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- Sound Finances
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 - Lasting Stewardship
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Heronry Conservation, Skagit County



Photo and audio credits: Sue Ehler, Levy and Jim Scheltens, Anne Winkes, Skagit Land Trust, Chris Farrow and Lance Ekhart

Terms

Heronry = nesting colony and site for herons

Staging= the gathering of herons in large numbers outside of the heronry for 1 to 2 weeks prior to entering the heronry and beginning courtship

Foraging = areas where herons get food

Skagit Land Trust's work is voluntary land conservation (buying, conservation easements, stewardship of land).

We work with willing landowners, partners, and all Skagit County communities.

If an issue directly impacts our land or the conservation values we protect on that land, Skagit Land Trust can selectively engage in public processes.

It Began With Herons At March Point in 1994



3.5 acres were donated to Skagit Land Trust
by Bud and Vera Kinney



**1930's photo- there are documents of this heronry
in the 1950's or earlier**





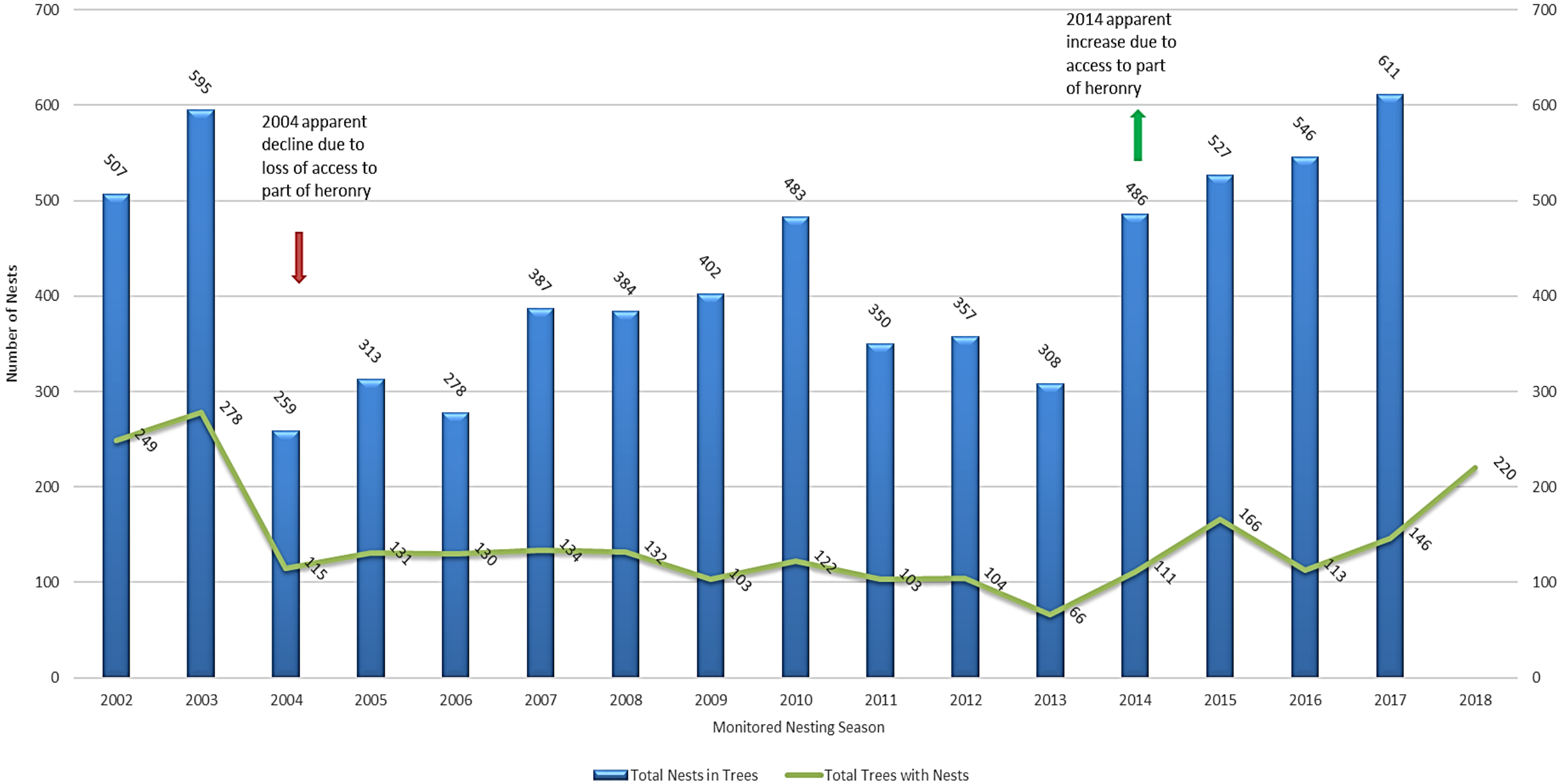
1994, Mr. Kinney said “I thought it was best for a conservation group to own it. Some people might not leave the herons alone.”

