



STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

P.O. Box 1100, 111 Sherman Street, LeConner, WA 98257-1100  
Phone: (360) 466-4345, FAX: (360) 466-0515

**BALD EAGLE NEST SITE MANAGEMENT PLAN**  
In accordance with RCW 77.12.655 and WAC 232-12-292

**Territory Name:** Point Roberts (#1216), Point Roberts South Beach (#926), Point Roberts Roost (#615)

Applicant	Site Location	Pending activity
Anders Kruus Managing Director Lily Point at Point Roberts 8015 SE 28 <sup>th</sup> St, Ste 215 Mercer Island, WA 98040	Whatcom County Parcel # 405312-065477-000 Apa Rd, Lily Point, Point Roberts T40N R03W S12 W ½	Site development for single-family residence subdivision

**BACKGROUND/JUSTIFICATION**

This property is located near Lily Point on Point Roberts, along the shoreline of the Strait of Georgia. The parcel lies partially within the shoreline management zones of the Point Roberts South Beach bald eagle territory #1216 and the Point Roberts bald eagle territory #926 (Figure 1). The eastern portion of the parcel also falls within ¼ mile of the Point Roberts communal winter roost #615. In 2007, a Bald Eagle Management Plan was developed by WDFW in consultation with the landowner. Since that time, both the ownership and the site plan have changed, requiring a new plan. This plan and the conditions herein apply to the entire parcel and supersede any previous plan for this property. This plan does not ensure compliance with other federal, state, or local laws. The following conditions are required under RCW 77.12.655 or WAC 232-12-292.

Parcel #405312-065477-000 covers slightly more than 36 acres, about ¾ of which is currently forested. The proposed development project involves timber harvest and clearing of less than half of the land on three adjoining parcels, totaling approximately 103 acres. Site preparation is part of the preliminary phase for development of a 103-lot single-family residence subdivision and associated infrastructure. This plan addresses phase 1 of the project, which consists of 40 lots on the easternmost parcel (Figure 2). The current site development plan as conditioned will allow for clearing of some forestland, but requires the retention of most significant conifers within the shoreline zone with diameters  $\geq 24$ " as well as cottonwoods  $\geq 20$ " dbh (Figure 3). Hazard trees and dead trees may be removed (see Hazardous Trees below).

**CONDITIONS**

The following conditions apply to the bald eagle management zones and are intended to protect bald eagles and their habitat:

1. Within the bald eagle shoreline management zone (i.e., 250' from top of bluff within ½ mile

of an eagle nest), retain all conifers  $\geq 24$ " dbh and cottonwoods  $\geq 20$ " dbh (diameter at breast height, measured at 4.5 feet above the ground) EXCEPT that up to ten (10)  $\geq 24$ " conifer or black cottonwood trees can be removed from this parcel without amending this plan. In addition, retain at least 50% of the smaller conifers with diameter distributions representative of the original stand (for trees  $> 6$  feet tall). Protect retained trees from damage to the bark or root system (see condition 3). Any exception to this condition must be authorized by WDFW.

2. Mitigation is required for the removal of any  $\geq 24$ " dbh conifer trees from the shoreline zone. No fewer than two Douglas-fir or grand fir trees shall be planted and maintained on the property *within the shoreline zone* for each tree authorized for removal in Condition 1. The conifers shall be at least 4 feet tall at the time of planting. Trees must be planted at least ten feet from the house or other structures, and at least ten feet from any other conifer tree. Replacement trees shall be located in such a way that when fully grown they will not create potential damage to proposed structures or infrastructure. The trees must be maintained with summer watering for at least the first two summers following planting. The landowner shall replace mitigation tree mortalities that occur within ten years of planting. Mitigation trees are to be permanently maintained and marked accordingly on the property. Trees cannot be removed without an amended bald eagle management plan.
3. Construction shall not cause damage to existing trees or their roots. Soil compaction within the critical root zone of these trees shall be avoided. If necessary, trees to be retained should be enclosed by durable, high visibility construction fencing before the start of any construction, and shall remain in place until all construction is completed. The outer boundary of said zone shall be 30 feet from the tree boles (trunks). No entry of any kind should take place within the tree protection area during construction, including materials storage. Any excavation in close proximity to existing trees should be done under the supervision of a certified arborist. This will ensure that no root damage occurs that weakens the trees or creates damage resulting in decline of the retention trees.
4. Windowing and low limbing of trees is acceptable provided no more than 30% of the live crown is removed. Limiting other live branch removal to less than 25% is recommended. Topping of trees is not allowed.
5. Put in writing in this subdivision's Covenants, Conditions, and Restrictions (CC&R's), that for lots within the shoreline zone, retention trees cannot be removed (per condition 1) and building within the fall zone of these trees should be avoided.

