

Exhibit E

Prairie Habitat Memo

TECHNICAL MEMORANDUM



Date: May 16, 2014
To: Brad Johnson, Island County Planning and Development
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Project Number: 130420
Project Name: Island County Fish and Wildlife Habitat Conservation Areas

Subject: Background and Summary Regarding Prairies

The following memorandum summarizes the background, discussion, and current status regarding the potential protection of prairies and prairie species in Island County as part of the regulatory update of Fish and Wildlife Habitat Conservation Areas.

Prairies and Prairie Species in Island County

The following is a summary of existing prairies and prairie soils extracted from the Best Available Science and Existing Conditions Report (dated January 31, 2014), prepared as part of the current update of the Fish and Wildlife Habitat Conservation Areas.

Only about 5 percent of the soils in Island County are made up of prairie soils. While historically, over 7,600 acres of prairie soils once existed in Island County, most prairies were lost as land was converted to other uses, including agriculture, military operations, and residential and urban development. Currently, only approximately 100 acres of prairie soils remain undeveloped, and only a small fraction of this area is managed for prairie habitat restoration..

The following are some of the recognized areas with remaining small sites that support concentrations of prairie species and rare species in the County (per Sheehan 2007)¹:

- West Beach Golden Paintbrush Site;
- Naas (Admiralty Inlet) Natural Area Preserve;
- NAS Whidbey Island-Seaplane Base – Forbes Point Golden Paintbrush Site;
- Fort Casey State Park Golden Paintbrush Site;

¹ Sheehan, M. 2007. Prairie and Oak Woodland Habitats and Associated Rare Species on Whidbey Island. Whidbey Camano Land Trust.

- Smith Prairie (Whidbey Island Game Farm- Pacific Rim Institute/Au Sable Institute); and
- Grasser's Hill, including Schoolhouse Prairie.

Sheehan's report did not examine herbaceous balds, which have some overlap of species presence with prairie species. Herbaceous balds and bluffs which include prairie species that are identified by the Washington Natural Heritage Program include:

- Ebey's bluff;
- Goose Rock in Deception Pass State Park; and
- A small bald at the north end of Deception Pass State Park.

The Grasser's Hill site, located on a south-facing slope above Penn Cove, is actually made up of two prairie remnants, Grasser's Hill and Schoolhouse Prairie. These two remnants differ in vegetative composition, soil, ownership(s), and protective status. Schoolhouse Prairie is addressed in current fish and wildlife habitat conservation area regulations in ICC 17.02 due to the presence of a small population of white-topped aster, a State-listed sensitive species, considered a species of local importance (i.e. protected flora species).

A portion of Smith Prairie was formerly a Department of Fish and Wildlife Game Farm facility, and is designated by Island County as a Habitat of Local Importance under the current and proposed code. The former Game Farm is now under ownership of the Au Sable Institute, and portions of the prairie are now being restored. As a result of prairie conservation projects over the last decade, golden paintbrush was introduced and is now thriving in the former Game Farm.

Current and Proposed Protections for Prairies and Prairie Species

The existing Fish and Wildlife Habitat Conservation Areas code (ICC 17.02) protects areas identified as high quality terrestrial communities designated through the Washington Natural Heritage Program (NHP). Prairie communities mapped through this program are mapped in the following locations and not otherwise specifically called out by name in the code:

- Ebey's Bluff
- Smith Prairie (Whidbey Island Game Farm- Pacific Rim Institute/Au Sable Institute)
- Goose Rock in Deception Pass State Park
- A small bald at the north end of Deception Pass State Park.

Whereas the existing code only required consultation with DNR for activities within NHP high quality terrestrial ecosystems sites, the proposed code specifies that a Biological Site Assessment would need to be completed for proposed development within these sites.

The current and proposed codes also identify specific areas where NHP-listed and designated protected plant species have been identified. Specifically, 17.02B.430 includes protections for Grasser's Hill, which contains white-topped aster, as well as plant communities containing golden paintbrush in the vicinity of West Beach (actual golden paintbrush site is north of West Beach community) and Ebey's Landing (actual golden paintbrush site encompasses Fort Casey State Park).