March Point is now the largest Great Blue Heron Nesting Colony in the Salish Sea



THESE RESIDENT HERONS are a subspecies of great blue herons and found only in the Salish Sea

March Point Nest Count Results 2002-2017



Fall nest count numbers at March Point have been pretty stable. The apparent dramatic changes in number of nests on this graph reflect limitation of access to the heronry for counting, not true loss and gain of nests. Jim Scheltens reports that the first documented visit to the March Point heronry was by the Department of Fish and Wildlife in 1984 when 42 nests were counted.

In 2018 over 700 nests were counted with the jump probably attributable to the abandonment of the Samish heronry in 2017. A number of Samish herons moved to March Point.

Why Is This Good Heron Real Estate?



Even though it is in an industrial area, it is isolated. Lots of different trees to nest in, a pair of resident bald eagles.

Constant traffic on highway 20 functions like “white noise”, muffling the sounds of adjacent industry.

Coastal Forest, Isolated, Abundant Food especially important for mega-colonies





**March Point Heronry is
critical to maintaining stable heron
populations in Puget Sound**

**There are several other heronries in Skagit
County. Skagit Land Trust has conservation
interests in all the sizeable ones (Barney Lake
and Samish Island)**

In 2002 March Point Heronry was threatened – in part because Port, City and County didn't understand what was there.



SEPA Determination Allowed
Site Clearing and Grading
for Road and Building
on heronry border

Skagit Land Trust and other Groups
Challenged

Debate over March Point



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Matt Wallis

A great blue heron flies over the water on the north end of March Point.

Can herons and industry coexist



Factory project challenged because of nearby bird refuge

BY CRAIG WELCH / Seattle Times staff reporter

ANACORTES — Brenda Cunningham parts the forest leaves, steps over a graveyard of bird bones and aquamarine eggshells and walks into a thicket of trees streaked white.

Scanning the branches above, she spies dozens of nests, each the size of a car tire. The whitewash, it seems, is the digestive aftermath of weeks of successful feeding by one of the state's largest great-blue-heron colonies — a collection of 411 nests crammed into a 3½-acre stand of spruce, cedar and maple on March Point.

Cunningham, with the Skagit Land Trust, fears a new steel-fabrication plant under construction next door threatens to flush the big-bodied, delicate-boned creatures from this hemmed-in home. The land trust and others have formally appealed the project.

But dual oversight of the 20-acre development site

PLEASE SEE **Herons** on B 5



The forest carpet is dusted with white, powdery patches of dried heron dung. Eggshells and feathers from young herons are littered under every nest.

MARK HARRISON / THE SEATTLE TIMES

March Point next to Padilla Bay.

Ruling on T Bailey project takes a twist

BY NANCY WALBECK

American staff writer

A ruling by the Anacortes Board of Adjustment that threw out two appeals earlier this month related to a granting permit for the T Bailey site on South March Point Road apparently was reached incorrectly, primarily because the board needs three "yes" votes to take action.

But the attorneys representing the city, T Bailey, the Port of Anacortes and several environmental groups now can't agree on what happens next. The city's

representative, Steve DiJulio, said allowing an absent board member access to the public record and proceedings then letting that member vote, should meet the requirement.

Craig Magnusson, who represents the manufacturing firm, T Bailey, said following DiJulio's suggestion would violate the Open Meetings Act.

"Action must be taken at that initial board meeting," Magnusson said, which means "re-opening" the board of adjustment

Please see T Bailey, page A3

appeal process. It also would open the process to additional testimony, Magnusson said. If those involved decided to do so.

At the Oct. 10 hearing, the city's board of adjustment voted 2-1 to deny two appeals from several environmental groups, including Skagit Land Trust and Evergreen Island.

The groups had protested the city issuing a land-clearing permit for a new T Bailey facility on South March Point Road. A heron rookery is located nearby and the groups say not enough protection has been provided. T Bailey has a long-term lease and option to purchase the property from the Port, which did the initial environmental assessment. The environmental groups charge that assessment was not adequate.

Because an appeal process was not available under Port and city regulations, it was determined the city's board of adjustment would adjudicate the issue.

At the board hearing, a three-member quorum took testimony. One board member, Ken Wilson, was absent and a second, George Mehler, was recused.

After the hearing, however, Skagit Land Trust noticed a provision in the city's regulations that states three votes in the affirmative are needed for any action to be taken. The trust's attorney, David Mann, alerted DiJulio, who said he arranged for Wilson to review the file and render a vote.

"He can revoke the (meeting) tape and, if he agrees with the majority, the order (to deny the appeals) will be entered," DiJulio said. "Yes, there is no decision (now)."

But Magnusson disagrees.

Anacortes American
October 30,
2002

saying if Wilson were to follow DiJulio's instruction and vote on the issue it would be in violation.

His Oct. 24 letter to DiJulio and Anacortes City Attorney Jan Munce states that any decision rendered by the "absentee member's vote" would be null and void, according to state law.

And, although the board of adjustment could rescind the decision, Magnusson also states in his letter that both appeals were filed too late. In any case, the board of adjustment could simply issue its written decision based on the majority decision, as it was about to do last week,

and that should suffice, he said.

