



## JEFFERSON COUNTY

### DEPARTMENT OF COMMUNITY DEVELOPMENT

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## The Endangered Species Act

The federal Endangered Species Act (ESA) rules to protect threatened Puget Sound Chinook and Hood Canal Summer Chum salmon became effective on January 8, 2001. Coastal/Puget Sound bull trout have been listed as threatened since early 2000. Although other species have been listed under the ESA in the past, the impacts from salmon listings are more far-reaching than previous listings.

### Purpose

The ESA is intended to prevent extinction of animals and plants by protecting habitat and ecosystems upon which the species depend. Federal government agencies designate "critical habitat" for the listed species. Many areas in Jefferson County are included as "critical habitat" for at least one listed species.

### Liability

Under the ESA it is illegal to kill, harm, or harass listed species without an approval from the federal government. These actions are called a "take" of the listed species, and include damage to the listed species' habitat. The ESA allows any person or entity to bring a lawsuit against any individual or agency responsible for a "take" of listed species (including habitat damage). In addition, the National Marine Fisheries Service can assign penalties.

Any individual, group, or agency can bring a federal suit for a listed species "take", **even if you are in compliance with Jefferson County development codes**. In many cases, both the party responsible for the activity and the County (for issuing the permit) would be named in the "take" lawsuit.

### What You Should Do

Your risk of damaging listed species' habitat will be reduced by consulting with a professional fisheries habitat biologist and following the recommendations for site development provided by the biologist. In general, development of property along any marine shoreline, freshwater shoreline, wetland, or in floodplains could damage habitat if protective measures are not taken.

Without consulting a biologist, you can plan your development to minimize the potential to damage listed species' habitat. In general, you should:

- Set back buildings, utilities and roads as far as possible from surface waters (streams, rivers, lakes, marine waters), or at least 150 feet from the edge of the water
- Avoid unstable slopes, wetlands, and forested areas near surface waters during all development activities
- Remove minimal vegetation for site development, especially large trees
- Allow trees that have fallen into streams, rivers, lakes and marine waters to remain there
- Infiltrate stormwater from buildings and driveways on-site through drywells rather than discharging directly into surface waters or roadside ditches (even if you are not on waterfront property)
- Make sure that construction runoff does not flow into wetlands, streams, lakes, or ditches.

**For more information, contact the National Marine Fisheries Service in Seattle at (206) 526-6613 or the U.S. Fish and Wildlife Service in Portland at (503) 231-6121.**