

Part Two – Critical Areas

Wildlife Habitat Conservation Areas

WILDLIFE HABITAT CONSERVATION AREAS: BREEDING SITE PROTECTION



Bald eagle

Bald eagles typically nest in a large tree with stout upper branches within a stand of large trees close to a lake, river, or marine shoreline.

If a bald eagle nest is identified on the property, the following protections will apply:

- No alterations within 800 feet from March 15 through April 30 (incubation and first three weeks of brooding).
- Maintain a 400 foot radius around nest trees.
- Prohibit use of land-clearing machinery within 800 feet from January 1 through August 31.



photo © Bill Pratt

Great blue heron

Great blue herons nest in rookeries (communal groups of nests) typically found in a mature forest stand with an uneven canopy of trees at least 50 feet high, within 0.6 miles of water.

If a great blue heron rookery is identified on the property, the following protections will apply:

- No clearing or grading disturbance from January 1 through July 31 within 924 feet around existing rookeries.
- Maintain 820 foot radius around existing rookeries that are known to be stable; buffer may be increased by 164 feet if population of rookery is declining.



photo © Gus van Olfelt

Marbled murrelet

Marbled murrelets nest in large Douglas-fir, Sitka spruce, western hemlock, or western redcedar in old-growth forest. They nest in trees containing platforms or deformities such as large or forked limbs, broken tops, dwarf mistletoe infections, or witches' brooms. The parents take turns every 24 hours incubating the egg or flying up to 12 miles out to sea to feed.

If a marbled murrelet nest site is identified on the property, the following protections will apply:

- Protect area within 0.5 mile of nest trees.



Northern goshawk

Northern goshawks typically nest in large, contiguous tracts of old-growth or mature forest with large trees, a closed canopy, and an open understory of shrubs and herbs, generally near the base of north-facing slopes. The goshawk is very protective of its nest and will attack anyone who ventures too close.

If a northern goshawk nest is identified on the property, the following protections will apply:

- Maintain 1,500 foot radius around active nest sites located outside the urban growth area.



Red-tailed hawk

Red tailed hawks are one of the earliest breeders in the Pacific Northwest. Nest characteristics vary widely with vegetation and topography. Common characteristics include an unobstructed access to nests from above and a commanding view of the adjacent environment. Nest sites are tall trees, in open areas and often close to water.

If a red-tailed hawk nest is identified on the property, the following protections will apply:

- Maintain an area with a radius of 325 feet from an active nest located outside the urban growth area.
- Clearing and grading is not allowed within 660 feet of an active nest located outside of the urban growth area from March 1-July 31



King County

Department of Development and Environmental Services

Department of Natural Resources and Parks

Department of Transportation

WILDLIFE HABITAT CONSERVATION AREAS: BREEDING SITE PROTECTION *continued*



Osprey

Ospreys typically nest in snags that are 10-130 feet tall, with a broken top or strong side limbs, and surrounded by water or within 330 feet of water.

If an osprey nest is identified on the property, the following protections will apply:

- No disturbance within 660 feet from April 1 through September 30.
- Maintain 230 foot radius around active nest.



photo © Mark E. Elbertin

Peregrine falcon

Peregrine falcons typically locate their nests (eyries) on cliffs at least 150 feet high.

If a peregrine falcon nest (eyrie) is identified on the property, the following protections will apply:

- No human activity along the nest cliff rim, immediately below nest cliffs, on on the cliff face within 1,000 feet at any time of year.
- No surface-disturbing activities that would produce loud noises (e.g. blasting, operation of chainsaws and heavy machinery) from March 1 through June 30 within .5 mile feet of nest.
- Route powerlines 1,000 feet from eyries.



Spotted owl

Spotted owls typically nest in cavities, broken tops, or other deformities in trees located in old-growth forest or other mature forest with a layered, closed canopy and a supply of large trees or snags with appropriate nest sites.

If a spotted owl nest is identified on the property, the following protections will apply:

- Protect 3,700 foot radius from nest tree.



photo © Merlin D. Tuttle

Townsend's big-eared bat

Townsend's big-eared bats typically form nesting colonies and hibernate in caves or mines, or occasionally in buildings.