By rejecting the appeals because they did not meet the deadline, the board is saying, in essence, they are outside our jurisdiction, Magnusson states.

Meanwhile, the city still has not completed its review related to issuing a building permit for T Bailey's new structure on South March Point Road. T Bailey, the Port and Skagit Land Trust continue negotiations to reach consensus on how best to protect and monitor the heronry, Magnusson and DiJulio said.

Maver Dean Maxwell said he expects a satisfactory agreement among the parties will be reached, before a city building permit is issued.

T Bailey herons coexist

By KEN HOWARD

I remember the spring day when our playground at the old Padilla March Point when Principal [Name] informed us that the school would be relocated. Two oil companies the land with plans to build refineries were hard then to understand why needed to be there.

Our playground was an oil-refining process the school, the open exposure view from our playground.

Forty-six years ago, with several other refineries still in operation, two oil companies and industrial commercial property, a port property in a sawmill, built on the old landfill, and a large public track trailers. Directly across March Road is the tribal-run smoke-gift works sales complex and one-quarter of the Swinomish Indian Casino southwest corner of the site adjacent with a daily vehicle count of 23,000 per year 2000. The Bellingham Northern railroad tracks run adjacent to the site.

Why would herons ever decide among such conditions, much less while recently working at the Island Naval Air Station, I was a se herons gliding between the surrounding wetlands as A5e port and takeoff maneuvers.

The opponents of this project list of potentially harmful or fatal. From excessive noise levels, light skies, increases in traffic, dust, by construction equipment and simply conjecture lacking scientific basis.

Yet T Bailey addressed all concerns, and adjusted their size and out and design to protect the herons, agreed to stop or curtail construction through July while the herons despite their need to stay on a tight schedule.

T. Bailey Inc. signed an agreement (MOU) with Skagit Land Trust with conditions that tie into its permitting from City of Anacortes. **City's SEPA MDNS outlines mitigation measures.**

Employs annual and seasonal buffers, time windows for activities, noise thresholds, orientation of activities, etc. recommended by biologists.

It has worked very well. Heronry is stable or growing. T Bailey Inc. has been a good neighbor.

Skagit Land Trust has purchased land or received donated conservation easements to expand conserved land for heronry use at March Point. Some of this was a condition of the MOU and mitigation



**Megacolonyes, like the one at March Point,
are used for many years.**

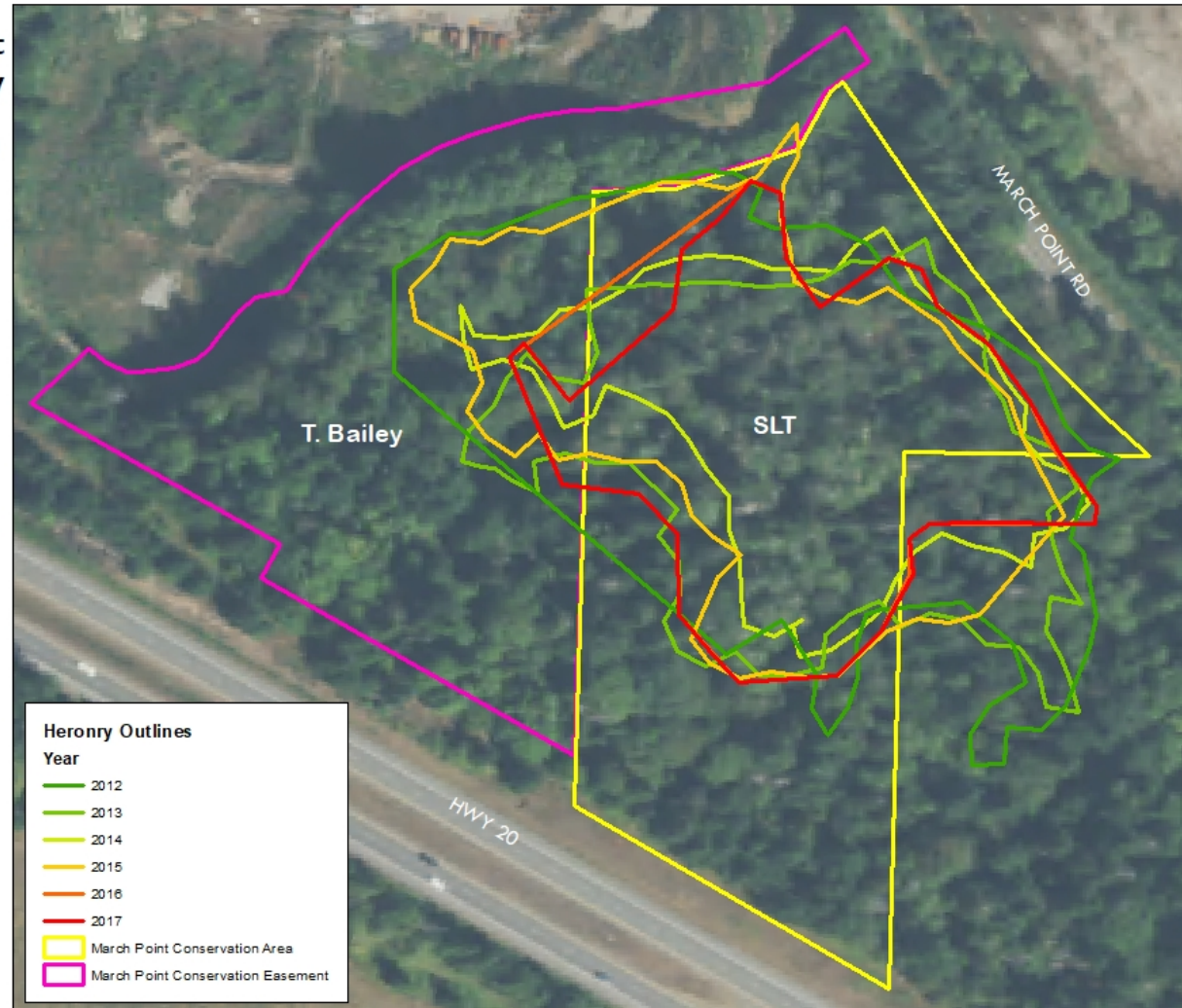
**Skagit Land Trust also has conservation
interests in the two other main heronries
in Skagit County.**

