Exhibit B
Agricultural Best Management Practices for Existing and Ongoing Agriculture on RA and CA Property

AGRICULTURAL BEST MANAGEMENT PRACTICES (BMPs)

Agricultural Conservation practices, sometimes referred to as Best Management Practices (BMPs), include physical or structural tools and/or management practices which, when used singularly or in combination, prevent or reduce the potential adverse impacts of agricultural activities on certain specified critical areas and farmed wet meadows. These BMPs utilize conservation practice standards drawn from several sources, the most significant of which is the Natural Resource Conservation Service ("NRCS"), which began developing conservation standards in 1969. These NRCS standards cover a wide range of subject areas, and provide guidelines and specifications for both structural tools and management practices.

I. AGRICULTURAL BEST MANAGEMENT PRACTICES: PURPOSES.

The purposes of these BMPs are:

A. To balance and harmonize the following GMA Planning Goals; (2) Reduce sprawl; (6) Property Rights; (8) Natural Resource Industries; and (10) Environment; and

B. To balance the GMA requirements to protect critical areas with the requirement to conserve agricultural lands of long-term commercial significance; and

C. To preserve the historical agricultural economy, lifestyle, and heritage of Island County and to recognize the significant contribution that existing and on-going agricultural activities make to the rural character of the County; and

D. To allow for the conditional continuation and maintenance of the historical existing and on-going agricultural activities through the implementation of Best Management Practices (BMPs) sufficient to mitigate potential adverse impacts to specified critical areas and farmed wet meadows; and

E. To establish BMPs that address the potential adverse impacts of existing livestock and cropland activities on certain specified critical areas and farmed wet meadows; and

F. To mitigate the potential adverse impact of existing agricultural practices on wild salmonid populations, consistent with County responsibility, applicable laws and in conjunction with the community's own initiative for locally based salmon enhancement efforts; and

G. To provide incentives to encourage the enhancement and/or restoration of damaged critical areas.

These Agricultural BMPs shall apply to all existing and on-going agricultural activities as defined in Chapter 17.02B ICC which elect to utilize the critical areas ordinance exemption.

II. BEST MANAGEMENT PRACTICES: APPLICABILITY

A. These BMPs apply only to those agricultural activities that were existing and on-going as of October 1, 1998:

1. are conducted on farmed wet meadows; or

2. are adjacent to or within the buffer required by Chapter 17.02B ICC for Category A, B, C, D or E wetlands that were not (as of October 1, 1998) devoted to agricultural activities; or

3. include animal confinement or nutrient storage within 200 feet of the wetlands or streams referenced in 2C above or 6D b e l o w ; o r

4. where existing and on-going agricultural activities intersect with regulated prairies or plant species of local importance as designated in ICC 17.02B; or

5. in areas that include animal waste storage or the application of fertilizers or manure on areas mapped as high groundwater susceptibility; or

6. are adjacent to or within the buffer required by Chapter 17.02B ICC for deepwater habitats, lakes, salmon bearing streams and non-salmon bearing streams that are either tributary to a salmon bearing stream or discharge directly into Puget Sound. For example, some non-salmon bearing streams discharge into wetlands that then drain into streams or discharge directly into Puget Sound. These streams are considered tributary to salmon bearing streams or Puget Sound and are also covered by these BMPs.

New agricultural activities that are commenced after October 1, 1998, as well as the expansion of existing and on-going activities must comply with Chapter 17.02B ICC, Island County's Critical Area Regulations, if these activities are proposed to be conducted in a critical area or its buffer. Existing and on-going agricultural activities that are not adjacent to or are not within the buffer required by Chapter 17.02B ICC for the specified critical areas or are not conducted on farmed wet meadows are not required to implement BMPs. Existing and on-going agricultural activities may be changed provided any needed BMPs associated with this change are implemented.

III. BEST MANAGEMENT PRACTICES: ADMINISTRATION.

The effective administration of the agricultural BMP Program necessitates an on-going working partnership with farmers and agricultural land owners, the NRSC, the Whidbey Island and/or Snohomish County Conservation Districts, WSU Extension, Environmental Interest Groups, and Island County. It is the intention of the BMP program to rely on the expertise of the Whidbey Island and/or Snohomish County Conservation Districts and the NRCS. These existing agencies have a history of working with the agricultural community on environmental management issues.

There are two mechanisms through which farmers and property owners conducting agricultural activities can comply with applicable BMPs. First, farmers and property owners can adhere to the standard provisions and requirements of these BMPs. Alternatively, farmers and property owners can develop a Farm Management Plan (FMP) for their agricultural activity. The approval of an FMP is based on its ability to protect specified critical areas or farmed wet meadows with an effect that is equivalent to standard BMPs. The FMP is required to address only those standard practices that a farmer or property owner proposes to modify. The remaining standard BMPs that are not modified by an FMP shall continue to apply to existing and on-going agricultural activities conducted under the FMP.

While the NRCS and local Conservation Districts may be consulted as technical resources, farmers and property owners are responsible for complying with standard BMPs or preparing an FMP. The County is responsible for monitoring the effectiveness of the overall system of BMP-based exemptions. The County is also responsible for the enforcement of the provisions of this program.