If a cave, mine or other structure containing a Townsend's big-eared bat colony is identified on the property, the following protections will apply:

- Maintain a minimum 450' radius in all directions from the entrance of a cave or mine of an active and alternate nursery sites located outside of the urban growth area from June 1-October 1
- Establish 450 foot radius around the entrance to the cave or mine serving as winter hibernacula November 1 - March 31 outside of the urban growth boundary
- A building, bridge or tunnel, or other structure used solely for day or night roosting shall not be altered from March 1-November 30
- The entrance to a cave or mine that is protected because of bat presence is protected from human entry May 1 - September 15
- Gate entrance to cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit.



Vaux's swift

Vaux's swifts nest in hollow trees or cavities left by pileated woodpeckers within old-growth forest.

If a Vaux's swift nest is identified on the property, the following protections will apply:

- Maintain a 300 foot radius around active nest sites outside the urban growth area.
- No clearing or construction activities within 400 feet of active or potential nest trees from April 1 through October 31, unless potential nest tree is proved to contain no nests.

Wildlife habitat conservation areas overview

Development standards

Wildlife habitat conservation areas

Reference CAO Section 198

A wildlife habitat conservation area is an area for a species whose habitat the King County Comprehensive Plan requires the county to protect including an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity. Nine species of birds and one bat species have been identified as having habitat to protect. They include the bald eagle, great blue heron, marbled murrelet, northern goshawk, osprey, peregrine falcon, spotted owl, Red-tailed Hawk, and Townsend's big-eared bat.

The development standards that apply to development proposals for each species are listed in Section 198.

Active breeding sites of species not listed above will also be protected if they are identified in the King County Comprehensive Plan. The majority of these species is not likely to be found in the urban or rural residential portions of King County (areas more likely to be developed) or is not known to be actively breeding in the county. However, their breeding habitat is protected. A list of these species can be found in Table 8-1 of The Best Available Science (BAS) Report Volume I: A Review of Science Literature available at: <http://www.metrokc.gov/ddes/cao>.

Adopted management recommendations by the Washington State Department of Fish will be used for the species that are listed. Priority Habitat and Species management recommendations and Priority Habitat Species (PHS) maps and digital data are available at: <http://wdfw.wa.gov/hab/phspage.htm>.

If management recommendations have not been adopted for a species identified in the King County Comprehensive Plan, then the department will base recommendations on best available science.

Critical area review

Reference CAO Section 146

Before clearing, grading, onsite preparation, alterations, or a development proposal permit request is made; the applicant must conduct a critical area review. The purpose of the critical area review is to determine if there is an active breeding site of a protected species on the site, mapped or identified within 300 feet of the site, or

visible from property boundaries of the development proposal site. To determine if your site has a priority habitat species, you will need to hire a wildlife expert to conduct a wildlife study.

Report requirements

Reference CAO Section 147

The applicant for the development proposal is required to submit a Critical Areas Report to the department for review.

A report is required for development proposals requiring a critical area review and includes the following basic information:

- Valid Critical Areas Designation. The wildlife habitat area will be identified by an expert and the results from the study will designate the wildlife habitat area regarding the presence, type, and location on the property. The applicant may choose to hire a wildlife consultant or King County DDES Environmental Scientist to conduct the study. Additional information and an application form for the designation process can be found at: <http://www.metrokc.gov/ddes/cao/> or by calling DDES at 206-296-6600;
- If applicable, a critical area review performed for the same site or portion of the site for another permit approval process in the prior five years; and
- A basic checklist (determined by the department) for each critical area on or adjacent to the site and buffer including topographic features, general vegetation types and potential habitat and breeding sites, and any information related to the classification, type or category of the critical area.

Level II, III, and IV reports are required when additional information beyond what is described above is required to determine potential impacts or risks, functions, and appropriate mitigation. Refer to CAO Section 147C.

As part of the Critical Area Review, the department will review Critical Area Reports to determine:

1. That all of the critical areas have been identified accurately;
2. If the critical area will be altered as a result of the development proposal;
3. If the development proposal is consistent with this chapter; and
4. That the proposal has avoided impacts to the critical area.

The report requirements and a Public Rule are in the process of being developed and adopted to implement the criteria and provisions set forth in this section.

