

Planning and Development Services recommends the following Critical Areas Ordinance amendments. This recommendation list is followed by responses. New proposed tracked change amendments to the public review draft are highlighted yellow, as applicable.

Recommendation #1. Wetland Mitigation: Clarify mitigation priorities for buffers separately from direct wetlands impacts [SCC 14.24.250(3)].

Recommendation is based on public comments: 1

Response: Deleted hierarchy statement from provision 1. Added additional criteria to provision (b)(i). Provision (1) as written allows off-site mitigation instruments consistent with Ecology guidance and the 2008 federal mitigation rule.

14.24.250 Wetland alternative compensation projects.

(1) Off-Site Compensation. ~~On-site compensation is generally preferred over off-site compensation.~~ Off-site compensation allows replacement of wetlands away from the site on which the wetland has been impacted by a regulated activity. The following conditions apply to off-site compensation:

(a) Off-site compensation ~~shall~~ **must** occur within the same drainage basin of the same watershed where the wetland loss occurs; ~~provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable alternative. In such instances, the s~~

~~Stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.~~

(b) Off-site compensation can be allowed only under 1 or more of the following circumstances:

(i) On-site compensation is not feasible due to hydrology, soils, or other physical factors, ~~or on-site opportunities do not have a high likelihood of success;~~

(ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses or would conflict with a Federal, State or local public safety directive;

(iii) Potential functions and values at the site of the proposed restoration are greater than the lost wetland functions and values;

(iv) When the wetland to be altered is of a limited function and value and is degraded, compensation ~~shall~~ **must** be of the wetland community types needed most in the location of compensation and those most likely to succeed with the highest functions and values possible.

~~(v) Off-site mitigation is required by state and/or federal permitting agencies and is demonstrated to support watershed health.~~

Recommendation #2. FWHCA / Stormwater: Review and update Critical Areas Report requirements as needed to require projects to address downstream water quality impacts to FWHCAs. Stormwater runoff (quality and quality) control is addressed under SCC 14.32 and 16.32.

Recommendation is based on public comments: 2, 3, 4, 5, 6, 7, 11, 12, 17, 21, 24

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Response: No changes. Stormwater management requirements are present throughout the County's critical areas regulations, including the following sections, SCC 14.24.080, 140, 210, 220, 240, 250, 320, 330, 340, 360, 430 and 540. Skagit County also regulates stormwater under Chapter 14.32 – Stormwater Management.

Recommendation #3. Geologically Hazardous Areas: Incorporate general housekeeping amendments to the Geologically Hazardous Areas code section and related code sections for allowed activities (SCC 14.24.070) and the definition of qualified professional (SCC 14.04.020) recommended by the Washington Department of Natural Resources.

Recommendation is based on public comments: 10,11

Response: No changes to SCC 14.24.070 or 14.24.080. However, resource references were updated in SCC 14.24.410(2)(d), (3)(b), and (5). Qualified professional details were updated in SCC 14.24.420(1), 430, and 430(4).

SCC 14.24.410(2)(d):

(d) Areas of previous failure such as earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other failures as observed in the field or as indicated on maps or in technical reports published by the U.S. Geological Survey, the [Geology and Earth Resources Division of the Washington Department of Natural Resources](#) [Washington Geological Survey](#), or other documents authorized by government agencies.

SCC 14.24.410(3)(b):

(b) Areas located within 1/4 mile of an active fault as indicated on investigative maps or described in studies by the United States Geologic Survey, [Geology and Earth Resources Division of the Washington Department of Natural Resources](#) [Washington Geological Survey](#), or other documents authorized by government agencies, or as identified during site inspection.

SCC 14.24.410(5):

(5) Mine hazard areas as designated on the Department of Natural Resources Map: Coal Measures of Skagit County (1924), [as indicated on the Washington Department of Natural Resources' Washington Geologic Information Portal](#), or within 200 feet of any other current or historic mine operations determined to be a suspect or known geologically hazardous area by the [Administrative Official](#) [Director](#). (Ord. O20080014 (part))

SCC 14.04.020

Qualified professional: a person with training and four years of work experience in the applicable field or critical area.