IV. BEST MANAGEMENT PRACTICES: COMPLIANCE

All farmers and property owners conducting or permitting to be conducted existing and on-going agricultural activities that are required to comply with BMPs shall either (a) modify these activities where necessary to implement the standards BMPs set forth in Section VIII; or (b) submit for County review and approval a Record of Decisions section of an FMP specific to comply with the standards of this ordinance.

A. For property owners and farmers of Commercial Agriculture (CA) and Rural Agriculture (RA) zoned property, the compliance deadline shall be three (3) years from the date this ordinance is found to be lawful.

V. BEST MANAGEMENT PRACTICES: ASSOCIATED DEFINITIONS.

Agriculture: shall mean the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, pulpwood, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock including but not limited to cultivation, harvest, grazing, animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not considered existing and on-going agricultural activities.

Agricultural Activities, Existing and On-Going: Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock. These activities include the operation and maintenance of farm and stock ponds or drainage ditches,

operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an on-going operation. An operation ceases to be on-going when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and on-going agricultural activity. Existing activities may be changed provided any applicable BMPs associated with this change are implemented. Forest practices are not included in this definition.

Agricultural Management Zone (AMZ): shall mean that 25 feet or greater area landward of the riparian buffer zone (RBZ).

Animal Unit (AU): An animal unit equals 1000 lbs of livestock.

Best Management Practices (BMPs), Agricultural: shall mean practices or structures designed to reduce soil loss and the quantities of pollutants such as sediment, nitrogen, phosphorus, and animal wastes that are washed by rain and snow melt from farms into specified critical areas or farmed wet meadows. Agricultural BMPs can include fairly simple changes in practices such as managing animals access to streams to keep animal waste out, planting grass in gullies where water flows off a planted field to reduce the amount of sediment that runoff picks up as it flows to streams and wetlands, reducing the amount or changing the manner of plowing in fields where row crops are planted to reduce soil erosion and nitrogen and phosphorus loss from fertilizers applied to the crop land. BMPs can also involve building structures such as large animal waste storage facilities that allow farmers to choose when to spread nutrient on their fields as opposed to spreading it based on accumulated volume.

Buffer Complex: shall mean the total buffer area comprised of the RBZ and the AMZ. Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers.

Buffer maintenance: shall mean allowing or encouraging appropriate native vegetation to grow in the buffer and other natural hydrological and biological functions of buffers to continue or increase. Farmers and property owners may, but are not required to, carry out buffer maintenance activities. Buffer maintenance includes the elimination and removal of noxious and non-native species vegetation, consistent with common ecological principles and practices. Buffer maintenance does not mean or require the restoration or modification of buffers.

Critical Aquifer Recharge Area (CARA): means areas with a critical recharging effect on aquifers used for potable water including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water or is susceptible to reduced recharge.

Critical Area, Specified: As used herein, specified critical areas are those areas defined pursuant to Chapter 17.02B ICC as deepwater habitats, wetlands, lakes, Type F streams and Type Np and Ns streams that are either tributary to a Type F stream or discharge directly into Puget Sound. For example, some Type Np or Ns streams discharge into wetlands that then drain into streams or discharge directly into Puget Sound. These streams are considered tributary to Type F streams or Puget Sound and are also covered

by these BMPs. Specified critical areas as used herein do not include farmed wet meadows.

Farmed wet meadows: shall mean those wetlands whose vegetative cover has been sufficiently modified in the past as a result of grazing, seeding, cutting for hay or other agricultural practices, such that they are dominated by a pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) and invasive wetland species indicative of continuous disturbance such as soft rush and buttercup. They often are saturated or have standing water during the wet season and part of the growing season but are often dry during the summer months.

Record of Decisions: shall mean the section of a Farm Management Plan that is signed by the property owner and sets forth the specific BMPs the owner has committed to implement and the date by which it will be implemented in order to comply with the standards of this ordinance.

Riparian Buffer Zone (RBZ): shall mean the buffer area which shall be maintained in its natural riparian vegetated state or shall be allowed to develop into its natural riparian vegetated state.

Riparian vegetation: shall mean native vegetation that tolerates and/or requires moist conditions and periodic free flowing water, thus creating a transitional zone which provides shade or food sources of aquatic and terrestrial insects for fish. Riparian vegetation and their root systems may also stabilize river and stream banks, attenuate high water flows, and provide limbs and other natural debris which, in turn, stabilize river and stream beds. The benefits of vegetation cover and food sources and the availability of water in riparian corridors mean that they are likely to be preferentially used by wildlife and enable wildlife movement within and between wetlands and along streams, rivers and lakes.

Salmon bearing streams: shall mean those streams provided in the map attached herein as Attachment 1 to Exhibit B; which maps streams currently inhabited by salmon species during any stage of the life cycle.

Streams: shall mean those areas where naturally occurring surface waters produce a defined channel, bed, bank or side, and where there is clear evidence of the passage of water such as bedrock channels, gravel beds, sand and silt beds and defined channel swales. The channel or bed need not contain water year-round. This definition is not intended to include irrigation or drainage ditches or swales, canals, storm or surface water run-off devices or other artificial watercourses unless they are used by salmonids or to convey streams naturally occurring prior to construction of such watercourses.

