

City of Seattle  
Urban Forestry Commission

February 23, 2010

Dear Director Diane Sugimura~~Mr. Mayor and City Council Members~~:

The City of Seattle's Urban Forestry Commission was created by Ordinance (123052) in part: "to provide recommendations concerning City plans, major or significant policy recommendations, and any City department's recommendations related to urban forestry, arboriculture and horticulture,"(SMC 3.72.050 (2) and, "to review programs for identifying and maintaining trees and related understory vegetation in the City which have significant historical, cultural, environmental, educational, ecological or aesthetic value and make recommendations to the Mayor and City Council (SMC 3.72.050 (6).

This letter provides a recommendation from the ~~City of Seattle's~~ Urban Forestry Commission for a specific revision to the language of Director's Rule 5-2007, the code interpretation pertaining to the management of the City's two ~~known-identified~~ heron rookeries. The text revisions recommended herein may appear relatively minor. But, the Urban Forestry Commission believes that these ~~simple language~~ modifications will result in profound benefits to the Seattle community in regard to both the continued conservation of Seattle's heron rookeries as an important natural resource, and to the preservation of Seattle's urban forest when and where it matters most.

**Director's Rule 5-2007 (DR 5-2007, attachment 1)**

Director's Rule 5-2007 is a discrete code interpretation intended to outline specific protections to ensure conservation of Seattle's two known great blue heron (*Ardea Herodias*) breeding colonies, including the Kiwanis Ravine and North Beach rookeries (see attachment 2 – "Great Blue Heron Management Areas"). DR 5-2007 was developed to augment Seattle Municipal Code 25.09.200.C by establishing specific land-use and development requirements within a 500-foot setback, called the Great Blue Heron Management Area, defined around each rookery.

Director's Rule 5-2007 was developed to be consistent as practical with heron rookery protections prescribed by the Washington Department of Fish and Wildlife (WDFW) in Revised Code of Washington 77.15.130 and *Washington's Priority Species, Volume IV: Birds*. Although WDFW recommends a nearly 1,000-foot (300 meter) protective buffer around heron rookeries statewide, a 500-foot setback was confirmed as adequate by WDFW personnel, given likely urban habituation of Seattle rookery herons, as long as the three specific conditions of the Great Blue Heron Management Plan were effectively implemented within Great Blue Heron Management Areas in association with proposed development.

The three specific Great Blue Heron Management Plan conditions mandated in DR 5-2007 as currently written (numbered below for clarity) are as follows:

1. Any clearing grading or outside construction shall be done outside the nesting season.
2. All 22 inch diameter breast height (dbh) or larger screening trees shall be retained during the nesting season so as to block visual disturbance to the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure.
3. If the parcel abuts the colony nesting area there shall be a minimum 15 foot building setback. The setback shall be vegetated in a manner that screens activities on the parcel from the colony nesting area.

While it is clear that conditions 1 and 3 offer effective rookery protection and have been successfully implemented since DR 5-2007 development in 2007, it is the opinion of the Urban Forestry Commission that condition 2, as written, does not adequately define and preserve critical screening trees consistent with the original intent of the director's rule. Trees with diameters far below the 22 inch dbh threshold established in DR 5-2007 can provide significant visual screening – even red alders (*Ulnas rubra*) with diameters smaller than *six inches* provide substantial visual screening benefits. Further, year-to-year retention of screening trees is most important to the continued use of a rookery by breeding herons, as opposed to the simple “breeding season” retention requirement mandated in DR 5-2007 as currently written.

### **The Challenge**

The inadequacy of DR 5-2007 in specific regard to the protection and retention of important screening trees located within Great Blue Heron Management Areas was first noted by two conservation groups focusing on the continued preservation of the Kiwanis Ravine rookery, Heron Habitat Helpers and the Citizens Coalition for Trees. In particular, these groups noted how DR 5-2007 allowed for removal of an 18 inch DBH deodar cedar (*Cedrus deodara*) that would have effectively screened a new development proposed within the Kiwanis Ravine Great Blue Heron Management Area in the Magnolia neighborhood. The correct application and interpretation of DR 5-2007 was

confirmed by a hearing examiner's decision in this case (see attachment 3) which served to highlight the deficiencies in DR 5-2007 in regard to important screening tree retention.

In general, it is known that there is a wide range of human disturbance patterns that can be tolerated by breeding herons depending on the history and historical location of a rookery. What is less known – and what is so crucial in assessing the adequacy of DR 5-2007's screening tree protections – is how the cumulative effects of adjacent landscape changes may affect breeding herons and potentially result in the abandonment of a rookery. So, retention of vegetation, and particularly trees that may visually screen development in the vicinity of a rookery is vitally important.

Avian ecologists have developed a substantial body of literature documenting how human disturbance and landscape alteration may result in heron rookery abandonment and colony collapse (citations). While they may not be able to predict a specific trigger for a colony collapse, they have demonstrated significant correlations between proximity and intensity of disturbance, landscape alteration, and loss of vicinity screening habitat and declines in colony productivity, health and sustainability (citations). It would be a shame to witness the loss of a substantial screening tree reveal just enough of a vicinity landscape alteration to trigger a decline in the Kiwanis or North Beach heron colonies before the simple fix to DR 5-2007 proposed below could be implemented.

#### **The Solution (Urban Forestry Commission Recommendation)**

The Urban Forestry Commission of the City of Seattle encourages the Mayor and City Council to seriously consider making the following revision to the language of the second Great Blue Heron Management Plan condition in DR 5-2007 from:

2. All 22 inch diameter breast height (dbh) or larger screening trees shall be retained during the nesting season so as to block visual disturbance to the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure.

To:

2. All 6 inch diameter breast height (dbh) or larger screening trees shall be retained ~~to block visual disturbance to~~ where the removal of those trees would increase decrease the effectiveness of screening of the development activities from the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure during any part of the year ~~heron breeding season~~.

And

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3. If the parcel abuts the colony nesting area there shall be a minimum 15 foot building setback. The setback shall be vegetated in a manner that screens activities on the parcel from the colony nesting area.

To:

3. If the parcel abuts the colony nesting area there shall be a minimum 15 foot building setback. The setback shall be vegetated in a manner that screens activities on the parcel from the colony nesting area consistent with a landscape planting plan approved by DPD.

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This simple language edit will allow for year-to-year retention of key visual screening trees to protect and preserve the continued viability of the Kiwanis and North Beach great blue heron rookeries.

It should be noted that this recommended minor change is only applicable to new development proposed within the Great Blue Heron Management Areas, as outlined in DR 5-2007, and will not place an undue burden on existing residents. Further, the simple language revision still provides a substantial degree of flexibility and discretion to the Department of Planning and Development's (DPD) director and personnel in the subjective identification of screening trees as defined in DR 5-2007. The Commission hopes that this discretion in the identification of screening trees will continue to be used wisely by DPD personnel, in consultation as necessary with WDFW biologists and experienced avian ecologists, to the great benefit of Seattle's heron rookeries, the surrounding neighborhoods and the development community that cherish them as an important community asset.

Thank you for considering this important recommendation from Seattle's Urban Forestry Commission. The Commission is moving forward with a comprehensive work plan addressing the needs of Seattle's urban forest and appreciates the opportunity to make a simple recommendation that will provide profound benefits to the Seattle community.

Please feel free to contact the Urban Forestry Commission's chair, vice-chair or staff liaisons if you have any questions or need clarification on this recommendation.

Sincerely,

Member Signatures

CC: Mayor McGinn, Council Members: Conlin, Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, and Rasmussen.

