



Riparian buffers

Riparian buffer restoration projects in agricultural areas shall be consistent with the interim riparian buffer recommendations provided to EPA and the Natural Resource Conservation Service by National Marine Fisheries Service letters of February 4, 2013 and April 9, 2013, or the October 28, 2013 guidance previously agreed to by Lead Organizations (LOs)(see attachments). LOs shall confirm in writing projects' consistency with the recommendations referenced above. When evaluating project proposals, LOs also should consider the extent to which proposals include appropriate riparian buffers or otherwise address pollution sources on other water courses on the properties in the project area to support water quality and salmon recovery. Deviations can only be obtained through an exception approved by EPA. In order for EPA to evaluate a request for an exception, the LO must submit the scientific rationale demonstrating adequacy of buffers for supporting water quality and salmon recovery. The request must summarize tribal input on the scientific rationale or other relevant issues. The scientific rationale could be developed from sources such as site-specific assessment data, salmon recovery plans, Total Maximum Daily Loads (TMDLs) and the state nonpoint plan. EPA will confer with the National Oceanic and Atmospheric Administration (NOAA) and the Washington Department of Ecology and provide the opportunity for affected tribes to consult with EPA before making a final decision on a deviation request.

FAQs on the NMFS buffer table condition for Puget Sound Lead Organizations

EPA established a new programmatic condition for riparian buffers in FY 2014 Lead Organization grants. The following FAQs and flow chart provide further guidance that Puget Sound LOs may consult while working with applicants. "NMFS buffers" refers to the interim riparian buffer recommendations provided to EPA and the Natural Resource Conservation Service by National Marine Fisheries Service letters of February 4, 2013 and April 9, 2013, or the October 28, 2013 guidance previously agreed to by Lead Organizations (LOs).

Is State match subject to the condition?

No, but State agencies are encouraged to utilize the NMFS buffers to maintain consistency and ensure resource protection on agricultural lands.

What is the definition of agricultural areas?

Agricultural areas, for the purposes of this term and condition, includes lands that meet the definition of agricultural lands and activities in the Washington Shoreline Management Act. (RCW 90.58.065). If a parcel is zoned agricultural it will generally be considered agricultural for the purpose of implementing this term and condition. Properties zoned as rural residential and are hobby farms or nonrevenue producing farms will also be considered as agricultural land for the purpose of implementing this term and condition.

Is there a process to fund buffers that are different than the NMFS buffers?



Yes, in those instances where applicants are intending to establish riparian buffers that are narrower than the NMFS buffers, a grantee must prepare a scientific exemption request and seek approval through EPA. Where implementing the NMFS buffers is prevented by physical constraints, such as transportation corridors, or structures, the buffer implemented could be narrower at the location occupied by the transportation corridor or structure, but must otherwise meet the requirements of the NMFS buffer table.

What constitutes a scientific rationale for a deviation from the NMFS buffer recommendations?

The LO should submit deviation requests along with the scientific rationale demonstrating adequacy of buffers for supporting water quality and salmon recovery for projects that do not conform to the NMFS table. The request should summarize tribal input on the scientific rationale or other relevant issues. The scientific rationale could be developed from sources such as site-specific assessment data, salmon recovery plans, Total Maximum Daily Loads (TMDLs) and the state nonpoint plan.

How were the NMFS buffer recommendations developed?

Please see the attached letter from the National Marine Fisheries Service that describes the table and its origins.

How should Lead Organizations determine whether or not applications demonstrate compliance with the FY 2014 riparian buffer condition?

The attached flow chart can be used by LOs to help guide these determinations. Also, it is expected that LOs will follow their existing agency guidelines for determining compliance with grant conditions. LOs can determine what should be included in application materials to demonstrate how the applicant would meet the term and condition. Application materials could include aerial photos, descriptions of planned riparian buffers (width and composition) and other materials. LOs are also strongly encouraged to collect data on project implementation, including buffer width, length, and composition. In cases where project proposals include deviations from the NMFS buffer recommendations based on science, applicants should submit supporting documentation of the scientific basis for the deviation with application packages.

Other state and federal agency programs funding habitat restoration on Puget Sound waters may not require use of the NMFS buffers. What can LOs tell landowners/applicants/others on this to avoid confusion or “buffer shopping”?

The NMFS buffers represent federal fish agency recommendations to protect anadromous and ESA listed fish on agricultural lands. While other state and federal grant programs may not currently require use of the NMFS buffers, many federal and state agencies are working to align conditions to ensure consistency and resource protection. For example, NRCS Biology Technical Note 14 Wildlife Habitat Evaluation Guide was recently updated, with the intent to provide buffer widths consistent with NMFS recommendations. Also, science on buffers is evolving through NEP funded efforts to develop consolidated riparian management recommendations over the next 1-2 years through the WDFW led review and development of Riparian Habitat Guidelines.