VI. BEST MANAGEMENT PRACTICES: HOW THEY PROTECT.

In addition to protecting habitat for native vegetation and wildlife through the use of buffer areas such as RBZs, Best Management practices also limit the transport of agricultural pollutants to surface and ground water. Best management practices exert control by:

Pollutants

- minimizing availability of pollutants;
- retarding the transport and/or delivery of the pollutant, either by reducing water transported and thus the amount of the pollutant transported, or through deposition of the pollutant; or

- remediating or intercepting the pollutant before or after it is delivered to the water resource through chemical or biological transformation.

Sediment detachment.

- Sediment loss can be reduced by utilizing BMPs that minimize soil particle Practices that maintain crop residues or vegetative cover and improve soil properties, such as soil structure, organic matter and soil roughness, should be used. Conservation tillage practices are examples of BMPs that can reduce sediment loss.
- Transport of sediment can be minimized by increasing crop residue or vegetative cover, reducing slope length and steepness, and slowing the movement of water. Terraces, field borders, grassed waterways, and contour cropping are BMPs used to slow the transport of sediment.
- Best management practices that intercept sediment and cause deposition reduce sediment delivery to water resources. Sediment basins, vegetative filter strips, and forested riparian buffers are examples of BMPs that intercept sediment by slowing the water velocity so that the sediment can settle out.

Nutrients

- Nutrient management is used to reduce nutrients transported to surface and ground water. Nutrient management includes matching nutrient application rates with crop needs, placing fertilizer correctly to optimize uptake, timing fertilizer applications to meet the plants' nutrient uptake capacity and applying manure at proper agronomic rates. For nutrients that are transported while attached to soil particles (phosphorus and some nitrogen species), BMPs that reduce sediment loss will also reduce nutrient loss.
- Best management practices that reduce the transport of nutrients include field borders, filter strips, and critical area plantings, including practices that slow runoff, such as contour farming and terraces and, in areas that are irrigated, irrigation management.
- Nutrients can be intercepted or transformed by using BMPs such as cover crops, riparian buffers, and controlled drainage. Cover crops may absorb residual nitrogen from deep in the soil profile, thus reducing leaching losses. Nitrate may be removed in riparian buffers through both denitrification and uptake, whereas organic nitrogen and phosphorus, attached to sediment, may be retarded by sediment deposition.

Pesticides

- Pesticides can be reduced by using crop management and integrated pest management techniques of applying pesticides only when needed: the proper type applied, at the correct rate and time.
- Transport of pesticides can be slowed by using the same type of BMPs that are employed to slow the transport of nutrients and sediment.
- Pesticides that are absorbed to soil particles can be intercepted using riparian buffers and sediment-intercepting BMPs such as sediment basins

VII. BEST MANAGEMENT PRACTICES: WHAT IS REQUIRED.

A. Existing and On-going Agricultural Activities – Standard Provisions

The following standard provisions govern the Agricultural exemption and Agricultural BMPs:

1. Existing and on-going agricultural activities are conditionally exempt from the County's Critical Area Ordinance provided the activities are conducted in a manner that complies with Agricultural BMPs. Use of the Agricultural exemption does not give permission to destroy specified critical areas or ignore risk to them. Farmers shall be responsible for notifying the Island County Planning and Community Development if any inadvertent damage occurs to specified critical areas and shall provide all necessary restoration or mitigation.

2. New agricultural development and/or expansion of existing and on-going agricultural operations shall comply with both the substantive and procedural provisions of the County's Critical Area Ordinance. A permit is required to expand agricultural activities into specified critical areas which have not been previously farmed or in which farming has been abandoned for more than five (5) consecutive years.

3. Where ongoing agricultural activities intersect with mapped regulated prairie habitat or plant species of local importance as designated in ICC 17.02B, a Habitat Management Plan shall be required.

B. Conditionally Exempt Activities

No County permit is required to continue to conduct existing and on-going agricultural activities on wetlands and farmed wet meadows. However, these activities may continue only if they comply with either the standard BMPs set forth in Section VIII or are conducted pursuant to a BMP Farm Management Plan (FMP) approved under Section IX.

1. Plowing

You may use all forms of primary tillage (including moldboard, chisel or wide-blade plowing, disking, harrowing and related tillage operations) that you normally use for preparing a seedbed to plant crops or tree seedlings. Plowing does not include the redistribution of surface material by blading, grading, shaping or other means to fill in specified critical areas.

2. Seeding

You may sow seed and plant seedlings to produce crops on established agricultural fields. You may also create soil beds for seeds and seedlings on established agricultural fields.

3. Cultivating

You may disturb the soil surface by using a cultivator, hoe or other similar implement to reduce competition from undesirable plants and to improve the growth, quality or yield of agricultural crops.

4. Harvesting

You may gather crops from established agricultural fields by using combines, mowers, balers and other harvest equipment.

