

# MEMORANDUM

Date: October 24, 2023

To: Planning Commission

From: Alex Baruch, Associate Planner, and Erika Smith-Erickson, Land Use and Housing Planner



## 2025 Comprehensive Plan Update – Conservation Element

On a ten-year cycle, the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by June 30, 2025. Work on the periodic update started last fall.

The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan and incorporate a large number of state required changes addressing housing, climate change, and other topics.

The intent of the Planning Commission meeting on Tuesday, October 24, 2023, is to start the discussion of the Conservation Element by discussing the state requirements and introducing the current version.

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## **1 – Growth Management Act – Conservation Goals**

The state Growth Management Act (Chapter 36.70A Revised Code of Washington (RCW)) requires that the City demonstrate that each Element in its Comprehensive Plan meets the relevant fifteen planning goals contained within the Act. The fifteen goals guide the development and adoption of the City's Comprehensive Plan and development regulations.

The following is a summary of how the updated Conservation Element will need to meet the two goals related to conservation. The environment goal was updated by the state legislature in 2023.

8. **Natural resource industries.** *Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.*

The Conservation Element has specific guidelines and policies that ensure the viability of natural resource industries and activities. Additionally, the Conservation Element will need to ensure the viability of natural resource industries in the City through the identification of such lands in the Conservation Element text and maps.

10. **Environment.** *Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water. [Updated in 2023]*

The state legislature updated this goal in 2023 to add the requirement to enhance the environment. The Conservation Element contains specific policies relating to air and water quality, water availability, and protection and preservation of critical areas and will now need to address how to enhance the environment. Additionally, each land use

designation in the Conservation Element will need to be of an appropriate intensity for where it is applied. Areas of environmental sensitivity will need to be designated as open space or a lower intensity designation than other areas of the City.

## **2 – Current Conservation Element**

### **A – Background**

While not required by the Growth Management Act, the City's Comprehensive Plan includes a Conservation Element that addresses both natural resource lands, such as agricultural, forestry, and mineral resource lands, and critical areas, such as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in the City.

The 2016 Conservation Element of the Tumwater Comprehensive Plan was prepared in accordance with the requirements of the Growth Management Act, adopted Thurston County-Wide Planning Policies, and Sustainable Thurston Policies and Actions.

The 2016 Conservation Element covered the 20-year planning period from 2015 to 2035. Areas that are within Tumwater's Urban Growth Area are addressed through the Tumwater and Thurston County Joint Plan in accordance with adopted County-Wide Planning Policies. The Conservation Element of the Comprehensive Plan was last fully updated in 2016 and amended in 2021.

The goals, policies, and actions of the current Conservation Element are found in Appendix B of the staff report. A complete list of all the sections of the Conservation Element is found in Appendix C of the staff report.

The Conservation Element Maps show where resource lands are designated and the general extent of critical areas in the City. The actual boundaries of critical areas are determined on a project level using the procedures found in TMC Title 16 *Environment*.

### **B – Structure**

The Conservation Element of the Comprehensive Plan was last fully updated in 2016 and amended in 2021. The current Conservation Element consists of the following chapters:

1. Introduction
2. Agricultural Lands
3. Forest Lands
4. Mineral Resource Lands
5. Wetland Areas
6. Critical Aquifer Recharge Areas

7. Frequently Flooded Areas
8. Geologically Hazardous Areas
9. Fish and Wildlife Habitat Conservation Areas
10. Conservation Goals, Policies, and Actions

#### Conservation Maps

- A. Critical Aquifer Recharge Areas Map
- B. Forestry Lands Designation Map
- C. Frequently Flooded Areas Map
- D. Geologically Hazardous Areas Map
- E. Mineral Resource Lands Map
- F. Shorelines of the State Map
- G. Wetlands Map

### C – Link to Current Conservation Element

<https://www.ci.tumwater.wa.us/departments/community-development-department/tumwater-comprehensive-plan>

## **3 – Schedule**

### Phase 1 – Community Engagement (Summer 2023 – Fall 2023)

Staff is reviewing the visions, goals, and policies in the existing Conservation Element and preparing a gap analysis. The community and stakeholders will be introduced to the periodic update process through a series of communications and asked to prioritize the Comprehensive Plan's vision, goals, and policies through a variety of media outreach methods, including surveys, utility inserts, open houses, informal meetings, presentations, and social media.

