2700.
- **Family Forest Fish Passage Program grants** - The Family Forest Fish Passage Program has funding to help small private forest landowners fix fish barriers on forestlands. Applications are being accepted through June 30, 2008, for funding for the following year. For more information go the program’s website at <http://www.dnr.wa.gov/sflo/fffpp/> or directly contact the Small Forest Landowner Office at 360-902-1404 or sflo@wadnr.
- **Get your community involved in watershed restoration** – The Bonneville Environmental Foundation (BEF) supports science-based watershed restoration initiatives that demonstrate strong community engagement and strive to implement a long-term restoration approach. Awards are \$5,000 to \$40,000 annually for up to a 10-year period. BEF accepts letters of inquiry on an open basis, and there is no official cycle for the review and solicitation of proposed Model Watershed Projects. Any individual, organization, tribe, or local government within the Pacific Northwest may submit a letter of inquiry. Click [HERE](#) for additional information about this opportunity.
- **Additional grant opportunities** – The following links offer information on a variety of other grants that can help fund local conservation planning initiatives:
 - The Puget Sound Partnership's (PSP) web site contains links to both PSP grant opportunities as well as other funding opportunities. Most grants on this page are geared towards Puget Sound communities. Click [HERE](#) to view this page.
 - Click [HERE](#) to use the federal government’s primary grant search engine.
 - The Association of Washington Cities has an electronic newsletter called “[Grant Alert](#).” Many grants are relevant to natural resource issues affecting cities throughout Washington.
 - The Department of Community, Trade, and Economic Development administers a website dedicated to grants relevant to GMA planning activities. Click [HERE](#) to view this page.
 - The Washington Biodiversity Project provides an overview of opportunities to receive grants and incentives for projects that lead to the conservation of Washington’s biodiversity [HERE](#).

WDFW contacts for fish and wildlife planning

Eastern Washington:

Karin Divens, 509.255.6103, (Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman); divenkad@dfw.wa.gov

North-central Washington:

Chris Parsons, 509.754.4624 Ext. 12, (Chelan, Okanogan, Douglas, Grant, Adams); parsocbp@dfw.wa.gov

South-central Washington:

Mark Teske, 509.962.3421, (Kittitas, Yakima, Benton, Franklin); teskemst@dfw.wa.gov

Southwest Washington:

Tim Rymer, 360.906.6729, (Wahkiakum, Cowlitz, Lewis, Clark, Skamania, Klickitat); rymertr@dfw.wa.gov

N. Puget Sound:

David Brock, 425.775.1311 Ext. 114, (Whatcom, Skagit, Snohomish, King, Island, San Juan); brockdwb@dfw.wa.gov

S. Puget Sound & Olympic Peninsula:

Steve Kalinowski, 360.249.1227, (Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, Pierce, Thurston); kalinsak@dfw.wa.gov

GMA & PHS Coordinator:

Jennifer Hayes, 360.902-2562; hayesjlh@dfw.wa.gov

Priority Habitats & Species Management Recommendations:

Jeff Azerrad, 360.906.6754; azerrjma@dfw.wa.gov

Local Habitat Assessments Project:

John Carleton, 360.902.2622; carlejpc@dfw.wa.gov

WDFW PHS Data Request Hotline:

360.902.2543

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Washington Department of Fish and Wildlife
600 Capitol Way N · Olympia, WA · 98501-1091