Table 1. Wildlife habitat conservation area setbacks

Species	Wildlife Habitat Conservation Area	Timing of Alteration
Bald eagle	400-foot radius from active nest	March 15-April 30, alterations not allowed within 800 feet of nest. January 1 -August 31, land clearing machinery (bulldozers, graders, heavy equipment may not be operated within 800 feet of the nest
Great Blue Heron	820-foot radius from the rookery. Department can increase radius up to an additional 164 feet if population of rookery is declining	January 1 -July 31, clearing or grading not allowed within 924 feet of the rookery
Marbled Murrelet	One-half mile radius around an active nest	
Northern goshawk	1,500-foot radius around an active nest located outside of the Urban Growth Area (UGA)	
Osprey	230-foot radius around an active nest	April 1-September 30, alterations not allowed within 660 feet of nest
Peregrine falcon	Extending 1,000 feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff	March 1 -June 30, land-clearing activities that result in loud noises (blasting, chain sawing, or heavy machinery) are not allowed within one-half mile of eyrie. New power lines may not be constructed within 1,000 feet of the eyrie.
Spotted Owl	3,700-foot radius from an active nest	

Species	Wildlife Habitat Conservation Area	Timing of Alteration
Townsend's long-eared bat	June 1-Oct 1 – 450-foot radius around from entrance to a cave or mine located outside of the UGA, within an active nursery colony Nov. 1-March 31 – 450-foot radius around the entrance to a cave or mine located outside the UGA serving as a winter hibernacula	March 1-Nov 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed. May 1-Sept 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine
Vaux's swift	300-foot radius around an active nest located outside of the UGA	April 1-Oct 31 clearing grading, or outdoor construction is not allowed within 400 feet of an active or potential nest tree. A species survey may be used to demonstrate that the potential nest tree does not contain an active nest
Red-tailed hawk	325-foot radius from an active nest located outside of the UGA	March 1 – July 31 clearing and grading is not allowed within 660 feet of an active nest located outside of the UGA

Modification of requirements

Reference CAO Section 199

The department may approve a reduction of the wildlife habitat conservation area for the bald eagle, goshawk, great blue heron, osprey, peregrine falcon, and red-tailed hawk based on a site-specific Critical Areas Report that demonstrates the evaluation of the tolerance of the animals occupying the nest or rookery to the existing level of development in the vicinity of the nest or rookery. The report requirements and a Public Rule are in the process of being developed and adopted to implement the criteria and provisions set forth in this section.

Wildlife habitat network

Reference CAO Section 201

The official wildlife habitat network is defined and mapped in the King County Comprehensive Plan. The wildlife habitat network is a network of contiguous

vegetated corridors that are intended to link wildlife habitat with critical area buffers, priority habitats, trails, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation.

All urban planned developments, fully contained communities, binding site plans, subdivisions, short subdivisions, and individual lots that have a segment of the wildlife habitat network within them are required to identify and protect the wildlife habitat network (unless it already exists in a tract, easement, or setback, and has been recorded).

Development standards

1. Establishing the wildlife habitat network

The wildlife habitat network must be sited to meet the following conditions:

- Form one contiguous track or setback area that enters and exits the property where the network crosses the property boundary;
- To the maximum extent practicable, maintain a width of 300 feet and not be less than 150 feet at any point,
- Be contiguous with and include critical areas and their buffers;
- To the maximum extent practicable¹, connect isolated critical areas or habitat;
- To the maximum extent practicable, connect wildlife network segments, open space tracts, or wooded areas on adjacent properties; and
- Be permanently marked in accordance with this chapter.

2. Proposals for recreation, forestry and other compatible uses

Proposals for recreation, forestry, or any other use compatible with preserving and enhancing the habitat value of the wildlife network must have an approved management plan. The applicant must record the plan and monitor and assure compliance with the plan.

3. Clearing within a wildlife habitat network

Clearing within the wildlife habitat area network in a tract or tracts are limited to that allowed by an approved management plan. If a wildlife habitat network is contained within a setback, a management plan is not required. Clearing is not allowed within a setback area on individual lots unless the property owner has an approved management plan.

¹ “Maximum extent practicable” is defined as the highest level of effectiveness that can be achieved through the use of best available science or technology.

In urban planned developments, fully contain communities, binding site plans, subdivisions and short subdivisions, a homeowner's associate or other entity capable of long-term maintenance and operations shall monitor and assure compliance with any approved management plan.

Segments of the wildlife habitat network set aside in tracts, conservation easements, or setback area must comply with K.C.C. 16.82.150 (Grading Code).