#### **1) Gap Analysis**

- To be completed by November 2023
- Process followed:
  1. Review the following in the current Conservation Element:
    - Goals, policies, and actions
    - Technical information
    - Maps

2. Using these materials:

- Commerce Periodic Update Checklist
  - *Periodic Update Checklist for Fully Planning Cities* (Commerce, March 2023)
  - *A Guide to the Periodic Update Process Under the Growth Management Act – Fully-Planning Counties & Cities* (Commerce, 2022)
- Commerce Periodic Update Materials
  - *Climate Element Planning Guidance* (Commerce, July 2023)
- 2022-23 State Legislation
  - Climate (E2SHB 1170/E2SHB 1181)
  - Organic Materials Management (E2SHB 1799)
  - SEPA (SSB 5818/2SSB 5412)
- Plans Adopted by the City since 2016
  - NPDES Stormwater Permit Update
  - Thurston Climate Mitigation Plan
  - Urban Forestry Management Plan
- Specific Plans from Agencies Outside the City

3. Identify what needs to be updated or added to the following:

- Goals, policies, and actions
- Technical information
- Maps

## 2) Data Collection

- To be completed by Spring 2024
- Mapping – Schedule determined with GIS Team

## 3) Schedule

- Initial Community Outreach
    - Complete by December 2023
  - Data Collection
    - Complete by Spring 2024
  - Gap Analysis
-

- Complete by November 2023
- Internal Coordination Meetings
  - Started September 2023
- General Comprehensive Plan Meetings
  1. Update Check In
    - Joint City Council – Planning Commission Meeting
      - December 12, 2023
- Initial Conservation Element Meetings – Goals, Policies, and Actions
  1. Includes Appendices and Maps
  2. Planning Commission Work Session
    - October 24, 2023
  3. General Government Committee Briefing
    - November 8, 2023

#### **4) Specific Topics Addressed as Part of the Update**

- Incorporate consideration of Diversity, Equity, and Inclusion throughout
  1. Environmental Justice
    - Special consideration for environmental justice in goals and policies (E2SHB 1181)
- Comprehensive Plan Update
  1. General
    - Create a new format for the Comprehensive Plan that will be shorter, leaner, and more user friendly. The updated Comprehensive Plan will consist of shorter individual Elements and Plans with appendices that contain the required technical information.
    - Use the new Community Outreach Plan for the periodic update process.
    - Create a new Comprehensive Plan Goal and Policy Guide for use by staff and policymakers.
    - Create a new User Guide to the Comprehensive Plan.
    - Create a new Glossary for the Comprehensive Plan.
    - The County-Wide Planning Policies (2015) will not be revised for the 2025 periodic update.
    - Ensure that the updated Comprehensive Plan is internally consistent.

- Ensure that all the Elements and Plans are consistent with County-Wide Planning policies, the Growth Management Act, coordinated with the Plans of adjacent jurisdictions, individual Elements and Plans, and the future land use map.
  - Update all maps that are a part of the Comprehensive Plan.
  - Provide for a mutually agreeable Memorandum of Agreement between the City and tribes about collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period.
  - Provide for consideration for preserving property rights. The City must evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property
  - Update list of all adopted Plans.
  - Update City strategic priorities.
  - Revise planning period to 2025 – 2045.
  - Update discussion of Growth Management Act goals.
  - Add references to the updated Shoreline Master Program (2019), Thurston Climate Mitigation Plan (2021), and Urban Forestry Management Plan (2021).
  - Simplify, reduce, and update goals, policies, and actions.
2. Conservation Element
- Discuss how habitat conservation plans are used for the effective management of affected listed species and prairie eco-systems across private and public lands in the City.
  - Update policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. In developing these policies, the city must have included the best available science to protect the functions and values of critical areas and give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
  - If forest or agricultural lands of long-term commercial significance are designated inside the City, update the program authorizing transfer or purchase of development rights in coordination with the County.
  - Review updating greenhouse gas emission targets in the Conservation Element to address HB 2311 as part of Planning Commission’s 2022 Comprehensive Plan amendment cycle recommendations.
  - Urban Forestry Management Plan
  - Update Maps