5. Maintenance of Drainage Systems

The County has adopted a specific exemption for the maintenance of drainage facilities. Under this exemption, maintenance and repair is permitted of existing serviceable drainage facilities or systems, including, but not limited to, ditches, culverts, catch basins, tidegates and outfalls when undertaken pursuant to best management practices to minimize impacts to critical areas and immediately to restore any disturbed critical area or its buffer. This exemption shall not apply to tidegates which historically drained wetlands where: (i) lack of maintenance of the tidegate for five (5) consecutive years has allowed positive indicators of wetland hydrology, hydrophytic vegetation and hydric soils to become established; and (ii) maintenance or repair of the tidegate would result in adverse alteration of wetland hydrology.

You may mow ditch banks; dredge or clean out farm ditches; replace subsurface tile, repair water control structures and replace culvert pipes so that the drainage system continues to function in the originally intended manner. However you may not expand the area drained beyond the original scope and design. The term "maintenance" does not include the drainage of previously unfarmed regulated wetlands for the purpose of bringing new areas into agricultural production, nor does it include the restoration of abandoned drainage systems which have been abandoned for five (5) consecutive years in wetlands.

The term "maintenance" does include the ability of the farmer to establish new drainage systems in order to maintain areas of historical agricultural production which have become "wet" as a result of increased surface water runoff or from the action/inaction of others who fail to maintain surface water/drainage systems serviceable; provided that the new drainage systems are designed to address the identified problem.

Best Management Practices for drainage ditch maintenance shall be consistent with those outlined in the County's Shoreline Master Program (ICC 17.05A) and include:

1. Surface drainage systems must be professionally designed to prevent maintenance problems or adverse impacts to shoreline features (ICC 17.05A.090.A.5);

2. The perimeter of all excavation areas must be provided with means to control erosion, such as vegetation (ICC 17.05A.110.C.2.f);

3. All ongoing agricultural development addressed by these BMPs shall implement BMPs to control erosion and sedimentation to protect water quality (ICC 17.05A.090.N.2); and

4. Erosion control measures used in agriculture must conform to the guidelines and standards established by the NRCS (ICC 17.05A.100.A.3). Conservation practices in the Natural Resource Conservation Service Field Office Technical Guide designed to protect against potential water quality impacts from drainage ditch use and maintenance include Surface Drain, Field Ditch (607), Open channel (582), and Drainage Water Management (554).

6. Flood Control

You may operate, maintain and repair dikes, ditches, reservoirs, and other structures and facilities which were created or developed as part of normal flood control activities on or prior to December 31, 1984, except that this exemption does not extend to the permanent draining or permanent alteration of any regulated wetland.

7. Maintenance of Ponds Used in Farm Operations

You may dredge or otherwise remove accumulated sediment and repair/replace the dam and principal spillway of an existing pond within farmed wet meadows. Maintenance does not include any modifications to the original design that would change the size or purpose of the pond, or result in changes to specified critical areas upstream or downstream of the pond.

8. Construction of Farm Roads

As farming needs change, you may construct new farm access roads through existing farmed wet meadows on your farm to access existing agricultural fields. The number, width and location of farm roads must be consistent with the agricultural use of the property and best management practices (BMPs) as outlined in the BMP Field Manual for Small Construction Sites (Island County 2003) must be used in designing, constructing and maintaining these roads.

9. Livestock Grazing

You may continue to graze livestock provided that you manage the grazing and the density of the animals in such a manner as to maintain established vegetation. An annual average of one animal unit per acre of farmed wet meadow is an acceptable stocking rate for farmed wet meadows, assuming supplemental foods. Seasonal variations within the calendar year are acceptable provided crop cover is maintained. Higher stocking rates may be allowed only if approved by a FMP.

VIII. STANDARD BMP REQUIREMENTS.

A. Agricultural buffers are required for deepwater habitats, wetlands, lakes, Type F streams and Type Np and Ns streams that are either tributary to a Type F stream or discharge directly into Puget Sound in lieu of the standard buffer required by Chapter 17.02B ICC for existing and on-going agricultural activities. All other agricultural activity must comply with Chapter 17.02B ICC.

1. Lakes, deepwater habitats, salmon bearing streams, and Category A, B, C or D wetlands.

   a) The minimum agricultural buffer shall be an average of 50 feet measured horizontally in a landward direction from either the ordinary high water mark (OHWM), Category A, B, C, or D wetland edge or the top edge of a defined stream bank, whichever provides the greatest buffer. The first 25 feet of the buffer closest to the specified critical area shall be an RBZ zone. The remainder of the agricultural buffer shall be an agricultural management zone (AMZ).

   b) Existing and on-going agricultural activities may occur within the AMZ except:

      (i) No livestock shall be allowed within the AMZ from November 1st to March 31st of each year unless fencing is installed at 35ft from the specified critical area; and an appropriate vegetative cover shall be maintained within the AMZ from November 1st to March 31st of each year; and

      (ii) Nutrients, i.e., manure, shall not be applied within the AMZ from November 1st to March 31st of each year; and

      (iii) Plowing or tillage shall not occur within the AMZ from November 1st to March 31st of each year.

   c) The agricultural buffer for salmon bearing waters shall not apply to areas located adjacent to and landward of the dikes and levees tributary to drainage systems utilizing tidegates or floodgates and/or pump stations.