The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements (*refer to Section 203.H*).

The director may waive or reduce these standards for public facilities such as schools, fire stations, parks and road projects.

Mitigation requirements – wildlife habitat conservation area and wildlife habitat network

Reference CAO Section 204

In addition to the requirements in Sections 137 (Allowed Alterations of Critical Areas), Section 149 (Avoiding Impacts to Critical Areas), and Section 151 (Offsite Mitigation), the following mitigation applies to compensate for adverse impacts in wildlife habitat conservation areas and wildlife habitat networks.

Wildlife habitat Conservation Area

Mitigation to compensate for the adverse impacts must prevent disturbance of each protected species. Onsite mitigation may include management practices such as timing of the disturbance. Offsite mitigation is limited to sites that will enhance the wildlife habitat conservation area.

Wildlife habitat network

Mitigation to compensate for the adverse impacts must achieve equivalent or greater biological functions including but not limited to greater biologic functions including but not limited to habitat complexity and connectivity functions. Specific mitigation requirements for impacts include:

- Expand or enhance as close to the impact as feasible ;
- Attain the mitigation ratios in Table 2 for the area of alteration;

Table 2. Mitigation ratios for wildlife habitat network

Onsite Mitigation	Offsite Mitigation
1:1 rectify illegal alteration	2:1 rectify illegal alteration
1.5:1 enhancement or restoration	3:1 enhancement or restoration

For temporary alterations the department may require rectification, restoration, or enhancement of the altered wildlife habitat network.

The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions.

To the maximum extent possible the mitigation should replicate the site prior to the alteration, including soil type, conditions and physical features, vegetation diversity and density, and biologic and habitat functions.

Modifying requirements

The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures. The methodology and report requirements and a Public Rule are in the process of being developed and adopted to implement the criteria and provisions set forth in this section.

Allowed alterations

Reference CAO Section 137

The standards established in CAO Section 138 apply to all developments that are proposed at or near a wildlife habitat conservation area or wildlife habitat network. Alterations are allowed in these areas if the alteration complies with the development standards, mitigation requirements, and other applicable requirements in this chapter. Refer to the table in CAO Section 138 that lists the allowed alteration (labeled as A) with the corresponding number (1-59) which refers to the alteration condition that applies and is listed in Section 138.D.

Single detached dwelling unit

Construction of single detached dwelling units is not allowed.

Nonresidential farm structures

Construction of nonresidential farm structures is allowed within grazed or tilled wet meadows or buffers of wetlands or aquatic areas where:

- The site is predominately used for the practice of agriculture;
- The structure is in compliance with an approved Farm Management Plan (*See CAO Section 133*);
- The structure is either:
 1. on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of existing impervious surface areas and the area was not used for crop production,
 2. higher in elevation and no closer to the severe channel migration hazard area, or aquatic area or aquatic area buffer than its existing position, or
 3. located away from existing impervious surface area that is determined to be the optimum site in the Farm Management Plan;
- Best management practices associated with the structure specified in the Farm Management Plan are installed and maintained; and
- Installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a Farm Management Plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers.

Construction of nonresidential farm structures is allowed in a severe channel migration hazard area portion of an aquatic buffer only if:

- There is no feasible location on site;
- The structure is not used to house animals or store hazardous substances; and
- The total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of 1,000 square feet within the severe channel migration hazard or two percent of the severe channel migration hazard area on site.

These alterations are allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance.

Existing structures

Existing structures may be maintained or repaired in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance.

Expansion or replacement of existing primary structures is allowed in a wildlife conservation area if:

- No clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

- The expansion or replacement does not increase the footprint of a nonresidential structure;
- The expansion or replacement does not increase the footprint of a dwelling unit by more than 1,000 square feet and the location of the expanded area has the least adverse impact on the critical area;
- The structure was not established as the result of a variance, buffer averaging or reasonable use exception; and
- To the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic channel that can be connected to an aquatic area.

Remodeling

Interior remodeling is allowed within wildlife habitat conservation areas and the wildlife habitat network.

Docks or piers

Construction of a new dock or pier is not allowed in wildlife habitat conservation areas or the wildlife habitat network.

Maintenance, repair or replacement of docks or piers is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance.