### 3. Critical Areas Regulations

- As part of the 2025 Development Code Update, TMC Title 16 *Environment* will be updated as required in the State Department of Ecology's Critical Areas Checklist.

## Phase 2 – Plan Development (Winter 2024 – Fall 2024)

Feedback gathered through the community outreach process will be incorporated into the draft Conservation Element. Staff will present the drafts to the Planning Commission and General Government Committee as well as external and internal stakeholders and focus groups comprised of subject-area experts for review.

### 1) Community Outreach

- Intermediate Actions:
  - To be determined based on the results of Phase 1 and the Community Outreach Plan.

### 2) Schedule

- Continuing Community Outreach – January 2024 –June 2024
- Conservation Element Development Meetings
  1. Includes Appendices, Maps, and Subarea Plans
  2. Planning Commission Work Session
    - February 13, 2024
  3. General Government Committee Briefing
    - March 13, 2024
- Commerce Preliminary Review
  - Review of Comprehensive Plan Format
    - March 2024
- Complete Draft of Comprehensive Plan
  - All Elements, Maps, and Appendices
  - July 2024 – October 2024



## Phase 3 – Legislative Process (Fall 2024 – June 30, 2025)

Staff will complete a draft version of the Comprehensive Plan during Phase III. Staff will present the draft to the Planning Commission and General Government Committee as well as external and internal stakeholders for review.

The Planning Commission will hold a number of work sessions to discuss the Comprehensive Plan and then conduct a public hearing to gather formal public comment on the draft Comprehensive Plan before developing findings of fact, conclusions, and recommendations that will be forwarded to City Council.

The City Council will hold a number of work sessions to discuss the Comprehensive Plan. The City Council will consider the recommendation forwarded by the Planning Commission.

The process will culminate in the adoption of an updated Comprehensive Plan by the Growth Management Act deadline of June 30, 2025.

### 1) Community Outreach

- Final Actions:
  - To be determined based on the results of Phase 2 and the Community Outreach Plan.

### 2) Schedule

- Commerce Review
  - Fall 2024 – Winter 2025
- Prepare Comprehensive Plan Update Ordinance
  - October 2024
- SEPA Review
  - November 2024 – December 2024
- Commerce Notice of Intent
  - November 2024 - December 2024
- Public Adoption Meetings
  1. Planning Commission
    - Briefing
      - November 26, 2024
    - Work Session
      - December 10, 2024 (Joint with City Council)
      - January 14, 2025

- February 11, 2025
  - Public Hearing
- February 25, 2025
- 2. General Government Committee
  - Briefing for Comprehensive Plan Update Ordinance
  - March 12, 2025
- 3. City Council Work Session
  - December 10, 2024 (Joint with Planning Commission)
  - April 15, 2025
  - May 27, 2025
- 4. City Council
  - June 17, 2025
- Notice of Adoption
  - 1. Submit Notice of Adoption to Commerce
  - 2. June 30, 2025

## **Appendix A – Guidance**

The State Department of Commerce has provided guidance specific to the periodic update on their Periodic Update webpage

<https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

[www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics)

In addition, the Puget Sound Regional Council is conducting a series of workshops on a variety of topics related to the periodic update.

