If you own prairie land in Thurston County, you are probably keeping up-to-date on the county’s effort to update its Critical Areas Ordinance. This ordinance regulates how development and redevelopment can occur on lands that – if developed – could pose a threat to human health or safety, or the health of wildlife and wildlife habitat.

The ordinance covers several types of critical areas, such as wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, wetlands and geologically hazardous areas. The public has been most engaged in prairie habitat issues, so we’d like to clear up some myths and misconceptions about Thurston County’s approach.

**Myth #1: There is no problem with the pocket gopher. Thurston County has decided that these animals are endangered just as an excuse to “take land.”**

Fact: This is untrue. The state Department of Fish and Wildlife has listed the Mazama pocket gopher as a threatened species, and the US Fish and Wildlife Service has already listed it as a candidate species (i.e., a candidate for being listed as threatened or endangered). In early March 2011, the U.S. Fish and Wildlife Service announced that it is moving to the next level – i.e., initiating an assessment to determine whether four candidate species should actually be listed as threatened or endangered under the Endangered Species Act. These include: Taylor’s checkerspot butterfly, streaked horned-lark, the Mazama pocket gopher, and the Mardon skipper butterfly. This federal assessment process will involve the public. Moreover, the county is not interested in protecting just one specific species; the county must protect the habitat that supports other species that are also in danger.

<table>
<thead>
<tr>
<th>Species</th>
<th>State Status as of June 2012</th>
<th>Federal Status as of June 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mazama pocket gopher</td>
<td>Threatened</td>
<td>Candidate (Update: In March 2011, the U.S. Fish and Wildlife Service announced that it is initiating an evaluation to determine whether to list four prairie species as threatened or endangered under the Endangered Species Act: the Mazama pocket gopher, streaked horned lark, Taylor’s checkerspot butterfly, and Mardon skipper butterfly.)</td>
</tr>
<tr>
<td>Streaked horned lark</td>
<td>Endangered</td>
<td>Candidate, but see note above</td>
</tr>
<tr>
<td>Taylors checkerspot butterfly</td>
<td>Endangered</td>
<td>Candidate, but see note above</td>
</tr>
<tr>
<td>Western gray squirrel</td>
<td>Threatened</td>
<td></td>
</tr>
<tr>
<td>Golden paintbrush</td>
<td>Endangered</td>
<td>Threatened</td>
</tr>
<tr>
<td>Oregon white oak</td>
<td>Priority Habitat</td>
<td></td>
</tr>
</tbody>
</table>
Myth #2: If the Mazama pocket gopher is just a “candidate” for listing by the US Fish and Wildlife Service, there's no real reason to protect it until it becomes endangered or threatened.

Fact: Early conservation maximizes management options for landowners and for the species, minimizes the cost of recovery, and reduces the potential for restrictive land-use policies that may be necessary in the future.” According to the US Fish & Wildlife Service: “An effective program for the conservation of endangered species requires a means of addressing species that have not yet been listed but that face immediate, identifiable threats.”

Myth #3: Thurston County’s goal is to regulate land and restrict private property rights.

Fact: To the contrary, Thurston County’s goal is to protect local property owners from facing tougher regulations that will occur if we fail to protect critical habitat needed by threatened or endangered species. It is far more expensive to try to restore critical habitat areas after damage has been done than to prevent the damage in the first place. And regulations become more onerous if species are listed under the federal Endangered Species Act.

Thurston County’s goal is also to comply with the state Growth Management Act, which requires counties to protect critical wildlife habitat conservation areas and other critical areas. In fact, Thurston County is one of the last counties in western Washington to update its Critical Areas Ordinance.

Myth #4: Thurston County just wants take away property to protect rodents, bugs and weeds.

Fact: Thurston County’s goal is not to arbitrarily protect rodents, bugs and weeds -- it is to protect endangered and threatened species however they have been designated by the state and federal governments, and to protect other locally important species. The Critical Areas Ordinance also does not remove property from ownership; it regulates how property may be used in or near critical areas. For Thurston County, updating the Critical Areas Ordinance is both a legal responsibility and a duty to residents.

Myth #5: Prairie-land owners will need to ask permission to have a dog or cat.

Fact: This is false. While domesticated animal predation on endangered and threatened species is a real issue, the proposed Critical Areas Ordinance does not require residents to get permission from Thurston County to own a dog, cat, or another domesticated animal. If a critical area is required to be fenced off, pets should not be inside the fenced area (although you, the property owner, can access the fenced area).

Myth #5 (a) Prairie-land owners will not be able to build a dog house without special review by Thurston County.