(1) A qualified professional for wetlands must have a bachelor's degree or equivalent in biology, ecology, soil science, botany, or related field and relevant professional experience in functional assessment and mitigation techniques in Western Washington or comparable systems.

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(2) A qualified professional for watercourses and wildlife habitat conservation areas must have a bachelor's degree or equivalent in wildlife biology, ecology, fisheries, or closely related field and relevant professional experience in functional assessment and mitigation techniques.

(3) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional **geologist**, engineering geologist or **civil** engineer, licensed in the State of Washington, with relevant professional experience in geotechnical engineering, including experience with landslide evaluation.

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(4) A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, or professional engineer, licensed in the State of Washington, who has relevant professional experience analyzing geologic, hydrologic, and groundwater flow systems.

(5) A qualified professional for stormwater management must be a geologist licensed in the State of Washington or a professional engineer and meet the applicable requirements specified in the Skagit County Stormwater Manual.

Recommendation #4. Agriculture / Drainage: Review and update FWHCA language to incorporate and define drainage/irrigation district terminology and clarify when FWHCA regulations apply. The county will also review language involving Voluntary Stewardship Plan (VSP) relative to critical area buffer flexibilities. Amendments will focus on SCC 14.24.070 'Activities allowed without standard review' and SCC 14.24.120 'Ongoing agriculture'.

Recommendation is based on public comments: 13, 19, 26

Response: The CAO has been updated to include the Drainage and Fish Initiative (DFI) agreement terminology of “managed watercourses with headwaters” and “managed watercourses without headwaters”. We recommend the County adopt these terms and their definitions into SCC 14.04. Additionally, we recommend that the County consolidate the definition for “artificial watercourse” with the DFI definition in SCC 14.04. See recommended agriculture related code amendments to SCC 14.24.070 and 14.24.120 under responses to Recommendations 5 and 6.

SCC 14.120(1)

(1) Purpose and Intent. The purpose of this Section is to address 2 mandates under the Growth Management Act (GMA): (a) to protect the existing functions and values of fish and wildlife habitat conservation areas (FWHCAs) in and adjacent to natural, **managed watercourses with headwaters, natural watercourses without headwaters, modified natural**, and artificial watercourses as defined in SCC 14.04.020 (collectively “watercourses”), and (b) to conserve and protect agricultural lands of long-term commercial significance, specifically those lands in ongoing agricultural activity as defined by SCC 14.04.020 that are located adjacent to these watercourses.

Recommendation #5. Agriculture / Drainage: Remove reference to Tidegate Fish Initiative; it is out-of-date (SCC 14.24.120(4)(d)).

Recommendation is based on public comments: 13, 16, 18, 19, 22, 26

Response: Removed outdated reference.

SCC 14.24.120(4)(d)(i)

(d) Operation and Maintenance of Public and Private Agricultural Drainage Infrastructure. The following practices apply to any watercourse that is part of drainage infrastructure, except those practices performed pursuant to a fully-executed Drainage-Fish Initiative ~~or Tidegate-Fish Initiative~~ agreement:

Recommendation #6. Agriculture / Drainage: Review and incorporate code updates recommended by the Skagit County Drainage and Irrigation District Consortium, LLC in their comments 1-6. These updates will clarify definitions and regulatory requirements for managed and artificial watercourses.

Recommendation is based on public comments: 13

Response: Skagit County Drainage and Irrigation District Consortium, LLC comments 1-6 have been incorporated. See proposed code amendments to SCC 14.24.070 and 14.24.120 below. Since these language amendments introduce new terminology, definitions will also need to be updated. Suggested definition updates are provided at the end of this response.

SCC 14.24.070(7)

(7) ~~Provided the requirements of SCC 14.24.120(4)(d) are met for ongoing agriculture, the lawful operation and maintenance of public and private diking and drainage systems which protect life and property along the Skagit and Samish Rivers and tidal estuaries in Skagit County. This exemption applies to the lawful operation and maintenance of public and private diking and drainage systems which protect life and property along the Skagit and Samish Rivers and tidal estuaries in Skagit County, existing structures and design prism of levees, dikes, and artificial watercourses 40 feet landward of the landward toe of the structure or facility and 40 feet waterward of the waterward toe of the structure, measured horizontally from the face of the levee, dike or bank of the artificial drainage structure toward the ordinary high water mark. The exempt area for operation and maintenance may be managed to meet Federal standards for funding assistance established by the United States Army Corps of Engineers under Public Law 84-99 or other laws and regulations adopted to guide the diking and drainage functions.~~ This exemption does not apply to public or private activities that expand the levee, dike, or drain beyond its design characteristics as of June 1, 1999, the time of adoption of this Subsection; nor activities that expand or create new facilities.

