GMA Update – Critical Areas Review for Best Available Science

This is a list of potential issues to consider in addressing the GMA requirement[1] to include the best available science (BAS) in critical areas policies and development regulations as part of the next update. The list is not exhaustive, but is a good representation of the range of issues to address in evaluating the effectiveness of critical areas protection programs.

Review and Evaluation

Current Compliance Status: Have any compliance orders been issued and if so have they been addressed?

Existing Findings: Are they complete and accurate? Is there new information available?

Sources of BAS identified: Is this list complete and included in the local record?

Wetlands (WET)

Are there wetlands present? If yes, then:

Are these wetlands protected with buffers that are supported by BAS?

Are there provisions to address adverse wetland impacts, such as requirements for compensatory mitigation with ratios, an in-lieu fee program or mitigation banking?

Is there a watershed analysis available for your watershed that identifies important areas for protecting or restoring wetlands and their functions?

Do your regulations use the information from this analysis to protect wetlands?

Do your regulations allow compensatory mitigation to occur outside the subbasin if a watershed analysis indicates that higher ecological functions can be achieved elsewhere?

Areas with a Critical Recharging Effect on Aquifers Used for Potable Water (CARA)

Is the public source of water supply from groundwater? If yes, then:

Is there a well head or source protection program in place?

---

[1] The GMA at RCW 36.70A.130 (1) requires a periodic review and evaluation of critical areas ordinances (CAO) by all jurisdictions.

Have local land uses been limited as needed to protect the water source?

If coastal areas are subject to salt water intrusion, have these areas been designated?

If there is an instream flow rule affecting groundwater use, have land uses been regulated to maintain adequate recharge of groundwater?

Fish and Wildlife Habitat Conservation Areas (FWHCA)

Have all habitat areas primarily associated with endangered, threatened, and sensitive species, as well as locally-important habitats and species been identified, including potential connectivity corridors?

Have the habitat needs for both aquatic and terrestrial local wildlife been considered?

Have sufficient habitat conservation areas been designated to support local populations of identified fish and wildlife species?

If needed, have adjacent jurisdictions been contacted to ensure consistent approaches to protecting identified critical areas?

Has a process been established for reviewing development projects for potential impacts to designated fish and wildlife habitat conservation areas? Does this process require mitigation sequencing?

Have regional lead entities for salmon planning and recovery been contacted?

Have nonprofit groups engaged in habitat conservation been contacted?

Have you considered reviewing regional and local habitat assessment information? Sources include Ecoregional Assessments for access to broad scale information on critical habitat needs and potential opportunity areas; Local Habitat Assessments, completed for some areas, and Conservation Opportunity Framework maps from the Washington Biodiversity Strategy.

Frequently Flooded Areas (FFA)

Has a current flood damage prevention ordinance been adopted?

Within the Puget Sound area, have new FEMA requirements known as Reasonable and Prudent Alternatives identified in the National Marine Fisheries Service Biological Opinion (2008) been addressed?

If applicable, has the 2009 law that limits expanding urban growth areas in flood plains been addressed? (SHB 1967 – 2009 session)

Geologically Hazardous Areas (GHA)

Have all geological hazards been identified by type and by risk level?

Are critical facilities generally prevented from locating within geologically hazardous areas?

Are maps available that show likely or designated geological hazardous areas?

Other Considerations

Does the public involvement program for the update specifically address critical areas issues?

Are educational resources on critical areas available to the public, elected officials, planning commissioners, and planning staff?

Are there incentives available and promoted as part of the critical areas protection program? See Incentives and Stewardship Options

Has there been a regional review or discussion with adjacent and potentially affected jurisdictions?

Are appropriate interlocal agreements in place for addressing shared critical areas?

Have Low Impact Development alternatives been included in development regulations? See Low Impact Development information

Is the jurisdiction covered by a NPDES municipal stormwater general permit (Phase I or Phase II)?

Does the jurisdiction apply the Ecology stormwater manual (or an equivalent) to all new development and redevelopment?

Does the CAO require the correct sequence of mitigation in order to reduce severity of impacts to critical areas?

Is there an adopted Clearing and Grading ordinance?

Has the issue of how to align the CAO with the required Shoreline Master Program update been addressed?

Has the option of aligning SEPA reviews with the CAO been considered or completed? See WAC 197-11-908.

Has there been an Endangered Species Act (ESA) compliance review?

Have the potential impacts of climate change on critical areas been assessed? For identified impacts, have relevant regulations been changed to minimize risks?

Have alternative, optional wetland mitigation approaches that are consistent with current federal and state wetlands regulations been included? This includes the need to address watershed-based or landscape-scale assessments to identify the best locations for compensatory mitigation actions.