# Attachment A

## Biological Opinion Draft Elements of the Administrative Official Interpretation: Existing Code Provisions

### 14.06.040 (3) Administrative Interpretations—Official.

(a) Generally. Administrative interpretations are decisions by the Administrative Official as to the meaning, application, or intent of any of the provisions of SCC Title 14. Administrative interpretations are also available for questions regarding a map boundary or an alleged scrivener's mapping error that does not involve reconsideration or rebalancing of designation criteria. Procedural provisions and statements of policy shall not be subject to this process. A decision by the Administrative Official that the interpretation request is not subject to this process shall be final, does not require a Notice of Decision, and not subject to appeal.

(b) Decision Criteria. The Administrative Official shall research the original intent of the language or provision. The Administrative Official shall also consider relevant provisions of the Comprehensive Plan or other applicable policy documents.

(c) Process. Requests for administrative interpretation shall be written and shall concisely identify the issue and desired interpretation. Notice of Decision on interpretations shall be issued within 45 days from the date of receipt.

(d) Appeals. Appeals of administrative interpretations shall be available, and shall follow the process of SCC 14.06.110(7) through 14.06.110(14), as presently codified or later amended. Standing to bring an appeal shall be limited to aggrieved parties.

### 14.24.050 Resource information and maps.

(1) With the exception of the Flood Insurance Rate Map used to designate certain frequently flooded areas, the Skagit County Final Shoreline Area Designation Map (5/83 or as revised) and maps of flow-sensitive basins prepared by the Administrative Official pursuant to SCC 14.24.370, Skagit County's critical areas maps are provided only as a general guide to alert the user to the possible distribution, location and extent of critical areas. Map identification of critical areas provides only approximate boundaries and locations in Skagit County. The actual locations and boundaries of critical areas, as well as their quality and quantity, shall be based upon the presence of the features applicable to each critical areas element

in this Chapter. Maps shall not be considered a regulatory standard or substitute for site-specific assessments. The application of definitions, methodologies and performance standards pursuant to the site assessment requirements provided in this Chapter is the controlling factor in determining the actual presence and extent of critical areas.

(2) Skagit County will utilize data from natural resource agencies as a source of best available science (BAS) to develop critical areas maps. Maps will be updated when new data becomes available from resource agencies. (Ord. O20080014 (part))

**14.24.520 Fish and wildlife habitat conservation area site assessment requirements and management plans.**

(1) Any project within 200 feet of a fish and wildlife habitat conservation area requires a fish and wildlife HCA site assessment. In addition to the requirements of SCC 14.24.080, the following shall be included in the site assessment:

(a) An analysis of the functions and values of the critical area(s), that includes but is not limited to a discussion of water quality/quantity and fish and wildlife habitat; and

(b) An analysis of the buffer areas above the ordinary high water mark including the following five functions identified in SCC 14.24.530(1)(a)(i):

(i) Recruitment of large woody debris (LWD) to the stream;

(ii) Shade;

(iii) Bank integrity (root reinforcement);

(iv) Runoff filtration;

(v) Wildlife habitat.

(2) If the Administrative Official determines that an activity may have an adverse effect on any fish and wildlife habitat conservation areas, including habitats and species of local importance, the applicant must implement a habitat management plan as set forth in the site assessment requirements in SCC 14.24.080 and this Section.

**14.24.080 (4) (C) (viii) Regulatory analysis** including a discussion of any Federal, State, Tribal, and/or local requirements, including but not limited to the Shoreline Management Master Program, or special management recommendations which have been developed for species and/or habitats located on the site.

**14.24.500 Fish and wildlife habitat conservation area designations.**

(1) Fish and wildlife habitat conservation areas (HCAs) are listed in WAC 365-190-080(5) and are designated as follows:

(a) Areas with which endangered, threatened, and sensitive species have a primary association;

**14.24.530 Fish and wildlife habitat conservation area protection standards.**

(1) Riparian Buffers. Riparian buffers apply only to streams and rivers.

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

(i) Recruitment of Large Woody Debris (LWD) to the Stream. LWD creates habitat structures necessary to maintain salmon/trout and other aquatic organisms' productive capacity and species diversity.

(ii) Shade. Shading by the forest canopy maintains cooler water temperatures and influences the availability of oxygen for salmon/trout and other aquatic organisms.

(iii) Bank Integrity (Root Reinforcement). Bank integrity helps maintain habitat quality and water quality by reducing bank erosion and creating habitat structure and in-stream hiding cover for salmon/trout and other aquatic organisms.

(iv) Runoff Filtration. Filtration of nutrients and sediments in runoff (surface and shallow subsurface flows) helps maintain water quality.

(v) Wildlife Habitat. Functional wildlife habitat for riparian-dependent species is based on sufficient amounts of riparian vegetation to provide protection for nesting and feeding.

(b) Standard Riparian Buffers Measurement. Riparian buffer areas shall be measured horizontally in a landward direction from the ordinary high water mark. Where lands adjacent to a riparian area display a continuous slope of 25% or greater, the buffer shall include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer shall be extended to a point 25 feet beyond the top of the bank of the sloping area. Riparian areas do not extend beyond the toe of the

slope on the landward side of existing dikes or levees within established dike districts along the Skagit and Samish Rivers.

(c) Standard Riparian Buffer Widths. Riparian areas have the following standard buffer widths:

| DNR Water Type | Riparian Buffer |
|---|---|
| S | 200 feet |
| F > 5 feet wide* | 150 feet |
| F ≤ 5 feet wide* | 100 feet |
| Np | 50 feet |
| Ns | 50 feet |
| *Bankfull width of the defined channel (WAC 222-16-010). | |

(2) Lake and Marine Shoreline Buffers. Lake and marine shoreline areas have the following standard buffer widths, based on the shoreline area designations defined in the Shoreline Master Program (Chapter 14.26 SCC):

| Shoreline Area Designations | Shoreline Buffer |
|---|---|
| Natural | 200 feet |
| Conservancy | 150 feet |
| Rural | 100 feet |
| Rural Residential | 100 feet |
| Urban | 140 feet |

**14.24.540 Fish and wildlife habitat conservation area performance-based buffer alternatives and mitigation standards.**

(1) Buffer Width Increasing. The Administrative Official may require the standard buffer width to be increased or to establish a nonriparian buffer, when such buffers are necessary for 1 of the following:

(a) To protect priority fish or wildlife using the HCA.

(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;

The increased buffer distance may be limited to those areas that provide connectivity or are necessary to protect habitat functions. Increasing the buffer widths will only be done where necessary to preserve the structure, function and value of the habitat.