SCC 14.24.070(10)

(10) Activities in or adjacent to artificial watercourses which ~~were~~are constructed and are actively maintained for irrigation and drainage by diking, drainage, and irrigation improvement districts formed pursuant to Title RCW 85, provided, that any activity ~~must~~shall comply with relevant state and federal regulations, Chapter 77.55 RCW by securing written approval from the State Department of Fish and Wildlife;

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and provided further, that the activity must also comply with all applicable State and local drainage, erosion and sedimentation control requirements for water quality. The operator shall notify the Administrative Official in writing regarding the location and nature of anticipated activities a minimum of 14 days prior to commencing any such activity. Such notification shall be a condition for allowance of this activity without standard review. This allowance only applies to activities not subject to SCC 14.24.120(4)(d).

SCC 14.24.120(1) and (1)(a):

(1) Purpose and Intent. The purpose of this Section is to address 2 mandates under the Growth Management Act (GMA): (a) to protect the existing functions and values of fish and wildlife habitat conservation areas (FWHCAs) in and adjacent to natural ~~and, modified natural, and artificial watercourses~~ managed watercourses with headwaters and natural watercourses without headwaters as defined in SCC 14.04.020 ~~(collectively “watercourses”)~~, and (b) to conserve and protect agricultural lands of long-term commercial significance, specifically those lands in ongoing agricultural activity as defined by SCC 14.04.020 that are located adjacent to these watercourses.

(a) For purposes of this Section, “existing functions and values” means the following:

- (i) Water quality standards identified in Chapter 173-201A WAC, including the provisions that account for natural or baseline conditions.
- (ii) The existing presence or absence of large woody debris within the watercourse.
- (iii) The ~~existing~~ riparian vegetation buffer characteristics and width, including but not limited to the ~~existing~~ amount of shade provided by the ~~existing~~ riparian vegetation at the time the VSP was adopted buffer.
- (iv) The existing channel morphology.

SCC 14.24.120(4)

(4) Required Watercourse Protection Measures for Ongoing Agriculture in Fish and Wildlife Habitat Conservation Areas (FWHCA). Unless the emergency provisions of SCC 14.24.070(1) apply, the following watercourse protection measures are required:

SCC 14.24.120(4)(c)(iv):

(iv) V-ditching must not be constructed to drain into a natural watercourses or managed watercourses with headwaters that contains salmonids, unless the topography of the field is such that this is the only alternative to drain the field by gravity. ~~is to drain the V-ditch into a watercourse that does contain salmonids. When draining a V-ditch into a watercourse that does contain salmonids, appropriate~~ BMPs should be used to ~~minimize~~ avoid contributing excess amounts of sediment to the watercourse. For the purpose of determining ~~whether~~ a natural watercourse or managed watercourse with headwaters contains salmonids, the County will use maps prepared by WDFW for the purposes of the Drainage Fish Initiative.

- ~~(A) Salmonid distribution based on the “limiting factors analysis” data compiled by the Washington State Conservation Commission; and~~
- ~~(B) The Statewide Washington Integrated Fish Distribution database; and~~
- ~~(C) Any other valid source of information which may confirm salmonid presence.~~

Definition Update Recommendation (SCC 14.04.020)

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Artificial watercourse: ditches and other water conveyance systems, not constructed from natural watercourses, which are artificially constructed and actively maintained for irrigation and drainage, and/or watercourses without headwaters that are wholly built by humans and that do not follow or replace a historic natural watercourse, and are designed to convey water from local surface areas or subsurface drains for the purpose of removing excess water in order to improve conditions for agriculture. Artificial watercourses include lateral field ditches used to drain farmland where the ditch did not replace a natural watercourse.