HERONS do move around On-Site

March Point Heronry

Conservation Area

As of 2010.01



Data sources:
Aerial from Skagit County 2011 SID
Parcel data from Skagit County GIS 2014

0 62.5 125 250 375 500 Feet

The Barney Lake Heronry



Has more than 20 nests. Skagit Land Trust owns the land the heronry is on.

Borders County and Mount Vernon City Land



The Recently Abandoned Samish Island Heronry

Samish Flower Farm - 37.96 acres, P 47448



Had been in existence for almost a century and once had more than 300 nests. Skagit Land Trust holds a conservation easement on the land the heronry is on.

What's Going On With Herons In Skagit County?



Great blue herons are still common in Skagit County, but it isn't always easy for them. Habitats are increasingly stressed or disappearing.





Bald eagles who have had a very successful come back, raid their nests; human activities -- noise, lights, pollution and diminishing forested area-- can disrupt their feeding, cause them to abandon their nests. **Clearing of trees near a heronry gives the eagles easier access to the heronry resulting in greater predation of eggs, chicks and adults.**

To survive, Great blue herons need optimum habitat for courtship and nesting, for foraging, and for expansion



Citizen Scientists help us understand heron behavior and the state of the County's foraging areas and heronries



Skagit Land Trust facilitates observations throughout the breeding and nesting season at the March Point and Samish Island heronries

The Skagit Heron Foraging Study, conducted in cooperation with the Wildlife Conservation Trust and Oregon State University, studies great blue heron foraging habitat in Skagit County

Some volunteers monitor foraging and staging. Here you see herons gathering on the railroad tracks near March Point. **One day this past Spring 120 herons were counted standing together on these tracks**
NEXT PHOTO



© Lance Ekhart



Other volunteers monitor the heronries. The herons build their nests high up in firs, cedars, alders, maples and cottonwoods.



Do you think that the camera tree in this photo and the trees around it have recently been occupied by herons?



We count heron nests and map the colony border in fall or winter, after the herons are no longer in the heronry.

Many Community Members are involved

Our data is sent to WDFW who manages a heronry map and nest data.



Huge concern in 2017 when herons abandoned the Samish Island heronry mid-season.



The chicks were this little...for parents to abandon them, some significant stressor happened



Heron chicks can't maintain their body temperature for the first 3 weeks of life. So if parents are flushed off the nest, it is a big, potentially catastrophic event.

WHY?

- Eagles +/- human activities making eagle's predation more easy?
- Loud, unusual noises at the wrong time (metal being cut, grading?)
- Abnormal, prolonged smoke or vapors?
- Low-flying drones?
- Overall loss of buffer?
- A combination of the above?

It is the “unusual” that really affects herons— for example so much continual smoke that it mimics a forest fire; unusual, loud noise herons are not accustomed to; growing or excessive eagle predation- i.e. if no chicks left, no reason to stay

Bald Eagles: Disturbing human activities contribute to bald eagle predation. For example, when disturbed by the noises of grading and construction, herons will flush, leaving their nests unguarded, allowing eagles to take unprotected eggs and nestlings



Herons need:

- 1. Mixed forested area of at least 10 acres easily accessible to productive marine tidelands. March Point is so large, needs all the forest remaining.**
- 2. A sanctuary set aside from humans; pets; **unusual lights, pollution and noises during February – August (nesting season)****
3. Protection from predators (the one eagle theory)
4. Protection from frequent storm events



When Is the Nesting Season?

Between February and August



What Regulations Currently Exist?



Great Blue Herons are a Washington Fish and Wildlife (WDFW) “Priority Species”

Washington Fish and Wildlife (WDFW) Recommends
Cities and Counties Develop

“ colony-specific management plans that consider colony size, location, relative isolation, and degree of habituation to human disturbance.”

Skagit County already lists Great Blue Heron Nesting Sites in Skagit County code (SCC 14.24.500(4)) as an official Habitat and Species of Local Importance.