2. For specified critical areas not included in subsection 1, the agricultural buffer shall consist of an RBZ of 25 feet.

3. Seasonal restrictions may be modified from year to year by the County to account for actual weather conditions.

B. Grading in the RBZ buffer or specified critical area is allowed only for establishment of watering and crossing points. Other activities are permitted pursuant to the critical areas regulations in chapter 17.02B ICC, with the appropriate permits.

C. Livestock watering – stream corridor management.

To minimize livestock access to streams, farmers and property owners shall utilize the following livestock watering options:

   1. The preferred option shall be a domestic water supply, stock watering pond,

tanks, roof runoff collection system, or, when approved by the State Department of Ecology, pumped supply from a stream so that livestock are not required to enter streams for their water supply.

2. Livestock access to a stream shall be limited to defined stream crossing and watering points. Free access along the length of the streams and over steep banks is prohibited. Fencing shall be used as necessary to prevent uncontrolled livestock access to a stream other than approved crossing and watering points which are located consistent with the purpose of maintaining water and habitat quality. Livestock crossings or watering areas shall only be allowed where best management practices are used to construct and maintain the crossing or watering area.

D. Fencing.

1. Fencing is used to mitigate the water quality impact of livestock. Fencing includes any barrier or device that prohibits the free movement of livestock and is effective and appropriate for the breed of livestock grazed. Fencing is not limited to field, barbed or woven wire fences. Existing fencing, located at a distance less than those specified in these standards, may be retained in its existing location if approved through a FMP.

2. Fencing of livestock is required along the RBZ except for established watering access points or except for where natural barriers or topography prevent livestock from gaining access to specified critical areas.

3. Where the RBZ is no longer established at a fixed width, the fencing or natural barrier shall be positioned along the edge of the existing or ongoing activity closest to the critical area.

E. Confinement area management.

1. Confinement areas are small enclosures or corrals where livestock are concentrated. Measures shall be taken to ensure that runoff is treated in a proper way to avoid the discharge of surface water contaminated by nutrients or sediment. Confinement areas located within 200 feet of any specified critical area shall:

a) Have a minimum 30 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover;

b) Have roof drains for any buildings in the confinement area diverted away from the confinement area or routed to nutrient management ponds.

2. Confinement areas shall not be located within 50 feet of any specified critical area. Fencing shall be used to establish and maintain the buffer. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein provided further that the footprint of existing buildings need not be so modified;

F. Nutrient Management.

Nutrient storage areas shall be managed as follows:

1. Surface flows and roof runoff shall be diverted away from nutrient storage areas or shall be otherwise designed to prevent runoff from conveying pollutants;

2. During the winter months (November 1 to March 31), all nutrient stockpiled within 200 feet uphill of any specified critical area, shall be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall be placed in an uncovered concrete bunker or nutrient lagoon or held for pickup in a dumpster, vehicle or other facility designed to prevent leachate from reaching any streams or wetlands. Concrete bunkers shall be monitored quarterly by the landowner for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustment shall be made.

3. Nutrient shall be stored in a location that avoids having runoff from the nutrient enter streams or wetlands. Nutrient storage shall not be closer than 100 feet uphill from any specified critical area, or any ditch to which the topography would generally direct runoff from the nutrient to a specified critical area.

4. Nutrient shall be spread on fields based upon standard Natural Resources Conservation Service (NRCS) agronomic rates.

G. Noxious weeds. Removal or destruction of noxious weeds listed in Chapter 16-750 WAC is permitted and is the responsibility of the landowner, provided that, the following conditions are met:

1. The removal or control of noxious weeds shall follow guidelines issued by the Island County Noxious Weed Control Board. The Island County Noxious Weed Control Board shall coordinate with the Department of Planning and Community Development (in preparation of the guidelines) for the control of noxious weeds in wetlands.

2. All herbicide applications in aquatic environments shall conform to the rules of the Department of Ecology, Department of Agriculture and Department of Natural Resources, pursuant to WAC 173-201, WAC 16- 228, and WAC 222-38.

H. Voluntary Additional Buffers.

The owner of any property which contains a specified critical area may voluntarily exceed the 25-foot RBZ zone buffer requirement and be eligible for a tax reduction pursuant to the Public Benefit Rating System adopted by the County under Chapter 3.40 ICC.

IX. FARM MANAGEMENT PLAN

A. As an alternative to the standard provisions and requirements of Section VIII and recognizing the uniqueness of individual farm operations, geographic areas, and critical areas, farm owners/ operators are provided the opportunity to develop a specific BMP Farm Management Plan (FMP). The individual preparing an FMP must be a Natural Resource Conservation Service certified conservation planner. Preparation and submittal of the Record of Decisions section of the FMP specific to comply with the standards of this ordinance, must conform to the compliance deadlines set forth in Section IV.

