Draft Elements of Administrative Official Interpretation (AOI)

Skagit County Planning and Development Services is considering development of an administrative official interpretation (AOI) pursuant to SCC 14.06.040 responding to direction from the Federal Emergency Management Agency (FEMA), Region 10 which requires alignment of the National Flood Insurance Program with the Endangered Species Act. The AOI would be utilized to guide qualified professionals in the preparation of fish and wildlife site assessments, inform the public and assist reviewers under the authority of the County’s Critical Areas Ordinance (CAO). The AOI would rely upon existing language contained in the CAO, and its proposed non-substantive amendments which provide cross reference to the Flood Damage Prevention Ordinance. All code provisions cited in this document are included for review under Attachment A. The AOI would be developed in order to ensure that Skagit County complies with the intent of Reasonable and Prudent Alternative Element 3 - Floodplain Management Criteria. The criteria are contained in the National Marine Fisheries Service Biological Opinion (BiOp) dated September 22, 2008. The Riparian Buffer Zone (RBZ) dimensions can be found in Appendix 4 of the BiOp and the May 14, 2009 errata letter. Appendix 4 and the errata letter are included for review as Attachment B.

The AOI is intended to clarify the meaning, application and intent of existing provisions of the CAO relating to departmental review of Critical Area Maps (SCC 14.24.050) and the preparation of Fish and Wildlife Site Assessments (SCC 14.24.520) by qualified professionals. The review process has been developed to comply with the Riparian Buffer Zone (RBZ) dimensions reflected in Appendix 4 and the errata letter.

Department review of critical area maps for projects located within the RBZ

- The existing Special Flood Hazard Area (100-year floodplain) would be overlain on existing DNR Stream Type Maps for review by Planning and Development Services.
- A 250-foot Riparian Habitat Zone review area would be registered to all streams within the Special Flood Hazard Area as a threshold for further critical area review.
- Proposals falling within the 250-foot Riparian Habitat Zone review area would require further review and possible preparations of a site assessment by a qualified professional.

Critical Area Site Assessment Requirements for Qualified Professionals

Fish and wildlife site assessment requirements for projects proposed within the Riparian Habitat Zone review area would include:

1. A regulatory analysis consistent with SCC 14.24.080 (4) (c) (viii). The regulatory analysis would specifically require discussion of the findings and
recommendations of the BiOp, relating to RBZ dimensions included in Appendix 4. and the May 14, 2009 errata letter).

2. A description of use of the site by listed species consistent with SCC 14.24.500 (1) (a), which designates “areas with which endangered, threatened, and sensitive species have a primary association” as fish and wildlife habitat conservation areas.


4. Buffer plans shall demonstrate that proposed buffer widths are sufficient to protect riparian functions and that project activities are “not likely to adversely effect” listed species. Analysis of the Management Recommendations for Washington’s Priority Habitats: RIPARIAN (WDFW, December 1997) and Final Best Available Science Report prepared for Skagit County (Watershed Company, January 2007) shall be utilized as the basis for establishing sufficient buffers. If the appropriate buffer width exceeds the standard requirements of the CAO, then the provisions of SCC 14.24.540 (1) Buffer Width Increasing shall be utilized to provide additional protection of riparian functions.