The framework is there

Skagit County Code 14.24.520(4) indicates:

that **habitats and species of local importance** (*i.e., Great Blue Heron Nesting Sites*), **shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program**

But details and guidance are missing

There is no further guidance in Skagit County's Code on developing or enforcing Management Plans for activities that would impact Great Blue Heron Nesting Sites

Thus there is a lack of protection for these important nesting sites

March Point Heronry land and needed buffers straddle County and City of Anacortes Jurisdictions



We often hear from people – “If I had known I would not have

It would be best for March Point to have the full complement of buffers on all its sides, whether in the City or County. A weaker buffer on one side could impact the entire heronry.



We often hear from people- “I want to do the right thing, I just didn’t know what that is”

Community members often ask us to “do something” but we are not regulators of other’s lands.

There is a County code. It needs to be developed further so it is useful.

Anacortes lists Great Blue Heron Nesting Sites As

- A State priority site
- March Point specifically as a City Designated Habitat and Species of Local Importance

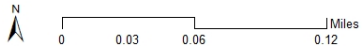


Anacortes Currently Requires

A habitat management plan substantially similar to that developed by the Skagit Land Trust and T-Bailey for the March Point Heronry in 2003 shall be developed prior to any city development permit(s) being issued for any parcels of property within the city limits that are adjacent to the March Point Heronry. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2702 § 3, 2005)

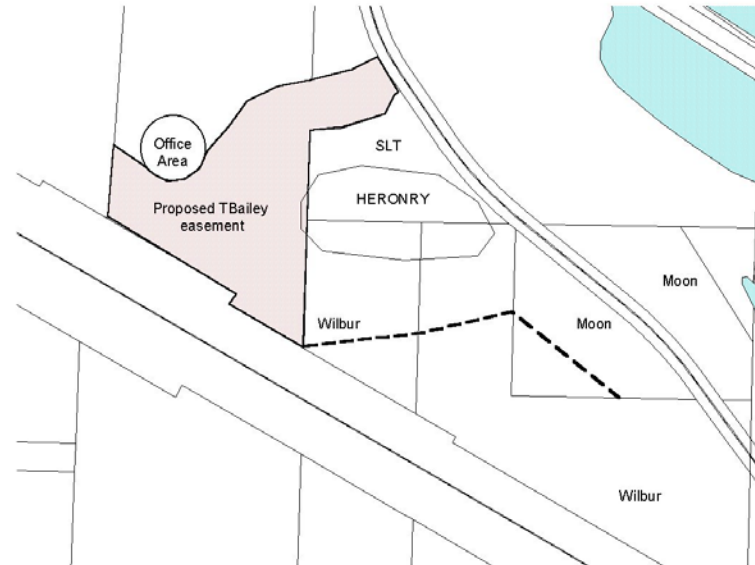
MOU With T BAILEY

March Point Conservation Area



This map was produced by Skagit Land Trust (SLT) staff. Boundary lines are approximate and determined based on Skagit County GIS records, property records and GPS points collected in the field by SLT. Aerial imagery is from 2017.

Legend	
	FP_ConservationAreas
	CE_ProtectedArea
	Public and Protected Lands
	Access_GatesParking
	Access_RoadsTrails



Anacortes CAO Update is Still in the Works But Updated Language Will Likely More Strongly Reflect WDFW Guidelines

Anacortes Has A Placeholder for further consideration -**19.70.310**
Fish and Wildlife habitat – Designation.

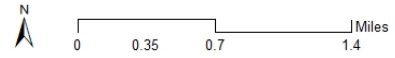


WHAT WOULD A WDFW BEST MANAGEMENT STRATEGY FOR AN ORDINANCE LOOK LIKE?

- A. Apply to heronries with 20 nests and greater
- B. Be in place for 10 years after abandonment
- C. Based on Seasonal and Year-Round Buffers
- D. Be Colony-Specific
- E. Common sense balance between needs of heron and needs of landowner