In addition, the existing ICC 17.02 protects the Whidbey Island Game Farm-Pacific Rim Institute/Au Sable Institute, which contains a portion of Smith Prairie, as a designated Habitat of Local Importance (HOLI). This listing is retained in the proposed code.

Because State Natural Area Preserves (NAPs) are identified as FWHCAs (17.02B.200.A.3), prairie habitats in the Naas (Admiralty Inlet) Natural Area Preserve would be covered under the proposed regulations.

The only prairie area listed above that is not specifically identified as an NHP site, a HOLI, or an NAP is the NAS Whidbey Island-Seaplane Base – Forbes Point. However, because this area is located on federal lands, actions in this area are subject to federal Endangered Species Act for the federally threatened golden paintbrush, as described below.

Overview of past County decisions

Past nominations for additional Habitat of Local Importance designations were brought forward by the Whidbey Environmental Action Network (WEAN) during the initial GMA adoption process. These included the consideration of up to 34 additional plant species.

In *ICCGMC v. Island County* 98- 2-0023c (Compliance Order, 11-26-01), the Growth Management Hearings Board noted: "Outside experts were hired to supplement the WEAN submittal with critical information; potentially affected property owners were notified; and State and Federal agencies and organizations with expertise were consulted. All of this was done to attempt to generate information that would allow the Commissioners to reach an informed and defensible decision that could be implemented. Six public hearings were

completed. Special meetings were scheduled with affected property owners and public and quasi-public agencies. The result is a multi-faceted program to protect native plants in Island County."

Regulation of Prairies by other Jurisdictions

The US Fish and Wildlife Service lists endangered and threatened plant species, including the federally threatened golden paintbrush, which occurs in prairies in Island County. Listed plant species are only protected on federal lands or where a federal permit or funding is involved. Endangered Species Act regulations do not require private landowners to protect a threatened or endangered plant on their property, as long as they comply with state laws and regulations.

Washington State Department of Natural Resources manages the Admiralty Inlet Natural Area Preserve with the Whidbey Camano Land Trust. This site is managed to protect golden paintbrush.

The Washington State Department of Fish and Wildlife designates Westside Prairies as a Priority Habitat and Species. There are no formal management recommendations, but there are landowner guides that help residential property owners and farmers re-establish or maintain prairies.

Other Counties

Both Thurston County's and Pierce County's Fish and Wildlife Habitat Conservation Area (FWHCA) ordinances define and regulate prairie habitat. Thurston County went through an extensive process (approximately 2 years) to develop their ordinance that designates and protects prairies and oak woodlands. The ordinance defines both. Definitions are included for 'oak habitat', 'oak savannah', 'dry prairie' and 'wet prairie'. With respect to the prairie habitats, the ordinance appendix includes a list of approximately two dozen soil types that are associated with prairie habitat. It also includes a table for wet prairie diagnostic species (over twenty species are included) as well as dry prairie diagnostic species (over forty species are listed). Designated prairies are mapped, but the maps may not be all-inclusive. Prairie designation requires the presence of at least 3 of the plant species determined to be diagnostic of the habitat.

Protection of prairie habitat is required, a critical areas study is required, and consultation with WDNR WNHP staff (as well as WDFW staff if applicable), and establishes either a 50-foot buffer, or the buffer suggested in the critical areas study, whichever is greater. A fire management plan is also required if fire management is to be implemented on the site. Species related to prairie habitats include Mazama pocket gopher, Taylor's checkerspot butterfly, Mardon skipper,

streaked horned lark. Oak habitat is considered important to protect as well, as it is a primary habitat of the Western gray squirrel, a threatened species by WDFW and a sensitive species by the USFWS.