[www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series](https://www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series)

The Municipal Research Services Center has a Comprehensive Planning webpage.

<https://mrsc.org/getdoc/d7964de5-4821-4c4d-8284-488ec30f8605/Comprehensive-Planning.aspx>

## **Appendix B – Current Conservation Element Goals, Policies, and Actions**

### 10.1 Introduction

This Chapter of the Conservation Element specifies goals, policies, and actions meant to set forth a direction to identify, protect, and conserve critical environmental areas and valuable natural resources in Tumwater. The goals, policies, and actions also serve to ensure coordination with separate Comprehensive Plan Elements, regional plans, Sustainable Thurston Policies, and County-Wide Planning Policies. Additionally, they serve as an action plan for implementing certain recommendations within the Conservation Element.

### 10.2 Conservation Goals, Policies, and Actions

**Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
C-1.1	Protect the ecological integrity of the natural environment while allowing for compatible growth and development.
C-1.2	Promote conservation of natural resources and the environment in cooperation with residents, business owners, schools, affected jurisdictions, and tribes.
C-1.3	Encourage and support active measures to protect and enhance Tumwater's natural environment.
C-1.4	Implement the mitigation goals, objectives, and initiatives contained in the most recent version of the adopted <i>Natural Hazards Mitigation Plan for Thurston County</i> .
C-1.5	Maximize retention of a healthy tree cover and native vegetation and encourage restoration, replacement, and enhancement of unhealthy trees and disturbed vegetation.
C-1.6	Reduce communitywide greenhouse gas emissions 45 percent below 2015 levels by 2030 and 85 percent below 2015 levels by 2050 to ensure that local communities do their part to keep the global average temperature from rising more than 2°C.
C-1.7	Implement the strategies contained in the most recent version of the accepted <i>Thurston Climate Mitigation Plan</i> .

**Goal C-2: Designate and protect critical areas including wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in accordance with the Growth Management Act to protect the functions and values of these areas as well as to protect against threats to health, safety, and property.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
C-2.1	Include best available science in developing policies and development regulations to protect the functions and values of critical areas and consider conservation or protection measures necessary to preserve or enhance anadromous fisheries, consistent with the Growth Management Act.
C-2.2	Use incentive programs, acquisition, appropriate regulations, and other techniques to preserve critical areas as permanent open space where development may pose hazards to health, property, or important ecological functions.
C-2.3	Require that prior to any development, critical areas are identified and protected.
C-2.4	Ensure the effectiveness of critical area mitigation by requiring adequate critical area studies and mitigation plans, the application of mitigation sequencing, financial assurances from developers to ensure mitigation success, and by improving City oversight of maintenance and monitoring of mitigation sites.
C-2.5	Require and enforce mitigation to ensure no net loss of critical area functions.
C-2.6	Support restoration of river and stream channels and associated wetland and riparian areas to enhance water quality, improve fish and wildlife habitat, and mitigate flooding and erosion.
C-2.7	Allow public access to wetlands, streams, and lakes for scientific, educational, and recreational use, provided the public access is carefully sited, sensitive habitats and species are protected, and hydrologic continuity is maintained.
C-2.8	Protect wetlands not as isolated units, but as ecosystems, and essential elements of watersheds.
C-2.9	Protect the quality and quantity of groundwater used for public water supplies.
C-2.10	Prevent land alterations that would increase potential flooding and minimize the alteration of natural surface water features that retain or carry floodwaters, such as wetlands, floodplains, rivers, streams, and lakes.
C-2.11	Require mitigation for adverse environmental impacts from engineered flood control measures.
C-2.12	Work cooperatively to meet regulatory standards for floodplain development as these standards are updated for consistency with relevant federal requirements including those related to the Endangered Species Act.
C-2.13	Regulate development intensity, site coverage, and vegetation removal in geologically hazardous areas in order to minimize drainage problems, soil erosion, siltation, and landslides.
C-2.14	Minimize soil disturbance and maximize retention and replacement of native vegetative cover for any land uses permitted in erosion and landslide hazard areas.