Different Situations

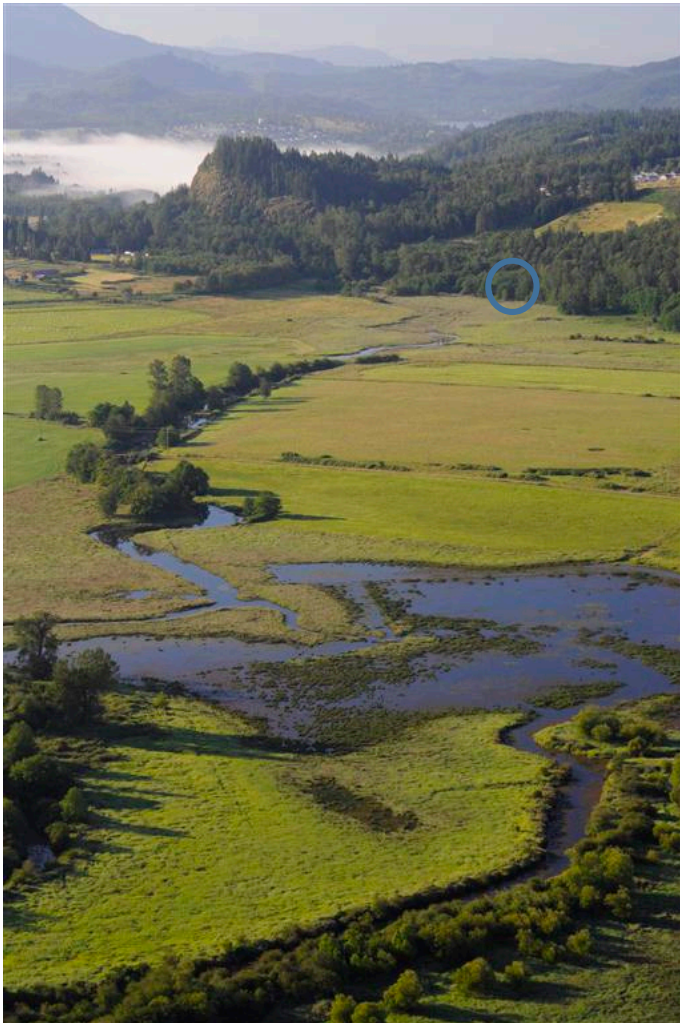
March Point Conservation Area



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Legend

- FP_ConservationAreas
- CE_ProtectedArea
- Public and Protected Lands



WDFW Recommendation Establish Seasonal and Year Round Buffers

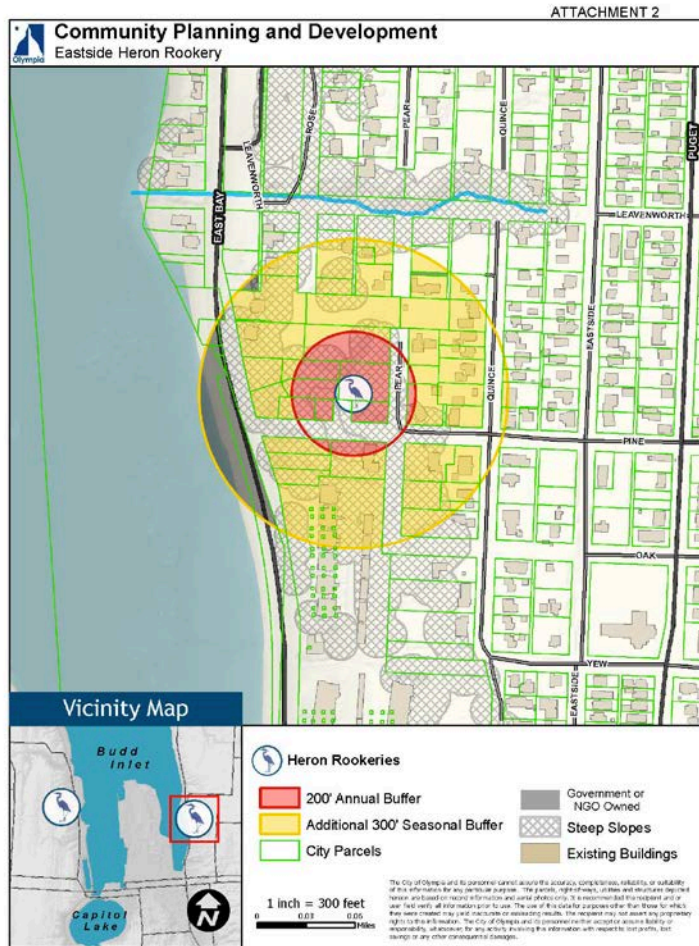


Figure 2. Depiction of all the components of a HMA.

AREAS OF HERONRY MANAGEMENT

The Core Zone, consisting of **the nesting colony and a year-round buffer**. The goal of this zone is to maintain a physical and visual buffer to the heron colony.

A Seasonal Loud Noise buffer. The goal of this zone is to avoid unusual, new (non-ambient) loud noises during critical nesting time.

An extremely loud noise zone. The goal of this zone is to avoid extremely loud and startling noises during the nesting season (blasting etc.)

WDFW's guidance is based on buffer recommendations

Table 1. Recommended year-round buffers.

Year-round Buffers		
Feet	Setting	% built within ¼ mile of the nest colony
984	Undeveloped	0 - 2%
656	Suburban/Rural	2 - 50%
197 ^a	Urban	≥ 50%

^a When birds in an urban area exhibit behavior indicative of a low tolerance to people, assign the 300 meter buffer regardless of setting.

Table 2. Recommended seasonal buffers.

Seasonal Buffers^d		
Meters	Feet	Land Use Activity
200	656	Any unusually loud land use activity
1,000	3,280	Blasting

Year-Round Buffers – Core Zone

An ideal Heronry Core Zone is a sizeable area of intact forest. The active colony is “fenced” (by vegetation or other means) and hard to enter into.

However, because this is not always practical in real world situations,

WDFW recommends when other activities lie within the Core Zone that **new activities should not add to the intensity of disturbance a heron colony has historically tolerated and adapted to.**



- Heronry (approximate)
- 1000 ft Anacortes Current Policy
- 656 ft - Year Round (suburban)
- 656 ft - Additional Seasonal Loud buffer
- 1320 ft- Additional Seasonal Extremely Loud buffer
- SLT March Point Conservation Area
- SLT / T. Bailey Conservation Easement
- Anacortes City Limits

Normal and routine activities can occur -
the type and intensity of activities should be
similar to what has customarily occurred
during the breeding period.