#### FACTORS CONSIDERED

1) Landowner goals were considered with information provided by the landowner, Anders Kruus, and by the landowner's agents, Bill Shiels and David Teesdale with Talasaea Consultants, Inc., via phone calls, emails, a site visit, and a meeting at the La Conner WDFW field office.

2) Bald eagle habitat use was considered by analysis of territory and roost integrity through time, current surrounding habitat conditions, current status of the bald eagle population, and scientific literature concerning bald eagle habitat protection.

#### DURATION OF PROTECTION

This plan applies to the landowner who signs the plan. Since eagles return to the same traditional use areas each year, the conditions of this plan shall apply indefinitely, unless a breeding territory has been unoccupied for 5 consecutive years. Please contact WDFW if the eagles change nest location or territory use. Do not assume that the conditions of this plan no longer apply.

**REVIEW AND AMENDMENT**

This plan will be subject to the following review and amendment procedures. The plan may be reviewed periodically by the Department of Fish and Wildlife and the landowner to determine whether: 1) the plan requires amendment in response to changing eagle and landowner circumstances; or, 2) the terms of the plan comply with applicable laws and regulations; or, 3) the parties to the plan are complying with its terms.

**HAZARDOUS TREES**

Except for a tree that presents imminent danger to the safety or property of individuals, a report from a certified arborist, indicating the health of the tree and the need to remove the tree, shall be submitted to WDFW prior to cutting the hazardous tree.

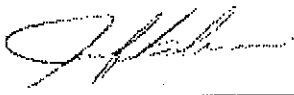

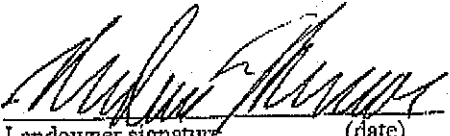
**APPEAL PROCEDURE**

In addition to the provisions of WAC 232-12-292 (7.1)-(7.3), the landowner may request a formal appeal of WDFW actions according to the Administrative Procedures Act, Chapter 34.05 RCW, and the Model Rules of Procedure, Chapter 10.08 WAC. Such a request shall be filed with the Department within 20 days of receipt of the contested WDFW decision. The appeal request shall clearly state the relief sought and the grounds for the appeal.

**COMPLIANCE**

Failure to comply with this plan constitutes a misdemeanor as set forth in RCW 77.15.130. This plan does not ensure compliance with other federal, state, or local laws. This plan assumes compliance with any previous bald eagle management plan for this parcel when owned by current landowner. This plan applies only to the proposed land use listed above. Any other proposals may be subject to a different set of conditions. It is the landowner's responsibility to notify the Department of any new proposed land use activities.

If the plan is acceptable, sign and return original signature page to WDFW at address below.