- C-2.15 Encourage special building design and construction measures in areas with severe seismic hazards to minimize the risk of structural damage, fire, and injury to occupants during a seismic event and to prevent post-seismic collapse.
- C-2.16 Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.
- C-2.17 Maintain habitats that support the greatest diversity of fish and wildlife through conservation and enhancement of critical areas.
- C-2.18 Implement salmon habitat protection and restoration priorities in approved Water Resource Inventory Area 13 and 23 plans.
- C-2.19 Coordinate with adjacent jurisdictions and tribes to identify, protect, and develop enhancement plans and actions for habitat networks and wetlands that cross-jurisdictional lines.
- C-2.20 Promote the enhancement or restoration of streams, rivers, lakes, and wetlands as adjacent development activities occur.
- C-2.21 Protect wildlife corridors to minimize habitat fragmentation, especially along existing linkages and in patches of native habitat by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.

**Goal C-3: In accordance with the Growth Management Act, designate and protect natural resource lands including agricultural, forest, and mineral lands that have long-term significance to conserve and protect these areas.**

<b><u>Policy</u></b>	<b><u>Action</u></b>
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|---------|--|
| C-3.1   | Recognize the importance of farmland conservation and local food production in maintaining the quality of life and long-term sustainability of Tumwater.   |
| C-3.2   | Zone designated agricultural lands at very low densities to ensure the conservation of the resource for continued agricultural use.  |
| C-3.3   | Limit non-agricultural development within designated agricultural areas to non-prime farmland soils where possible.  |
| C-3.4   | Work with community groups to support the continued viability of agriculture and encourage community support for it.   |
| C-3.4.1 | Support the efforts of the Thurston Food System Council to develop a vibrant food system through access to healthy, local, affordable, culturally appropriate, sustainably produced food to assist the community in having reliable access to sufficient quantity of affordable nutritious food. |

- C-3.5      Ensure that harvesting for conversion to other uses occurs in a manner compatible with land uses of the surrounding area and maintenance of water quality and environmentally critical areas.
- C-3.6      Allow mineral extraction industries to locate where prime natural resource deposits exist.
- C-3-7      Conserve designated mineral resource lands of long-term commercial significance for mineral extraction, and the use of adjacent lands should not interfere with the continued use of the designated mining sites that are being operated in accordance with applicable best management practices and other laws and regulations.
- C-3.8      Restore mineral extraction sites as the site is being mined. The site should be restored for appropriate future use and it should blend with the adjacent landscape and contours.

## **Appendix C – Structure of Current Version of the Element**

The Conservation Element of the Comprehensive Plan was last fully updated in 2016 and amended in 2021. The current Conservation Element consists of the following parts:

1. Introduction
    - 1.1 Background
    - 1.2 Best Available Science
    - 1.3 Shorelines
    - 1.4 County-Wide Planning Policies
    - 1.5 Sustainable Thurston Policies
      - 1.2.1 Priority Goals
      - 1.2.2 Leadership & Participation Goals
      - 1.2.3 Environment Goals
  2. Agricultural Lands
    - 2.1 Introduction
    - 2.2 Sustainable Urban Agriculture
    - 2.3 Agricultural Lands Classification
    - 2.4 Agricultural Lands Conservation
    - 2.5 Agricultural Lands Identification
    - 2.6 Agricultural Lands Protection
    - 2.7 Regulatory Barrier Assessment
  3. Forest Lands
    - 3.1 Introduction
    - 3.2 Forest Lands Identification
    - 3.3 Forest Lands Conservation
    - 3.4 Forest Land Identification
    - 3.5 Forest Lands - Long Term Urbanization
  4. Mineral Resource Lands
    - 4.1 Introduction
    - 4.2 Mineral Resource Lands Classification
    - 4.3 Mineral Resource Lands Identification
    - 4.4 Mineral Resource Lands Protection
  5. Wetland Areas
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- 5.1 Introduction
- 5.2 Existing Wetland Policies, Regulations, and Inventories
  - 5.2.1 Federal Clean Water Act
  - 5.2.2 Washington State Shoreline Management Act
  - 5.2.3 Washington State Hydraulics Code
  - 5.2.4 Washington State Wetland Rating System for Western Washington
  - 5.2.5 National Wetlands Inventory
  - 5.2.6 Wetland Mapping for the Thurston Region
  - 5.2.7 Tumwater Environmental Policy
  - 5.2.8 Tumwater Wetlands Protection Standards
  - 5.2.9 Tumwater Protection of Trees and Vegetation
  - 5.2.10 Tumwater Shoreline Master Program
  - 5.2.11 Tumwater Floodplain Regulations
- 5.3 Wetland Values and Benefits
- 5.4 Wetland Protection Areas Classification
  - 5.4.1 Category I Wetlands
  - 5.4.2 Category II Wetlands
  - 5.4.3 Category III Wetlands
  - 5.4.4 Category IV Wetlands
- 5.5 Wetlands Identification
- 5.6 Wetland Protection Techniques
- 5.7 Wetlands Protection
  - 5.7.1 Wetland Buffer Areas
  - 5.7.2 Wetland and Wetland Buffer Areas - Allowed Activities
  - 5.7.3 Reasonable Use of Wetlands and Wetland Buffers
  - 5.7.4 Wetland Replacement Ratios
- 5.8 Wetland Tracking
- 6. Critical Aquifer Recharge Areas
  - 6.1 Introduction
  - 6.2 Critical Aquifer Recharge Areas Classification
  - 6.3 Critical Aquifer Protection Concerns

- 6.4 Critical Aquifer Protection Techniques
- 6.5 Critical Aquifer Vulnerability and Protection
  - 6.5.1 Surficial Alluvial Sediments
  - 6.5.2 Vashon Recessional Outwash (Qgo and Qgos)
- 6.6 Critical Aquifer Protection
- 7. Frequently Flooded Areas
  - 7.1 Introduction
  - 7.2 Frequently Flooded Areas Classification
  - 7.3 Frequently Flooded Areas Concerns
  - 7.4 Frequently Flooded Areas Protection Techniques
  - 7.5 Frequently Flooded Areas Protection
  - 7.6 Salmon Creek Groundwater Flooding
- 8. Geologically Hazardous Areas
  - 8.1 Introduction
  - 8.2 Geologically Hazardous Areas Classification
  - 8.3 Geologically Hazardous Areas Identification
    - 8.3.1 Erosion
    - 8.3.2 Landslides
    - 8.3.3 Earthquakes
  - 8.4 Geologically Hazardous Areas in Tumwater
    - 8.4.1 Erosion (Known or Suspected Risk Category)
    - 8.4.2 Landslides (Known or Suspected Risk Category)
    - 8.4.3 Earthquakes (Known or Suspected Risk Category)
    - 8.4.4 Volcanic Hazards (No Risk Category)
  - 8.5 Development within Geologically Hazardous Areas
- 9. Fish and Wildlife Habitat Conservation Areas
  - 9.1 Introduction
  - 9.2 Fish and Wildlife Habitat Classification
  - 9.3 Fish and Wildlife Habitat Protection Techniques
  - 9.4 Fish and Wildlife Habitat Identification in Tumwater
  - 9.5 Sensitive Species Identification in Tumwater

9.6 Fish and Wildlife Habitat Protection in Tumwater

9.7 Threatened and Endangered Species

10. Conservation Goals, Policies, and Actions

10.1 Introduction

10.2 Conservation Goals, Policies, and Actions

Conservation Maps

- A. Critical Aquifer Recharge Areas Map
- B. Forestry Lands Designation Map
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- F. Shorelines of the State Map
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