WDFW Recommendations for Activities in Year Round Buffer

- **Maintain baseline conditions** as much as possible
- If you have to do something new in this zone, **site it as far away from nests as possible.**
- Visually **screen it** from nests, preferably with vegetation and trees
- **Carry out projects involving clearing, grading, construction during the non-breeding season.**

WDFW Recommendations for Activities in Seasonal Buffers

- Seasonal buffers start on outer edge of year-round buffer
- No unusually loud noises or unusual activities during breeding season
- Screening important – ideally with tall trees
- Down-shielded Lighting and Height Limitations May Apply
- Protect pre-nesting areas in this zone

Extremely Loud Noise (i.e. blasting) would be in a further range of Seasonal Buffer

- 1000 meters

WDFW Priority Habitats and Species Habitat biologists are good contacts for information on Developing County CAO's on Heronries

<https://wdfw.wa.gov/sites/default/files/publications/01371/wdfw01371.pdf>

There are examples of Heronry Management Plans & Code (Seattle, Olympia) informed by the WDFW Guidelines

<p>City of Seattle Department of Construction and Inspections</p>	<p>1 of 6(3)</p>	<p><u>5-2007</u></p>
	<p>Publication: ((2/5/07))</p>	<p>Effective: ((3/29/07))</p>
<p>Subject:</p> <p>Great Blue Heron Management Plan</p>	<p>Code and Section Reference: Seattle Environmentally Critical Areas Ordinance SMC 25.09.200.<u>D</u>((C))</p>	
	<p>Type of Rule: Code Interpretation</p>	
	<p>Ordinance Authority: SMC 3.06.040</p>	
<p>Index:</p> <p>Environmentally Critical Areas</p>	<p>Approved</p>	<p>Date</p>

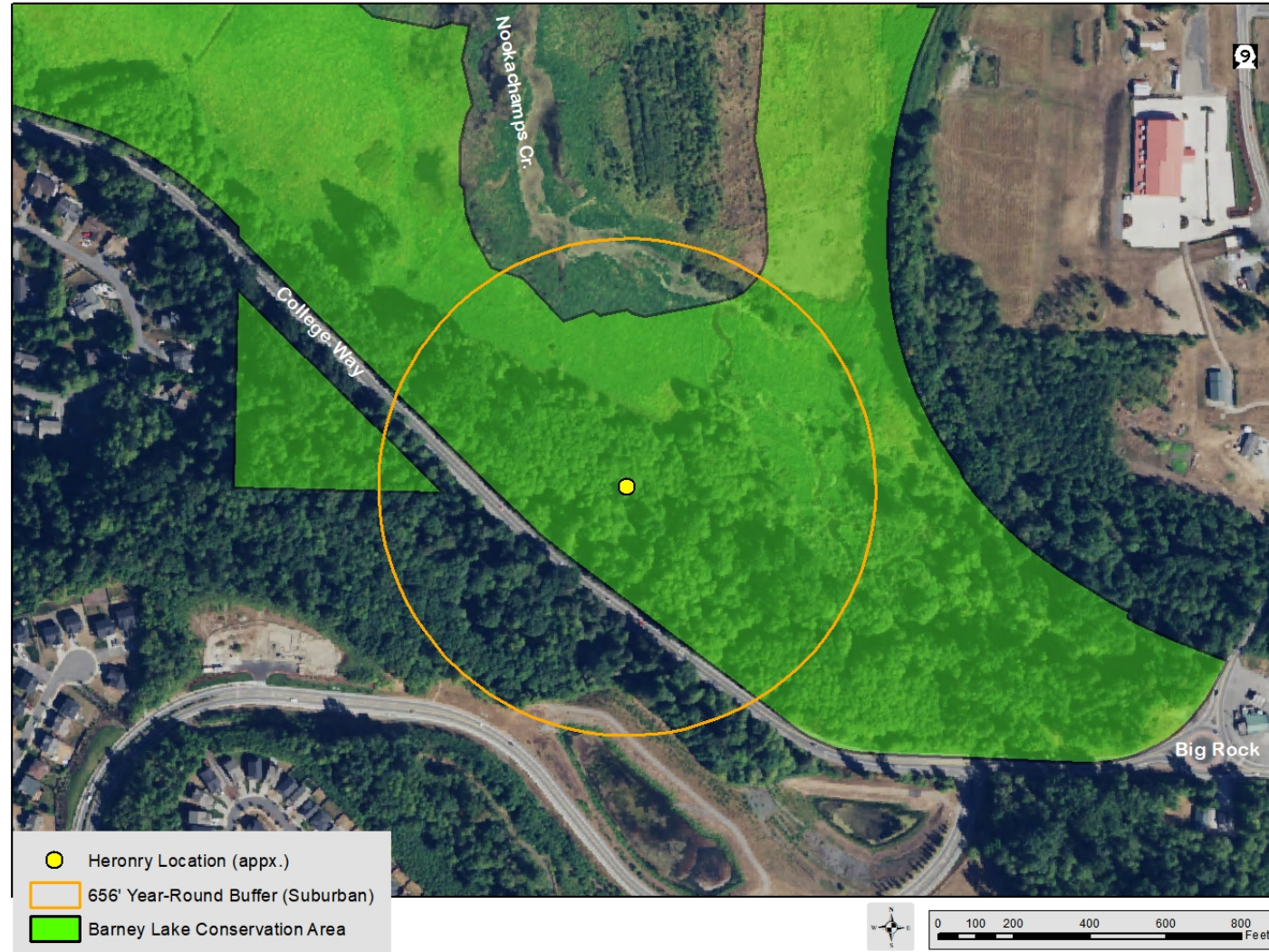
Skagit Land Trust Already Conserves A Good Deal
of Land
in the Recommended
WDFW Year-Round Buffers