Modified natural watercourse: that segment of a natural stream that has been modified and is maintained by diking and drainage districts, and where such modification activity was done as a permitted activity that has undergone environmental review (SEPA and/or NEPA), and is in compliance with all necessary permits in effect at the time of its approval.

Managed watercourses with headwaters: Watercourses with headwaters that follow and/or replace a historic natural watercourse that has been significantly channelized, relocated, and/or constrained by dikes and that have flow control structures (tide gates, pump stations) at their confluence with marine waters.

Managed watercourses without headwaters: Watercourses without headwaters that follow and/or replace a historic natural watercourse that has been significantly channelized, relocated and/or constrained by dikes and that have flow control structures (tide gates, pump stations) at their confluence with marine waters.

Recommendation #7. Species of Local Importance: Update the species of local importance list to include forage fish [SCC 14.24.500(4)]. Also review additions suggested by the Skagit Audubon Society (White pelican, Harlequin duck, Western high Arctic brant, bufflehead, and beavers). Note: The proposed reference to WDFW Priority Habitats and Species List is already inclusive.

Recommendation is based on public comments: 15, 16, 18, 22, 23

Response: No change necessary. The WDFW Priority Habitats and Species List referenced under SCC 14.24.500(1)(k) includes all these species except beaver. Any new species nominations should go through the established local process.

Recommendation #8. Buffer Enhancement: Amend the buffer enhancement requirements under SCC 14.24.070(12) through (13) to support practical implementation of restoration projects.

Recommendation is based on public comments: 16, 18, 22

Response: The condition that buffer enhancement activity not required as mitigation be performed only with the use of handheld equipment has been removed. The requirement that the restoration plan be submitted to the director for review and submittal has been removed and replaced with the request for notification.

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SCC 14.24.070(12)

(12) Fish, wildlife, wetland and/or riparian [buffer](#) enhancement activities not required as mitigation [such as native plant and mulch installation and/or reasonable removal of non-native vegetation provided all of the following apply:](#)

- (a) ~~Enhancement work will be restricted to handheld equipment. Handheld equipment includes shovels, tillers, clippers, loppers, weed wrenches, and brush cutters and any handheld gas or electric equipment. The project is consistent with the chapter and does not harm critical areas or their buffers;~~
- (b) ~~A planting restoration plan must be submitted to the Director for review and approval prior to any disturbance to the buffer. The plan must include the area to be restored, method of removal, a detailed native planting plan with a plant list and schedule for commencement and completion of the project. The subject property is not located in a high landslide hazard area; and~~
- (c) ~~The subject property is not located in a high landslide hazard area; and Notification of the enhancement activities must be submitted to the Director.~~

Recommendation #9. Critical Areas Report: Update Critical Areas Report requirements to clarify impact assessment criteria ([SCC 14.24.080(5)(c)(iv)].

Recommendation is based on public comments: 16, 18, 22

Response: Impact assessment criteria has been clarified.

SCC 14.24.080(5)(c)(iv)

- (iv) An assessment of the probable [direct and indirect impacts to the critical area\(s\) and buffer\(s\) as well as the cumulative impacts to critical areas](#) resulting from ~~the existing development of the site and the~~ proposed development; and [an assessment of the cumulative impacts to the critical area resulting from the existing and proposed development;](#)

Recommendation #10. FWCHA term consistency: Update code to consistently use either Fish and Wildlife Habitat Conservation Area (FWHCA) or Habitat Conservation Area (HCA).

Recommendation is based on public comments: 16, 18, 22

Response: The code has been updated to uniformly adopt the phrase 'Fish and Wildlife Habitat Conservation Area (FWHCA)'. Any references to 'Habitat Conservation Area (HCA)' has been updated accordingly.

Recommendation #11. PCA Maintenance: Under Protected Critical Area (PCA) Requirements [SCC 14.24.090] add a cross reference to SCC 14.24.070(12) – Allowed Activities to make it clear invasive plant removal is allowed.

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Recommendation is based on public comments: 23

Response: SCC 14.24.090(1)(a) has been updated with a cross reference to SCC 14.24.070(12).