Fact: Building permits are only required for structures that have a floor area of more than 200 square feet. Since critical area review is triggered by building or land-use permit applications, land owners do not need to get a building permit or undergo review for a standard sized (<200 square foot) dog house. Landowners who want a larger dog run or kennel, however, might have to get a building permit that involves critical area review (this is the case even under existing regulations).

Myth #6: Thurston County has been quietly writing ordinances, outside the public’s eye.

Fact: Thurston County has held numerous meetings with the public and with organizations, and posted everything from audio feeds to meeting notes on its website. The draft chapters are available on www.ThurstonPlanning.org.
Myth #7: Anybody who wants to build on land that contains prairie soils must get a habitat management plan during the permitting process.

Fact: This is false. As with all residents who seek a building permit, an applicant who wants to build on property that contains prairie soils or gopher soils will visit Thurston County’s Permit Assistance Center. A staff member will look at maps and photos to determine whether the land might contain prairie or gopher habitat, and if the proposed project is likely to affect the habitat. A staff member with Land Use and Environmental Review will visit the site to look for telltale signs of prairie or gopher habitat. If Thurston County feels additional study is needed, the applicant might be asked to submit a habitat management plan, which might then be used to establish set-asides.

The county requires habitat management plans in only a small percentage of cases. From January 2007 to April 2011, county staff reviewed 4,400 applications where maps showed prairie or gopher soils. Only 25 projects were required to submit habitat management plans — less than 1 percent — and two of those were county projects.

Myth #8: Habitat Management Plans cost $25,000 and Thurston County requires them to be provided by state-licensed professionals, all of whom were former state or federal workers themselves.

Fact: The state Department of Fish and Wildlife does, indeed, provide a list of professionals who have been trained in Mazama pocket gopher surveys; however, they are not all former state or federal employees. Moreover, the cost of habitat management plans varies depending on the size of the site and the number of gopher mounds. For a standard, mid-sized site, including the initial habitat mapping, the cost typically ranges from $2,000 to $3,000; however, projects that are more complicated, or that require additional legal or engineering work, might cost more.

Myth #9: Habitat Management Plans effectively “lock down” all development on prairie lands.

Fact: Thurston County is constitutionally required to provide people with a reasonable use of their property. Property owners who believe they are left with no reasonable use of their properties may also apply for a “Reasonable Use Exception.” Most jurisdictions offer this type of option, which requires public notification and a public hearing. The Planning Department is considering ways to build flexibility into the Critical Areas Ordinance so that this option is less necessary. For example, the department is considering provisions that would:

- Grant 5,000 square feet of buildable area inside buffers: If the available lot size outside the buffer (set-aside) is less than 5,000 square feet, the county could allow the development to extend into the buffer to make the total building site add up to 5,000 square feet – roughly the size of a city lot. The county could authorize use of additional buffer space to accommodate an onsite sewage system if no alternative were available.
- For single-family home applications on smaller parcels, expand the timeframe for gopher surveys.
- Allow Thurston County to adopt other strategies as they become available – such as mitigation banking.

Myth #10: Professionals who write Habitat Management Plans really just want to deprive landowners from using their properties.

Fact: This is untrue. When landowners hire consultants to write Habitat Management Plans, the consultants work for them – not the government. The consultants typically try to identify the best possible solution for the land owner within the laws and policies of whichever government jurisdiction their project falls. In the case of prairies, the goal is to place structures where the least amount of gophers or habitat occurs. It is in the best interest of the professionals to work closely with their clients in finding a workable solution.
Myth #11: Mazama pocket gophers can just be relocated to public lands to survive; there’s no need to protect privately owned prairie property.

Fact: It’s estimated that less than 1% of remaining Puget Sound prairie and Oregon white oak woodland habitats are protected in parks and reserves. This means most habitat land that supports prairie-dependent species is in the hands of private property owners. The Mazama pocket gopher prefers certain types of soils and vegetation, and it is unknown whether the land held in public preserves will fully support these animals. Previous attempts to relocate gophers have resulted in a very high rate of mortality; however, translocation studies are still ongoing.

Myth #12: In just about every other state, they kill Mazama pocket gophers.

Fact: Mazama pocket gophers do not exist in most other states. They are found only in western Washington, western Oregon and parts of northern California. Here in Washington, it occurs in Thurston County and surrounding counties, and the subspecies that exist in Thurston County is in danger.

Updating a Critical Areas Ordinance is challenging because it involves balancing the private property rights of individuals while protecting an ecosystem that is shared by county residents and that must be protected by law. As always, we welcome your questions and comments. Please call Thurston County Planning at (360) 786-5467 or e-mail deffoba@co.thurston.wa.us.