Grading

Grading is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

The following are allowed in the severe channel migration hazard area if conducted more than 165 feet from the ordinary high water mark (*See definition in CAO Section 82*) in the rural area and 115 feet from the ordinary high water mark in the urban area:

- Grading up to 50 cubic yards on lots less than 5 acres; and
- Clearing up to 1,000 square feet or up to a cumulative 35 percent of the severe channel migration hazard area.

Construction of new slope stabilization is allowed:

- In a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance; and
- Only where erosion or landsliding threatens a structure, utility facility, roadway, driveway, public trails, aquatic area or wetland if to the maximum extent practical, stabilization work must not disturb the slope and its vegetation cover or any associated critical areas.

Maintenance of existing slope stabilization is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance.

Clearing

Clearing is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

The following are allowed in the severe channel migration hazard area if conducted more than 165 feet from the ordinary high water mark (*See definition in CAO Section 82*) in the rural area and 115 feet from the ordinary high water mark in the urban area:

- Grading up to 50 cubic yards on lots less than 5 acres; and
- Clearing up to 1,000 square feet or up to a cumulative 35 percent of the severe channel migration hazard area.

Clearing is allowed for the removal of hazard trees (*See CAO Section 107*) and vegetation as necessary for surveying or testing purposes. Clearing is also allowed for harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for restoration and enhancement projects.

Cutting of firewood is:

- Not allowed in a wildlife habitat conservation area, but
- Allowed within wildlife habitat network with an approved management plan under K.C.C.21A.14.270 as recodified by this ordinance.

Removal of vegetation for fire safety is allowed in a wildlife habitat conservation area if:

- No clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance; and

- If in accordance with best management practices approved by the King County Fire Marshal.

Removal of noxious weeds or invasive vegetation is allowed in a wildlife conservation area if:

- No clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance;
- In accordance with an approved Forest Management plan, farm plan, or Rural Stewardship Plan; or
- Without an approved Forest Management Plan or Rural Stewardship Plan if:
 1. Removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or biological control methods. Call 206-296-0290 or visit the King County Noxious Weed Control Web site at: <http://dnr.metrokc.gov/wlr/lands/weeds/index.htm>. The area of noxious weed or invasive vegetation removal must be stabilized to avoid re-growth or regeneration and the area must be re-vegetated with native or non-invasive vegetation and stabilized against erosion, and
 2. Herbicide use is in accordance with federal and state law.

Forest practices

Non-Conversion Class IV-G Forest Practice is allowed in wildlife areas if:

- Conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a Forest Management Plan is approved for the site by the King County Department of Natural Resources and Parks. The property owner must also provide a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to non-forestry use within six years. Additional information on Forest Management Plans is available at: <http://dnr.metrokc.gov/wlr/lands/forestry/index.htm>.
- In compliance with published Washington State Department of Fish and Wildlife and Washington State Department of Natural Resources Management standards for the species. If there are no published Washington Standards, only if in compliance with management standards determined by the county to be consistent with best available science.

Priority Habitat and Species, management recommendations, and Priority Habitat Species (PHS) maps and digital data are available at <http://wdfw.wa.gov/hab/phspage.htm>.

Class I, II, III, and IV-S Forest Practices are allowed in wildlife habitat conservation areas and wildlife habitat networks.

Roads

Construction of a new public road right-of-way and expansion beyond a public road right-of-way structure is prohibited in wildlife habitat conservation areas and wildlife habitat network.

Maintenance of public road right-of-way structures and repair, replacement or modification of a road within an existing right-of-way is allowed when:

- Performed by or at the direction of a government agency in accordance with the regional road maintenance guidelines. These guidelines are available online at <http://www.metrokc.gov/kcdot/roads/esa/index.cfm>; and
- To the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area.

Farm field access drives

Construction of farm field access drives are allowed if approved through a Farm Management Plan. See CAO Section 138 relating to Farm Management Plans.

Driveways and private access roads

Construction of driveways or private access roads is allowed if:

- An alternative access is not available;
- Impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;
- The risk associated with landslide and erosion is minimized;
- Access is located where it is least subject to risk from channel migration; and
- Construction occurs during approved periods for instream work.