B. The FMP option is intended to provide flexibility to the farmer/landowner by allowing the development of alternatives to the standard practices set forth in Section VIII. The FMP is also intended to provide incentives to farmers/landowners to restore and enhance buffers and riparian habitats. An FMP may, for example, vary fencing requirements or modify buffers that would otherwise be required by standard practices. An FMP may also modify seasonal restrictions, stocking rates, nutrient storage or livestock confinement requirements. However, the farmer must demonstrate that the FMP will protect farmed wet meadows or the specified critical areas with an effect that is equivalent to the standard best management practices set forth in Section VIII.

C. Management practices included in an FMP must be selected from Groups 1-5 below to match the type of existing and on-going agricultural practices conducted on the property. Groups 6 and 7 are optional and may be included in an FMP in lieu of Group 1-5 practices when restoration or enhancement can provide an effect that is equivalent to the level of protection provided by the Group 1-5 practices they replace. Titles of NRCS or other standards are shown inside brackets.

1. Group 1: Critical Areas Management

This group of standards covers limiting or controlling the access which livestock or other uses have to specified critical areas on a permanent, temporary, or seasonal basis [livestock exclusion/use exclusion]. This is often achieved through the construction of appropriately located physical barriers [fencing], or by developing animal crossing and watering point plans [access roads]. Standards which limit stream bank or stream channel erosion are also included in this group [streambank and shoreline protection, stream channel stabilization].

2. Group 2: Nutrient Management

   The NRCS has identified at least 19 different standards which pertain to the management of nutrients. These include standards which specify appropriate livestock densities within a fully planned system [waste management systems], the storage and treatment of wastes [waste storage facility, waste treatment lagoon], the use or field application of wastes [nutrient management], and runoff control [filter strip].

3. Group 3: Confinement Area Management

   This group of standards is closely related to the previous group and pertains primarily to working with areas in which livestock are concentrated. The size and characteristics of livestock holding or feeding areas are covered [managing livestock confinement and holding areas], as well as the management of runoff to reduce both erosion and the movement of pollutants [roof runoff management].

4. Group 4: Cropland Management

   These standards are designed to reduce impacts to specified critical areas from croplands. This is accomplished through specifying the method, location, or timing of certain activities, such as cropland tilling [residue management], the use of pesticides [pest management], and the planting of crops to reduce erosion and sedimentation [conservation crop rotation, cover and green manure crop, buffer stripcropping].

5. Group 5: Grazing and Pasture Management

   This group of standards covers all aspects of managing pasture and grazing areas for both wet meadows and specified critical areas [grazing land mechanical treatment, pasture and hayfield planting, and prescribed grazing].

6. Group 6: Specified Critical Area Buffer Enhancement

   This group contains standards which pertain to the planting or maintaining of specified critical area buffers. The size and composition of buffers, as well as their benefits, are covered [tree/shrub establishment, riparian buffers for agricultural lands].

7. Group 7: Specified Critical Area Enhancement

   This group of standards specifies tools for protecting or improving specified critical areas, i.e., streams [fish stream improvement, channel vegetation], for managing or restoring wetlands [wildlife wetland habitat management, wetland development or restoration], and for creating, maintaining or enhancing wildlife habitat [wildlife upland habitat management].

D. Plan Options include:

1. implementing and maintaining a farm management plan approved by the Whidbey Island and/or Snohomish County Conservation Districts; or

2. implementing a farm management plan using the Conservation Practice Standards of the Natural Resources Conservation Service, or

3. a privately developed plan.

E. In addition to the requirements set forth above, FMPs shall:

1. Include an implementation schedule;

2. Be sufficient to meet the applicable environmental quality standards of the state of Washington established pursuant to Chapter 90.48 RCW Water Pollution Control, Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington, and Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington;

3. Include buffers, sufficient to ensure protection of specified critical areas with an effect that is equivalent to standard BMPs;

4. Include livestock confinement and nutrient management programs consistent with the protection of specified critical areas, including provisions to treat surface water before discharge off-site or into a critical area and nutrient management based upon the established agronomic rates;

5. Include**,** as appropriate, stocking rates for livestock and seasonal restrictions for plowing, tilling, nutrient spreading and/or maintenance of vegetative cover; and

6. Include monitoring provisions to ensure that FMP BMPs protect farmed wet meadows and specified critical areas with an effect that is equivalent to standard BMPs.

F. Review of Farm Management Plans.

1. The landowner shall submit to the Planning Department the final signed Farm Management Plan Record of Decisions for review under Section IX as a Type 1 decision. Submissions to the Planning Department shall be limited to the portion of the Record of Decisions which:
   a. sets forth the specific BMPs selected from Groups 1-7 in accordance with the process outlined in Section IX, subparagraph C;
   b. describes the nature of the critical areas as defined in 17.02B the BMPs are intended to protect;
   c. indicates whether the BMPs are temporal or year-round in nature; and
   d. sets forth the date by which the BMPs will be implemented in order to comply with the standards of this ordinance.