<b><u>WDFW Approval:</u></b>	
	
Jennifer Bohannon Wildlife Biologist	7/15/2010 (date)
	
Russell Link Regional Wildlife Program Manager	7/15/2010 (date)
Washington Department of Fish and Wildlife Attn: Jennifer Bohannon P.O. Box 1100 La Conner, WA 98257	
	(date)
Landowner signature	16 July - 10
8015 SE 28 <sup>th</sup> St, Ste 215 Mercer Island WA 98090	
Landowner address	

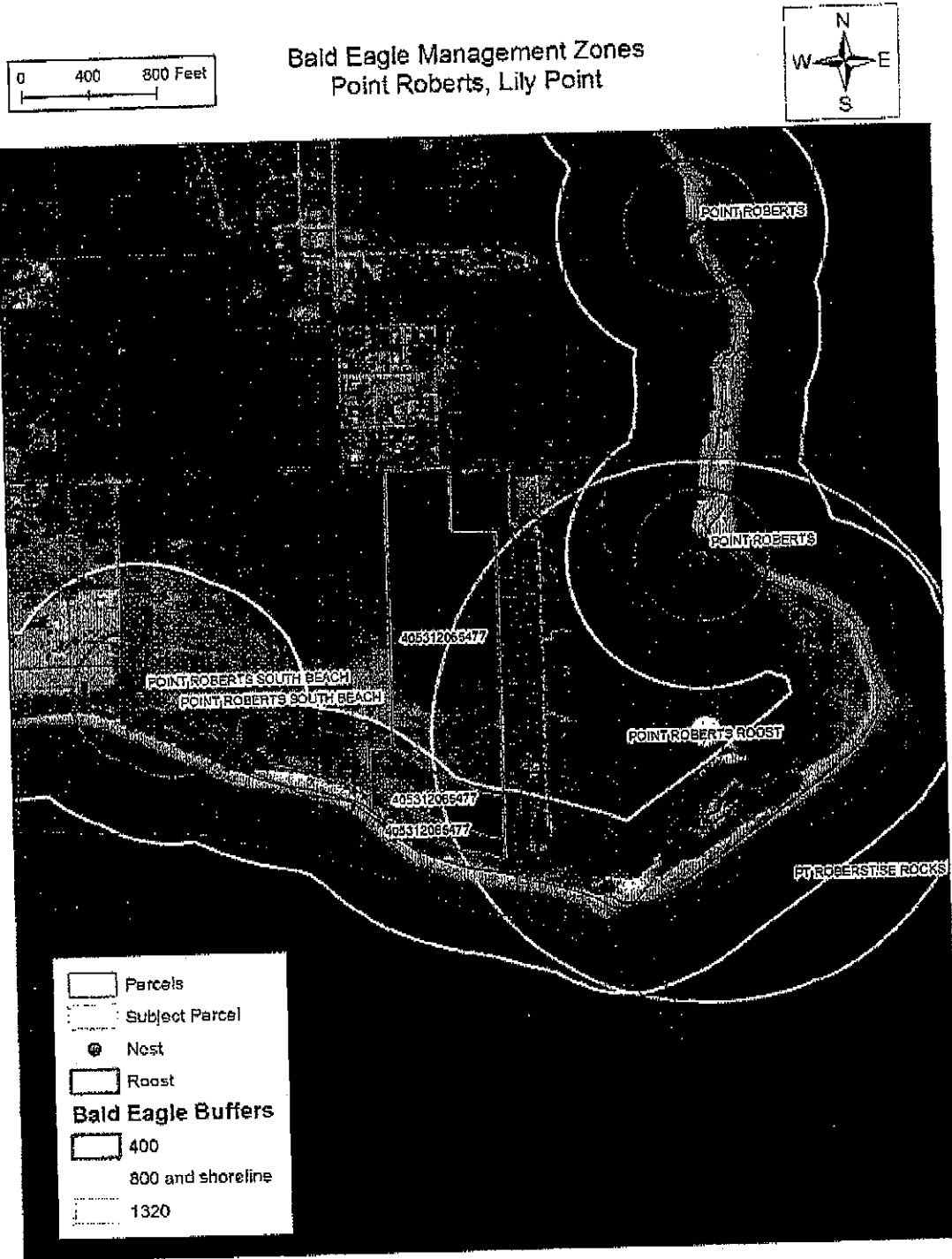


Figure 1. Site location map for Phase 1 of the Lily Point residential subdivision project at Point Roberts, Washington (Parcel #405312065477). Bald eagle nests, roosts and management zones are indicated.