Maintenance of a driveway, private access road, or farm field access drive is allowed only if:

- To the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area;
- The maintenance does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

- When the maintenance or the replacement of bridges or culverts involves waters used by salmonids, the work is in compliance with ditch standards in a Public Rule and the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and does not involve the excavation of a new sediment trap adjacent to the inlet. The King County Public Rule is available online at: http://www.metrokc.gov/ddes/pub_rule/#rules (Chapter 21A.24 Sensitive Areas: Maintenance of Ditches Used by Salmonids).

Bridges or culverts

Maintenance or repair of a bridge or a culvert is allowed when:

- Performed by or at the direction of a government agency in accordance with regional road maintenance guidelines. These guidelines are available online at: <http://www.metrokc.gov/kcdot/roads/esa/index.cfm>;
- The maintenance does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and
- When the maintenance or the replacement of bridges or culverts involves waters used by salmonids the work is in compliance with ditch standards in a Public Rule and the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and does not involve the excavation of a new sediment trap adjacent to the inlet. The King County Public Rule is available online at: http://www.metrokc.gov/ddes/pub_rule/#rules (Chapter 21A.24 Sensitive Areas: Maintenance of Ditches Used by Salmonids); and
- To the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area.

Replacement of a bridge or culvert is allowed:

- When performed by or at the direction of a government agency in accordance with regional road maintenance guidelines. These guidelines are available online at: <http://www.metrokc.gov/kcdot/roads/esa/index.cfm>; and
- To the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area.

Expansion of a bridge or culvert is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

Utilities and other infrastructure

Construction of a new utility corridor or utility facility is allowed if:

- An alternative access is not available;
- Impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;
- The risk associated with landslide and erosion is minimized;
- Access is located where it is least subject to risk from channel migration;
- Construction occurs during approved periods for instream work; and
- Allowed only for new utility facilities in existing utility corridors.

Maintenance, repair or replacement of a utility corridor or utility facility is allowed:

- In a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance;
- In an existing roadway if constructed with the regional road maintenance guidelines; and
- If the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

Maintenance or repair of existing well or maintenance, repair, or replacement of an existing surface water conveyance system is allowed:

- In a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance; and
- If the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

Maintenance or repair of an onsite sewage disposal system, existing surface water flow control, surface water quality treatment facility, and exiting instream structure or construction of a new surface water conveyance system is allowed in:

- Wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

Construction of new surface water flow control or a surface water quality facility is allowed:

- In a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance; and
- In an existing roadway if constructed with the regional road maintenance guidelines.

Construction of a new flood protection facility is allowed:

- If to the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area;
- In a severe channel migration hazard area portion of an aquatic area buffer to prevent bank erosion only if consistent with the King County's Guidelines for Bank Stabilization Projects and if bioengineering (*See CAO section 11*) techniques are used to the maximum extent practical, unless the applicant can demonstrate that other methods provide equivalent structural stabilization and environmental function. The King County Guidelines for Bank Stabilization Projects is available online at: <http://dnr.metrokc.gov/wlr/biostabl/>.

New flood protection facilities are only allowed in a severe channel migration hazard area to protect the following:

- Public roadways;
- Sole access routes that were in existence before February 16, 1995; or
- New primary dwelling units, accessory dwelling units or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:
 1. The site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than 600 feet apart as measured parallel to the migrating channel; and
 2. the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than similar structures on abutting adjacent properties.

Maintenance, repair or replacement of lawfully established flood protection facilities is allowed if:

- Maintained by a public agency;
- The height of the facility is not increased;

- The linear length of the affected edge of the facility is not increased;
- The footprint of the facility is not expanded waterward;
- If consistent with the King County's Guidelines for Bank Stabilization Projects and if bioengineering (See *CAO Section 11*) techniques are used to the maximum extent practical;
- The site is restored with appropriate native vegetation; and
- To the maximum extent practical, during breeding season established under Section 198 of this ordinance, land clearing machinery such as bulldozers, graders or other heavy equipment is not operated within a wildlife habitat conservation area.

A new instream structure (See *CAO section 68*) or instream work is allowed:

- If performed by or at the direction of a government agency in accordance with the regional road maintenance guidelines, which are available online at: <http://www.metrokc.gov/kcdot/roads/esa/index.cfm>;
- In a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance; and
- If the aquatic area is a Type N or O, the new instream structure or work must be done in the least impacting way and at the least impacting time of the year. It must also be done in conformance with applicable best management practices and all the affected instream and buffer features restored. If the aquatic area is a Type S or F, the new instream structure or work must be included as part of a project to evaluate, restore or improve habitat, and must be sponsored by a public agency that has natural resource management as a function or by a federally recognized tribe.