We Have Reached Out To Many Neighbors

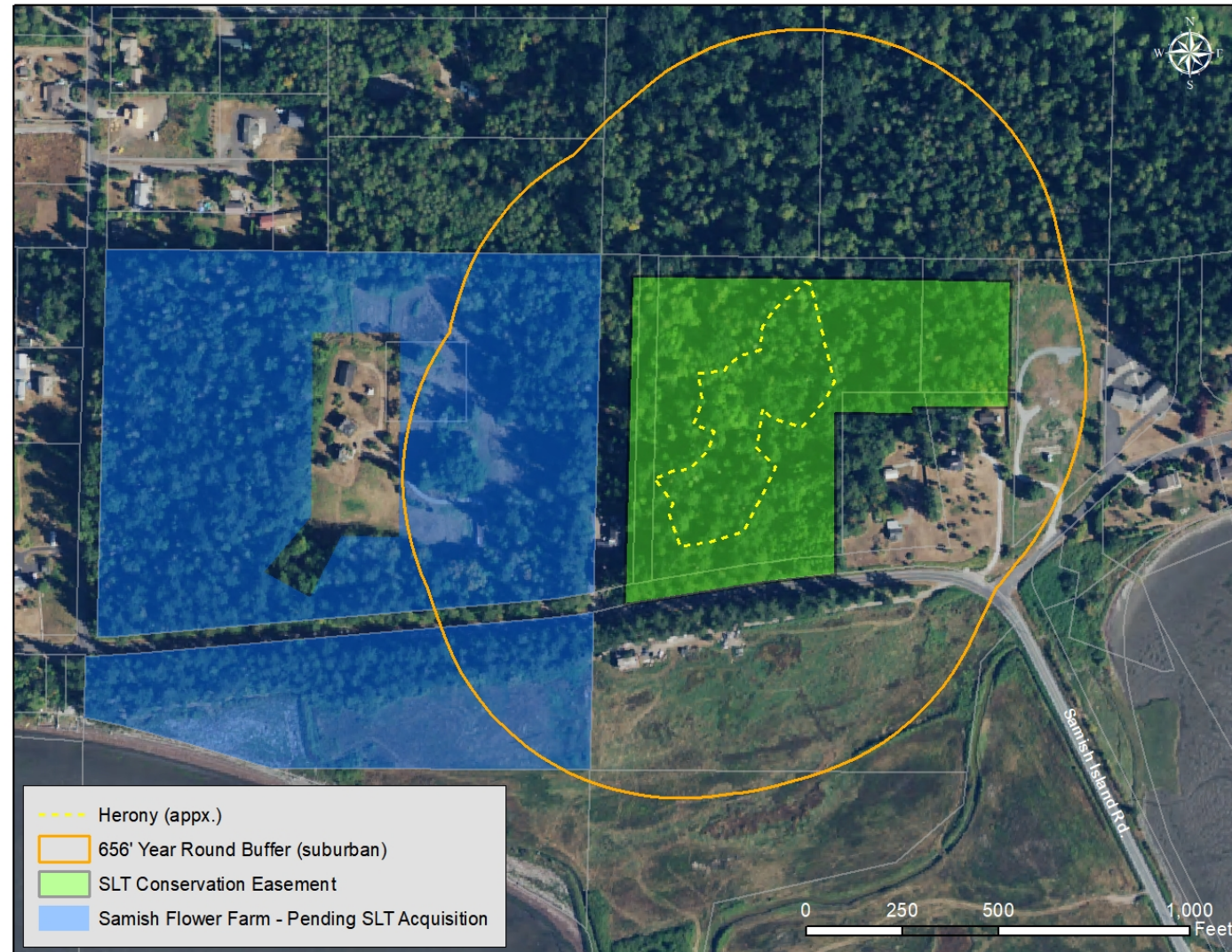
March Point



Barney Lake



Samish Island



We would be pleased to work with Skagit County to craft management planning strategies for our County's heronries





Hérons are part of our natural heritage. All of us love herons. As we urbanize, slightly adapting our land uses around these colonies to give them zones of quiet and space to nest, is the best way we can help them retain stable populations.

Thank you

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