2. An approved Farm Management Plan:

   a) is binding on the farmer or property owner and his/her successors and assigns; and

   b) shall govern all or that part of the agricultural activities specified in the Record of Decisions for a period of twenty (20) years minimum or such longer time period as mutually agreed; and

   c) may be modified on a voluntary basis by the farmer or property owner and relevant Record of Decisions may be submitted to the County for approval. Any major or substantial deviation from the original plan which is likely to increase adverse impacts to farmed wet meadows or the specified critical areas shall be subject to BMP standards and regulations in effect at the time of proposed modification; and

   d) shall be modified if monitoring of the agricultural activities specified in the Record of Decisions determines that approved BMPs are not protecting farmed wet meadows and specified critical areas with an effect that is equivalent to standard BMPs.

   e) may be terminated at the discretion of the farmer or property owner only if the owner has notified the County in writing that agricultural activities have been discontinued. Compliance with the County's Critical Areas Ordinance will be required for all subsequent land uses.

3. Permits issued by the County for the property subject to the Farm Management Plan after the execution of the Farm Management Plan shall be consistent with the approved Plan.

X. MONITORING AND ENFORCEMENT

A. Compliance tracking and verification.

1. The Director shall incorporate follow-up review of the Agricultural BMP Program into the County's permit compliance tracking system.

2. The Director shall report to the Board of County Commissioners as part of the annual Comp Plan review process starting in the Year 2001.

B. Monitoring.

1. Monitoring the impacts of the agricultural BMP program is essential to the success of the BMPs. The primary objectives of a monitoring strategy are to provide timely and pertinent information to the County so that adjustments to the BMPs can be made, to ensure that the provisions of the BMP program are being followed, and ensure enforcement is applied where appropriate. In association with the County's on-going watershed management programs, all aspects of the agricultural BMP program will be monitored by the County on an annual basis. The cost of monitoring the BMP program and the effectiveness of standard BMPs as well as modified BMPs approved through an FMP shall be borne exclusively by the County.

2. County Monitoring will include:

a) the Island County Surface Water Monitoring Program (ICC 17.02B.520), Ground Water Monitoring Program (ICC 8.09) and Wetland Monitoring Program (ICC 17.02B.530).

C. Enforcement.

The County recognizes that these BMPs will require farmers to modify existing farming practices. Therefore, the goal of the County is to achieve prompt compliance through the voluntary actions of property owners. Enforcement actions needed to secure compliance shall be proportionate to the impact the existing and on-going agricultural practices have on farmed wet meadows or the specified critical areas.

1. Failure to meet the compliance deadlines established in Section IV, failure to maintain standard BMPs, and failure to conform to an approved FMP shall be a violation of Chapter 17.03 ICC. Such violations shall be enforced by the Planning Director and shall be subject to the enforcement provisions of Chapter 17.03 ICC.

2. In addition to the remedies provided for in Chapter 17.03 ICC, a farmer or property owner who fails to meet compliance deadlines, fails to comply with the standard BMPs or fails to comply with an adopted FMP may be deemed ineligible for the agricultural exemption and therefore shall be required to comply with all of the critical area regulations of Chapter 17.02B ICC