SCC 14.24.090(1)(a)

(a) Except for the allowances under SCC 14.24.070(12), the PCA is to must be left undisturbed in its natural state. No clearing, mowing, grading, filling, logging, or removal of woody material; building; construction or road construction of any kind; planting of non-native vegetation or occupation by livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis.

Recommendation #12. Exemption for small wetlands: Update this code language for clarity and ensure alignment with Washington State Department of Ecology guidance [SCC 14.24.230(7)].

Recommendation is based on public comments: 23

Response: Code language has been updated for clarity and alignment with Washington State Department of Ecology guidance.

SCC 14.24.230(7)

(c) Direct wetland impacts are still subject to regulation by the US Army Corps of Engineers and the Washington State Department of Ecology.

Recommendation #13. Habitat corridors: Update FWPCA protection standards to include habitat corridor protections to better align with best available science (SCC 14.24.530).

Recommendation is based on public comments: 23

Response: County staff reviewed some regional examples and chose to apply habitat corridors to land division and binding site plans under the conditions below.

SCC 14.24.530(5) NEW

(5) On development proposal sites involving land division, short plat, long plat, and/or a binding site plan, that contain streams and/or wetlands with a high habitat score greater than or equal to six, that are also located within 200 feet of an on-site or off-site a stream and/or wetland with a high habitat score greater than or equal to six a fish and wildlife habitat corridor shall be set aside and protected as follows:

(a) New development proposals, subdivisions, short subdivisions, commercial site plans, and binding site plans shall place the corridor in a contiguous permanent critical area tract with all developable lots sited on the remaining portion of the project site.

(b) The fish and wildlife habitat corridor shall be sited on the development in order to meet the following conditions, where feasible:

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(i) Forms one contiguous tract that connects on-site high value habitat areas to other on-site or off-site high value habitat areas;

(ii) New development proposals shall provide a minimum fish and wildlife habitat corridor width of 100 feet or a corridor width that is consistent with an approved habitat management plan. The corridor width should not be less than 100 feet wide at any point;

(iii) New development proposals on sites constrained by a fish and wildlife habitat corridor and where development already exists shall maintain a minimum fish and wildlife habitat corridor width of 100 feet unless, through an approved habitat management plan, it can be shown that a lesser habitat corridor width supports and maintains the corridor's function and value;

(iv) Be contiguous with and include and/or connect critical areas, buffers, wildlife habitat corridors, native growth protection easements, and open space tracts or wooded areas on site or on adjacent properties, if present; and

(v) The Director may modify corridor widths based on supporting documentation from an approved habitat management plan.

(c) A management plan for the wildlife corridor contained within a tract or tracts shall be prepared that specifies the permissible extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the Department. The approved management plan for a development proposal shall be contained within and recorded on title or with the covenants, conditions and restrictions (CCRs). If the wildlife corridor is contained in a conservation easement, a management plan is not required, but may be submitted to the Department for review and approval and recorded with the conservation easement.

(d) Clearing within the wildlife corridor contained in a tract or tracts shall be limited to that allowed by the management plan or as otherwise allowed by this chapter. No clearing, including the removal of woody debris, shall be allowed within a wildlife corridor contained within a conservation easement on individual lots, unless the property owner has an approved management plan.

(e) Where feasible, a homeowners' association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with the management plan. The association shall provide homeowners with information on the Washington Department of Fish and Wildlife's backyard wildlife sanctuary program.

(f) Low impact uses and activities which are consistent with the purpose and function of the habitat corridor and do not detract from its integrity may be permitted within the corridor depending on the sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, stormwater management facilities such as grass-lined swales, utility easements and other similar uses, or activities otherwise described and approved by the Washington Department of Fish and Wildlife; provided, that any impacts to the corridor resulting from such permitted facilities shall be fully mitigated.

(h) At the discretion of the Director, these standards may be waived or reduced for public facilities such as public schools, fire stations, public parks, and public road projects.

(i) The wildlife corridor tract or easement shall be permanently marked and/or fenced consistent with the methods contained in SCC 14.24.090 and the County's design and construction standards in effect at the time of application.

Recommendation #14. Critical Aquifer Recharge Areas (CARA): Update above ground tank storage requirements to exclude facilities subject to Oil Pollution Prevention (OPP) regulations [SCC 14.24.320 through 340].