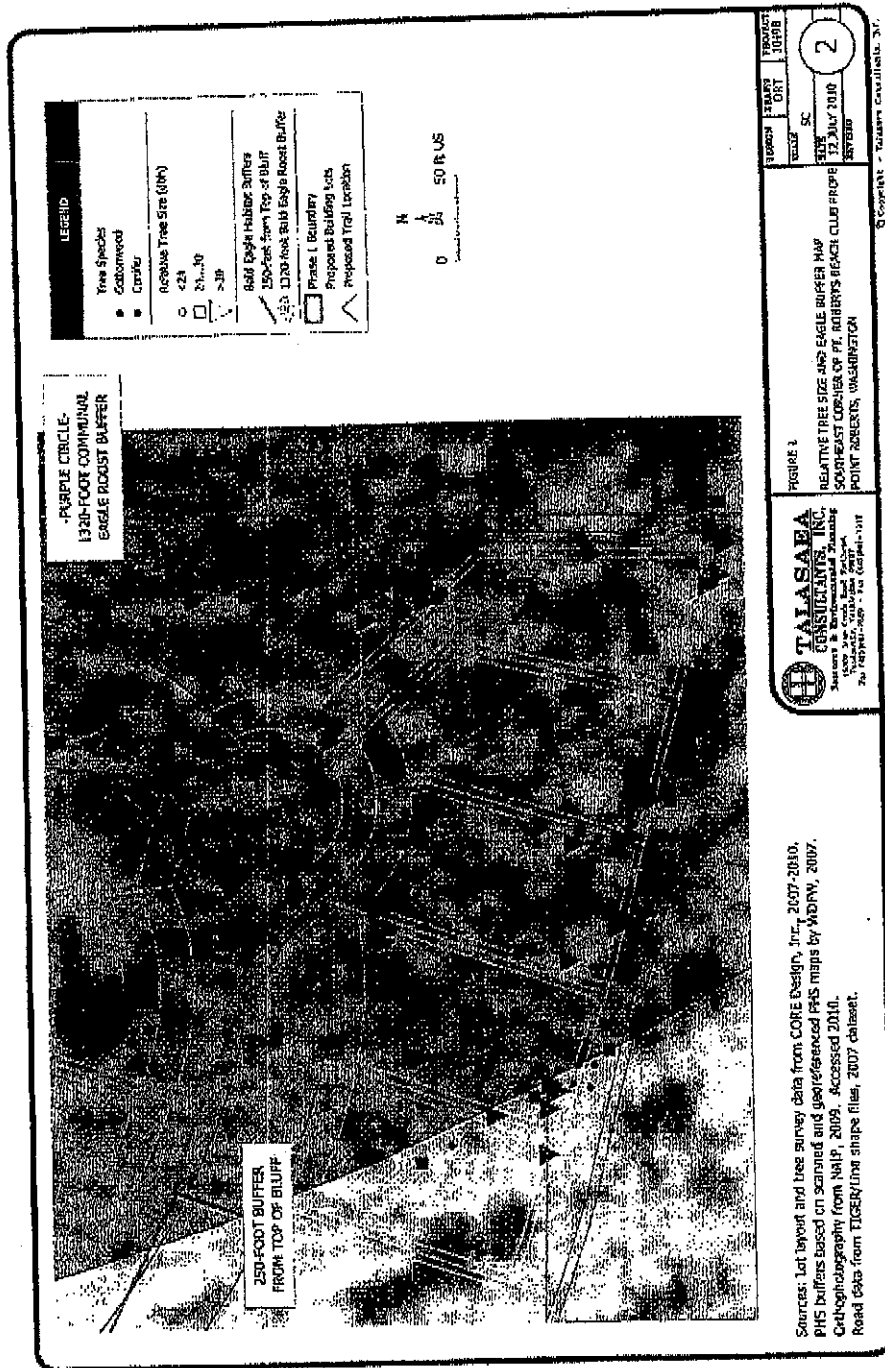


Figure 3. Relative tree size and eagle buffer map. The red line indicates the shoreline management zone 250' from top of bluff.