Prairies are included in Pierce County's code, and the code references a map available at the Planning Department. Oak habitat appears to be a greater concern than prairies in Pierce County. Oak habitat has buffers; buffers may be defined for other habitats in consultation with WDFW staff. It should be noted that Pierce County considers its habitats of local importance as linked to fish and wildlife species: "Documented habitat areas or potential habitat areas and point locations for fish and wildlife species. These areas include specific habitat types, which are infrequent in occurrence in Pierce County and may provide specific habitats with which endangered, threatened, sensitive, candidate, or monitor fish and wildlife species have a primary association, such as breeding habitat, winter range, and movement corridors."

In 2004, Pierce County partnered with a variety of agencies to develop the Pierce County Biodiversity Network Assessment (Brooks et al. 2004). The study aimed to "evaluate and map the lands within Pierce County that provide for the greatest biological diversity of terrestrial species (mammals, birds, amphibians and reptiles) and provided special consideration for salmonids." Some biodiversity areas include prairie and oak woodlands. Using the biodiversity mapping as well as other sources of data, the County has also adopted an open space corridors map, and through its Parks, Recreation, and Open Space Plan has established a habitat element to be eligible for grant purposes. Through that process, the County has adopted a priority list for implementation of the corridor (through acquisitions, open space current use taxation, etc.). Prairies are included relatively high in the list due to threat from development.

Technical Advisory Group Summary

The Technical Advisory Group (TAG) discussed the potential protection of prairies as a designated Habitat of Local Importance extensively. At the March 11, 2014 TAG meeting, the following options for consideration were discussed with TAG members.

- 1) Add a Comprehensive Plan policy allowing consideration of a Habitat of Local Importance (HOLI) nomination as part of the 2016 Comprehensive Plan Update. This would result in additional information and analysis about where/how to protect as well as additional public process. The proposed code includes an improved local nomination process developed in consultation with the TAG.

- 2) Include Prairie Habitat as a HOLI as part of the proposed code now.

While several TAG members expressed a preference for option 2, most of the TAG members suggested moving forward with option 1 above. As a result of TAG input, the protection offered by the current code for flora species was retained in the proposed code along with the new policy proposed in option 1.

Key considerations supporting option 1 include: 1) many prairies are likely already protected under the existing FWHCA provisions by either inclusion as an NHP high quality natural terrestrial ecosystem site (see lists on page 2 above), a Natural Area Preserve (Admiralty Inlet), a HOLI (Au Sable Institute), or through the presence of a federally or State listed species or locally listed flora species; 2) the current timeline for adhering to the Growth Management Hearings Board mandate to adopt revised regulations by July 2014, would not allow sufficient time to fully vet new provisions for prairies; and 3) including a policy statement regarding the importance of prairies and improving the clarity of the nomination process would help support their potential consideration as part of Island County's 2016 Comprehensive Plan update.

At the time a nomination is considered in the future, the evaluation of prairie habitats would require careful consideration of definitions, locations, including appropriate soils and plant species, and effective management measures. Additionally, there may be more effective approaches to prairie protection beyond strictly regulatory means, such as through the Public Benefit Rating System or Conservation Futures funding of easements or land purchase.

Summary

In sum, Island County previously considered a prairie habitat nomination during the initial GMA adoption process and its code reflects careful consideration of experts at that time, with references to specific flora species. Known prairie habitats are addressed in the existing and proposed code through the NHP, NAP, and listed flora species.

The review of prairie protection ordinances in other counties has required thorough evaluation of such habitats in terms of soils, plants, and associated fish and wildlife species.

In addition, both Pierce and Thurston Counties went through extensive public outreach and input as a part of their prairie ordinance update processes; given the GMHB compliance order for Island County, such an extensive process cannot be accommodated at this time, but is considered a critical aspect of any public process.

The proposed Comprehensive Plan policy would allow for consideration of prairies as HOLI through a new nomination process. The process would allow a more holistic approach and landscape level concerns with greater ability to consider available data and potential historic and present extents, association with fish and wildlife species if any, potential effects on land use and landscapes, and regulatory and non-regulatory options.