Recommendation is based on public comments: 25

Response: SCC 14.24.320(4)(a)(2) has been updated to include language to exclude facilities subject to Oil Pollution Prevention (OPP) regulations.

SCC 14.24.320(4)(a)(2)

1. Aboveground Tanks. All new aboveground storage facilities used or to be used for the aboveground storage of hazardous substances or hazardous waste must be designed and constructed with a double walled tank and a secondary containment system separate from the tank that will hold 110 percent of the tank's capacity. The secondary containment system or dike system must be designed and constructed to contain material stored in the tank(s). Facilities that are subject to Oil Pollution Prevention regulation 40 CFR Part 112 (Spill Prevention, Control, and Countermeasure) are exempt from this standard.

Recommendation #15. FWHCA: Comments received from the Washington Department of Fish and Wildlife (WDFW) are generally recommended by planning staff with three exceptions: 1) Site Potential Tree Height and 2) timber harvest 3) buffer averaging removal. Review and incorporate changes to the FWHCA code section as recommended by County planning staff. This includes additional impact avoidance criteria.

Recommendation is based on public comments: 27

Response: 'Riparian Management Zone' terminology has been adopted where appropriate in the code. Habitat corridor connection language has been included in FWHCA buffer width increasing requirements.

SCC 14.24.530(1)(a)

(a) Intent of buffers is to act as Riparian Management Zones Buffers. The intent of riparian management zones buffers is to protect the following 5 basic riparian forest functions that influence in-stream and near-stream habitat quality:

SCC 14.24.530(1)(a)(viii)

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(vii) Wildlife Habitat Connectivity. Riparian areas serve as critical corridors that allow terrestrial wildlife to move between habitats. These corridors support biodiversity by facilitating species migration, dispersal, foraging, and access to water.

SCC 14.24.530(3)(a)

(a) It is equal to or greater than 50 percent of the current required standard buffer width for the wetland FWHCA classification; and

SCC 14.24.540(1)(b)

(b) To provide connectivity when a Type S or F water body is located within 300 feet of:

(i) Another Type S or F water body; or

(ii) A fish and wildlife HCA; or

(iii) A Category I, II or III wetland;

(iv) To protect habitat corridor connections between open spaces and critical areas inside and outside the county.

Recommendation #16. FWHCA Habitat Management Plans: The Gap Analysis recommends including other agencies, such as the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA), under the habitat management plans code section SCC 14.24.520(4). This was omitted in error. Recommend adding to this amendment.

Recommendation is based on public comments: 15

Response: Per the Gap Analysis, reference to U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA), and other applicable agencies has been added.

SCC 14.24.520(4)

(4) All other fish and wildlife habitat conservation areas, including habitats and species of local importance, ~~shall~~ **must** be protected on a case-by-case basis by means of a habitat management plan based on information from the Washington State Priority Habitat and Species (PHS) program, U.S. Fish and Wildlife Service, National Atmospheric Administration (NOAA), and other applicable agencies. as set forth in the site assessment requirements in SCC 14.24.080 and this Section. (Ord. O20110008 (part); Ord. O20090011 Atch. 2 (part); Ord. 17938 Atch. F (part), 2000)

Recommendation #17. Instream Flow Rules: Add RCW references to SCC 14.24.350 to ensure compliance with state law for water use.

Recommendation is based on public comments: 28

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Response: Reference to RCW 36.70A.590 and 90.44.050 have been added to SCC 14.24.350(1).

SCC 14.24.350(1)

(1) Except as provided in Subsection (2) of this Section, average daily groundwater withdrawals for projects initiated after the effective dates indicated below ~~shall will~~ be limited in each ~~instream-flow-sensitive~~ basin ~~with Instream Flow Rules to the amounts indicated below~~. The ~~Director~~ Health Officer, in coordination with the Washington Department of Ecology, ~~shall will~~ be responsible ~~for tracking water uses in flow-sensitive basins in accordance with~~ for ensuring compliance with ~~RCW 36.70A.590, RCW 90.44.050, WAC 173-501, WAC 173-503, & WAC 173-505.~~