

## Jessi Roberts

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**From:** Wayne Fitch  
**Sent:** Friday, March 20, 2015 3:41 PM  
**To:** Erin Page; Cliff Strong  
**Cc:** Amy Dearborn  
**Subject:** RE: CAO update suggestions

Thanks Erin

Also we may want to propose language that prohibits planting of non-native species within CA's (wetlands/HCA's) and associated buffers. I don't see that specifically anywhere in the code. We get this question sometimes not associated with development or a mitigation plan.

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**From:** Erin Page  
**Sent:** Friday, March 20, 2015 2:22 PM  
**To:** Cliff Strong  
**Cc:** Amy Dearborn; Wayne Fitch  
**Subject:** CAO update suggestions  
**Importance:** High

Hi Cliff,

Let me know if this can't get incorporated. I can look into exact sections of code to put this in if you need. Otherwise, you can pick the best places Thanks for all you do! The wetland video turned out great and makes me smile just thinking about it!

1. **Mitigation within Easements:** When an access or utility easement in a critical area is impacted (especially during the platting process), we currently do not require that the entire easement be mitigated for, rather, we require that the exact area of impact be mitigated for. This in theory is fair. However, what has happened during the permitting process is that after a mitigation plan for impacts have been accepted by staff, then engineering or fire code requirements create more impact in that easement. The client then has to go back and make expensive revisions (and takes a lot more CA review) to the already accepted plan. I propose that we add something in the code that when impacts occur within an easement, that mitigation ratio calculations take into account the entire width of the easement to ensure for impacts resulting from code compliance with all of Whatcom County codes. 16.16.260?
2. **Non-critical areas should specifically not be allowed within a conservation easement**, and wetland delineations or critical areas assessments shall cover entire parcels of application unless it is a small partial development, such as a single family residence, or accessory dwelling unit. Land divisions and large developments should have entire parcels delineated with sub-meter accuracy – 16.16.255(H)
3. **There should be a definition for pervious and impervious surface in the Article 8, listing gravel as impervious. Gravel should also be placed in the "fill material" definition. Here is the federal definition of fill material:** material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water. The examples of "fill material" identified in today's rule include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the U.S.
4. **Temporary impacts** should be addressed in mitigation reporting requirements and mitigation ratio sections for both wetlands and HCAs within all development projects.
5. **Habitat requirements should be defined** in Article 8 to include foraging, breeding, and refuge areas according to BAS.

6. Habitat requirements should be a requirement of HCA reporting requirements of individual species, as well as mitigating measures and habitat management for impacts to HCA species (WCC 16.16.750)
7. Section 6.16.250(C)(1) – What is a critical area identification form????? I think we should put a waiver in here about our critical areas maps and their inaccuracy, stating that field verification is mandatory when a critical area is suspected.
8. **“Permit Decisions”** should be defined in Article 8 in reference to appeal rights under 16.16.280. I assume this permit decision was under the assumption that there was in fact a critical areas code violation...

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Erin Page, PWS  
Critical Areas and Mitigation  
Whatcom County PDS  
(360) 676-6907 ext. 50242