



THURSTON COUNTY  
WASHINGTON  
SINCE 1852

# Thurston County

Critical Areas Update  
March 29, 2011  
Board of County Commissioners  
Thurston County Planning  
Thurston County Resource Stewardship

Modified for Web Posting on April 1, 2011 – Version 2 (names removed for privacy)

# **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 not correct**

- The U.S. Fish and Wildlife Service is initiating an evaluation to determine whether to list four prairie species as threatened or endangered under the Endangered Species Act (ESA).
  - Mazama Pocket Gopher
  - Streak Horned Lark
  - Mardon Skipper Butterfly
  - Taylor Checkerspot Butterfly
- The four prairie species are known to occur in Washington, Oregon and in Del Norte County, California.

## **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.**

### Realities:

- 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.

## Realities :

- 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 #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 have not been placed on the website yet because staff members are still working on them. Residents will be notified as soon as they are available. Visit [www.thurstonplanning.org](http://www.thurstonplanning.org) and click on Critical Areas Update to learn more.



**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.**

Many projects move forward without a Habitat Management Plan, especially if they are proposed to be built within an existing footprint. See page 19 of this PDF for statistics.

## **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.  
“Reasonable Use Exception.”

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

Fact: This is not correct.

- The consultants work for the property owner – not the government.
- Consultants typically try to negotiate the best possible solution for the land owner within the laws and policies of whichever government jurisdiction their project falls.

# **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.
- 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 are in danger.

**Myth #13: The Critical Areas Ordinance designates no-shooting zones.**

Fact: The Critical Areas Ordinance does not address the issue of no-shooting zones – it is a completely different issue.

# Review of Four Reported Cases\*

**We heard that:**

**“A resident lost the use of four-fifths of his property in order to create a private gopher reserve. All so he could build an 800 square foot accessory dwelling unit for his son.”**

- **Property = 4.8 acres**
- **Family Member Unit (FMU) application; 1,600 Sq Ft, garage**
- **Gophers identified, Habitat Management Plan (HMP) required**
- **Application approved: FMU, driveway, septic approved, located in gopher area**
- **Habitat outside development envelope protected, still able to use for agriculture purposes**
- **Goal: Balance**

\* Four cases were reported to Thurston County relating to impacts of prairie regulations and/or the Mazama pocket gopher. Names have been removed for privacy.

# Review of Four Reported Cases, continued

We heard that:

**“As a poor widow trying to hang onto her home, a resident was told that she would have to purchase 56 acres of gopher habitat in order to be able to sell five of her own acres. She wanted to sell these five acres to be able to pay for taxes and upkeep on the rest of her land.”**

- **Talked with staff**
- **No one recalls giving this recommendation**
- **No record**
- **Willing to do more research**

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# Review of Four Reported Cases, continued

**We heard that:**

**“A resident lost her house to foreclosure because Thurston County deemed rodents more important than her right to run a daycare business.”**

- **No record of permit application**
- **Daycare facilities normally in existing home; if no land disturbing activities in application, no Habitat Mgmt Plan**
- **Application for new structure or significant remodel requires pre-submission conference, Special Use Permit application, hearing**
- **No daycare pre-submission conference requested**
- **Operating a business without required permit**
- **State licenses daycare facilities**
- **Willing to do more research**

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# Review of Four Reported Cases, continued

**We heard that:**

**“A resident was arrested for trying to protect his land from a rodent infestation.”**

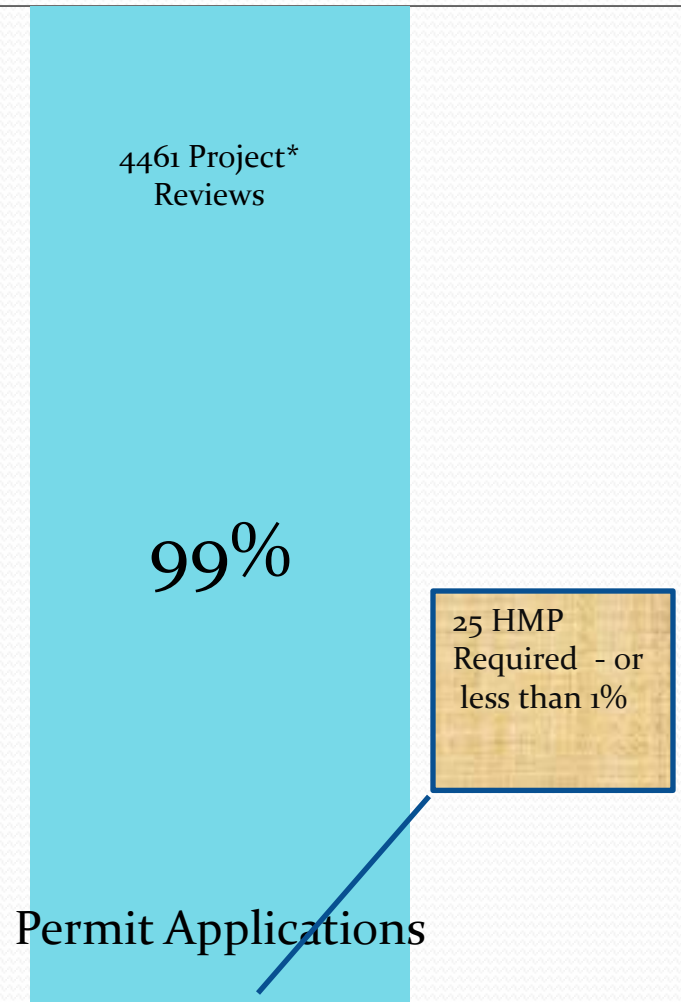
- **Arrested by an officer from the Washington State Department of Fish and Wildlife**
- **Violations of state statute**
- **Investigating officer found four unlawful traps and one dead Mazama pocket gopher; state threatened species and candidate for federal protection**
- **Case forwarded for prosecution**
- **Unaware of outcome**

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# Background on Habitat Management Plans

Background for project applications on land identified as having prairie soils since 2007

- **HMP Screening**
  - Geodata Map Review
  - Staff site visit
- **No species detected - No HMP**
- **No HMP is required if lands are forested or already substantially disturbed,**
- **HMPs have been required for 25 projects**
- **Cost/Range = \$500 to \$1700**



\*Number represents the number of project applications. Of that 3,405 were for single family dwelling site plan reviews which require a site visit to determine if a gopher survey or habitat management plan is required. Of the 25 HMPs required, 2 were for County projects and four had multiple parcels.



# For Additional Information

[www.thurstonplanning.org](http://www.thurstonplanning.org)

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