STANDARD BMPs

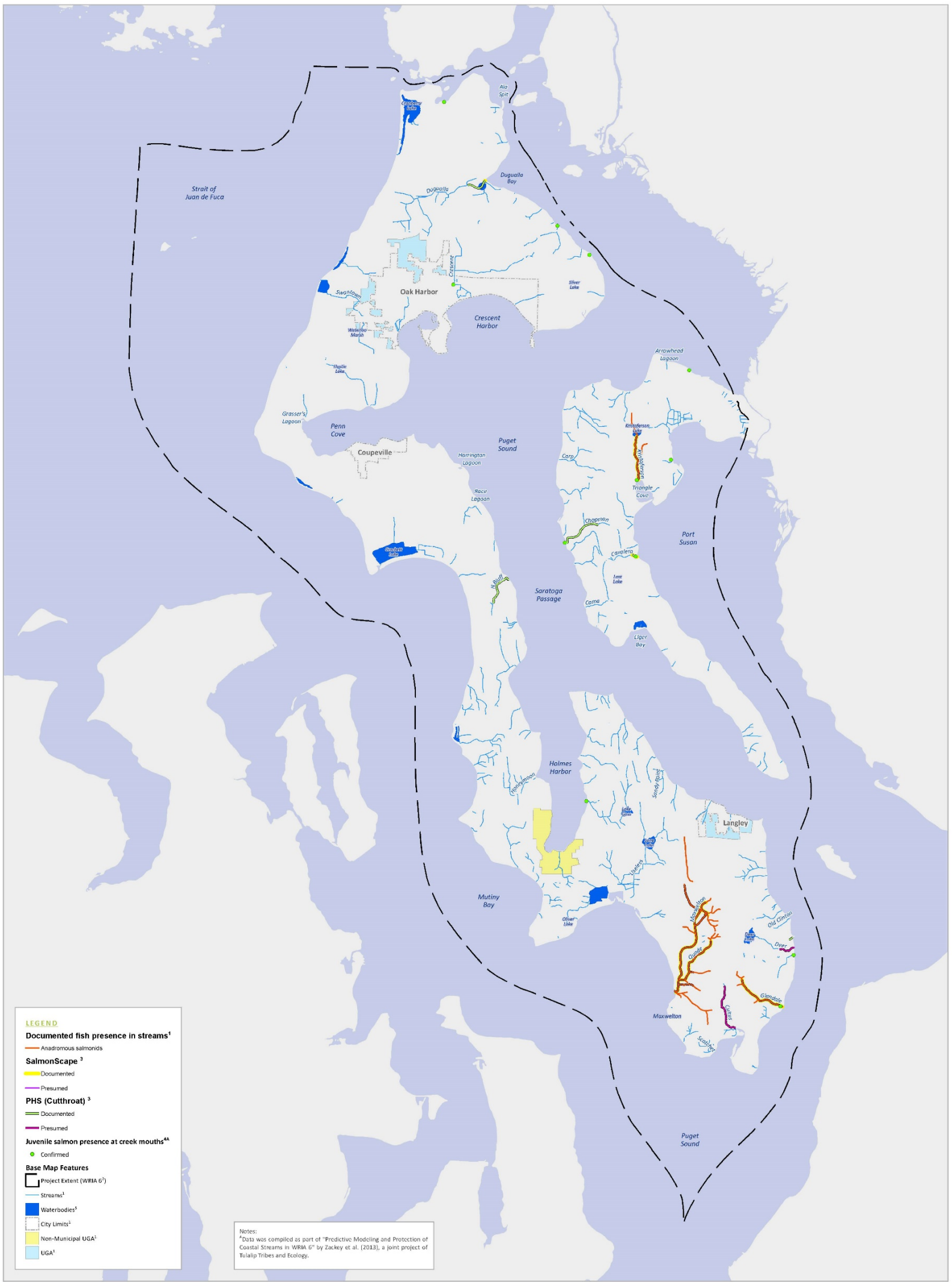
Critical Area	Livestock Stocking Limits	Buffers		Fencing Reqmts	Stream Corridor Mgt	Confinement Area Mgt	Nutrient Storage Mgt	Fertilizer and Manure Application	Seasonal Restrictions
		AMZ	RBZ						
Farmed Wet Meadows	1amu/ 1acre	No	No	No	N/A	No	No	No	No
Wetlands Cat A, B, C, and D	No	25 ft	25 ft	Yes	N/A	Yes	Yes	Agronomic Rates	Yes in AMZ
Cat E		No	25 ft	Yes	N/A	Yes	Yes	Agronomic Rates	Yes in AMZ
Streams Salmon-Bearing	No	25 ft	25 ft	Yes	Yes	Yes	Yes	Agronomic Rates	Yes in AMZ
Non-Salmon-Bearing that are tributary to Salmon-Bearing	No	No	25 ft	Yes	Yes	Yes	Yes	Agronomic Rates	Yes in AMZ
CARA - High susceptibility for groundwater recharge	No	N/A	N/A	N/A	N/A	No	No	Agronomic Rates	No

Attachment 1
Salmon-Bearing Streams in Island County

ISLAND COUNTY SALMON-BEARING STREAMS

Salmon-Bearing Streams in Island County

THE WATERSHED COMPANY



Sources:
[1]Island County Planning and Development, [2]WA Department of Ecology, [3], WA Department of Fish and Wildlife, [4]Zackey et al. (2013), [5]The Watershed Company

Disclaimer:
All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/ verify information shown on this map.

Date: 8/14/2017
Name: IC Salmonid Use

Original Scale = 1:100,000 @ 22" x 34" layout. Please scale accordingly.

0 2 4 6 8 10 Miles

GMA 12775

Exhibit C
Agricultural Best Management Practices
For Existing and Ongoing Agriculture on R Property

SUPPLEMENTAL AGRICULTURAL BEST MANAGEMENT PRACTICES (BMPs)

FOR THE RURAL ZONE

RURAL ZONE SPECIFIC STANDARDS. For Rural zoned properties, the County's standard Agricultural Best Management Practices apply, except where they differ from the below standards, in which case the below standards apply.

A. Applicability

1. Best Management Practices in the Rural Zone apply to all ongoing agricultural activities in all regulated streams, wetlands and their associated buffers.

B. Livestock Grazing

1. The annual average stocking rate for lands within 150 feet of a stream or 300 feet of wetlands, must be limited to 1 animal unit per acre.

C. Agricultural Buffers

1. A RBZ will not be required on Rural Zoned properties.
2. An AMZ that extends 50ft is required, and will be measured horizontally in a landward direction from either the ordinary high water mark (OHWM), wetland edge, or the top edge of a defined stream bank, whichever provides the greatest buffer.
3. Restrictions within the AMZ will be the same for RA, CA, and R zoned properties.

D. Grading in the Riparian Buffer Zone

1. Grading for establishment of watering points is not exempt on R zoned properties.

E. Livestock Watering

1. Direct watering from streams is not exempt on R zoned properties.
2. Other watering approaches as described in the standard BMPs are appropriate.

F. Confinement Area Management

1. Nutrient management ponds are not exempt on R zoned properties.

G. Nutrient Management

1. Manure and waste that is stored, shall be covered to keep rain out and prevent runoff.
2. Distance standards listed in the standard BMPs apply.