Recreation areas

Construction of a new trail is not allowed in a wildlife habitat conservation area.

Maintenance of outdoor public park facilities, trails and publicly improved recreation areas is allowed in the wildlife conservation area if:

- No clearing, external construction or other disturbance occurs during breeding seasons established under Section 198 of this ordinance; and
- It does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation. When salmonids are present, the maintenance must be in compliance with the King County Public Rule for Maintenance of Agricultural Ditches and Streams Used by Salmonids. This Public Rule is available online at: <http://www.metrokc.gov/ddes/pub%5Frule/acrobat/21a-24AgDitch01.pdf>.

Habitat and science projects

Habitat restoration or enhancement projects are allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance and are limited to:

- Those projects sponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;
- Habitat restoration or enhancement projects prepared by a qualified biologist; and
- Being conducted in accordance with an approved forest or Farm Management Plan or Rural Stewardship Plan.

Scientific sampling for salmonids is allowed on Type N or O aquatic areas if hazardous substances or toxic materials are not used.

Drilling and testing for Critical Areas Reports are allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance.

Agricultural activities

Horticulture activities, including tilling, disking, planting, seeding, harvesting, preparing soil, rotating crops and related activities; grazing of livestock; construction or maintenance of livestock manure storage facility; and construction or maintenance of farm pond, fish pond, or livestock watering pond are allowed:

- If these activities have been in continuous existence since January 1, 2005, and there is no expansion into the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities; and
- For the expansion of existing or new agricultural activities where:
 1. the site is predominately involved in the practice of agriculture,
 2. there is no expansion into an area that has been cleared under I, II, III, IV-S Forest Practice Permits, or is more than 10,000 square feet with tree cover at a uniform density of more than 90 trees per acre and with the predominant mainstem diameter of the trees at least 4 inches in diameter at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock,
 3. the activities are in compliance with an approved Farm Management Plan (See CAO Section 138); and
 4. all best management practices associated with the activities specified in the Farm Management Plan are installed and maintained.

Construction or maintenance of livestock flood sanctuaries is not allowed in wildlife habitat conservation areas and wildlife habitat networks.

Construction of agricultural drainage is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance and if in compliance with an approved Farm Management Plan (See *CAO section 138*) and all best management practices associated with the activities specified in the Farm Management Plan are installed and maintained.

Maintenance of agricultural drainage is allowed if these activities have been in continuous existence since January 1, 2005, and there is no expansion into the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities. Maintenance of agricultural drainage is allowed if:

- The site is predominately involved in the practice of agriculture;
- There is no expansion into an area that has been cleared under I, II, III, IV -S or Conversion IV -G Forest Practice Permits or where there is more than 10,000 square feet with tree cover at a uniform density of more than 90 trees per acre and with the predominant mainstem diameter of the trees at least 4 inches in diameter at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;
- The activities are in compliance with an approved Farm Management Plan (See *CAO Section 138*); and
- All best management practices associated with the activities specified in the Farm Management Plan are installed and maintained.

Maintenance of an agricultural drainage system that is used by salmonids is allowed if it in compliance with an approved farm plan.

Cemetery graves

Excavation of cemetery graves in an established and approved cemetery is allowed. Maintenance of cemetery graves is allowed, whether in an established and approved cemetery or not.

Lawns, landscaping and gardening

Maintenance of lawns, landscaping and gardening for personal consumption is allowed within existing landscaped areas or other previously disturbed areas.

Golf courses

Maintenance of golf courses is allowed in a wildlife conservation area if no clearing, external construction or other disturbance occurs during breeding season established under Section 198 of this ordinance, and when not performed under the direction of a government agency only if:

- The maintenance does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers, and
- When the maintenance or the replacement of bridges or culverts involves waters used by salmonids, the work is in compliance with ditch standards in a public rule and the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and does not involve the excavation of a new sediment trap adjacent to the inlet. The King County Public Rule is available online at http://www.metrokc.gov/ddes/pub_rule/#rules (Chapter 21A.24 Sensitive Areas: Maintenance of Ditches Used by Salmonids).