



Habitat Conservation Areas

Critical Areas Ordinance

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What are Habitat Conservation Areas (HCA's)?

Habitat Conservation Areas (HCA's) are areas that have been identified as being of critical importance to maintaining certain fish, wildlife, and/or plant species in Whatcom County. These areas are typically identified by known point locations of specific species (such as a nest or den), or by habitat areas, or both.

Habitat Conservation Areas are regulated under the Whatcom County Critical Areas Ordinance (WCC, Chapter 16.16 – Article 7) for the general purposes of:

- Maintaining fish and wildlife populations through protection and conservation of the natural distribution, connectivity, and quality of valuable fish and wildlife habitat and the ecological processes that sustain these resources.
- Protecting marine shorelines, valuable terrestrial habitats, rivers and streams and their associated riparian areas, and the ecosystem processes that they depend on.
- Avoiding creation of isolated populations of species, and habitat degradation and fragmentation.

Does my property contain an HCA?

To help you determine if your property may contain an HCA, you can contact Whatcom County Planning and Development Services (PDS) - Land Use Division. HCA's include the following:

- Rivers and streams.
- Areas where Federal and/or State listed species have a primary association.

- State priority habitats and areas associated with state priority species.
- Commercial and recreational shellfish areas, including designated Shellfish HCA's.
- Kelp and eelgrass beds.
- Surf smelt, Pacific herring, and Pacific sand lance spawning areas.
- Naturally occurring ponds under 20 acres.
- Naturally occurring lakes over 20 acres and other waters of the state including marine waters, and waters planted with game fish by a government or tribal entity.
- Natural area preserves and natural resource conservation areas.
- Areas that contain locally important species, habitats, and habitat corridors that have recreational, cultural, and/or economic value to citizens of Whatcom County.

Protective Buffers

Designation and establishment of protective buffers are intended to protect and minimize impacts to Habitat Conservation Areas by providing separation between HCA's and development activities.

The required standard buffer width depends on the type of HCA as follows:

- Rivers and Streams:
 - Shoreline streams – 150 feet
 - Fish bearing streams – 100 feet
 - Non-fish bearing streams – 50 feet
- Ponds less than 20 acres in size – 50 feet

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- Lakes 20 acres and larger in size – 100 feet
 - Marine near-shore habitats; commercial and recreational shellfish areas; kelp and eelgrass beds; and surf smelt, Pacific herring, and Pacific sand lance spawning areas – 150 feet
 - Areas where Federally listed species have a primary association; State Priority Habitats and areas where Priority Species have a primary association; and designated Locally important habitat areas – width based on WDFW PHS recommendations, as applicable
 - Natural Area Preserves and Natural Resource Conservation Areas – no buffers required

Buffer areas are to remain naturally vegetated except where the buffer can be enhanced to improve the functional attributes of the HCA.

Under certain conditions, the County may allow modification of standard buffer requirements by granting agreements for buffer averaging or buffer reduction. The County may also require larger buffer widths when necessary to protect specific HCA functions and values.

What is the review process for my project?

Review and approval for a proposed development within an HCA or associated buffer area may be initiated through any project permit or land use application in Whatcom County. The County will use the following review procedure:

- The County will determine if the proposed activity is located within an HCA or its associated buffer through map evaluation, site inspection and/or other appropriate means.
- A Habitat Management Plan (HMP) may be required when any part of an activity may

impact an HCA. A qualified wildlife or fisheries biologist shall prepare an HMP.

- The recommendations and conclusions of an approved HMP will be used to assist the County in making a final decision regarding HCA boundaries and appropriate protective and/or mitigation measures.

Habitat Management Plans

A Habitat Management Plan (HMP) will be required when a proposed development activity will have an adverse impact on an HCA and/or its buffer. An HMP must address the ecological conditions of the habitat conservation area, potential adverse impacts of the development on the habitat and species dependent on the habitat, and conservation/mitigation measures to offset unavoidable adverse impacts.

Fees

Please refer to the current Whatcom County Unified Fee Schedule.

Information

Due to the administrative complexity of these regulations, it is best to consult with or contact a Natural Resources Planner to answer any additional questions.

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Bellingham, Washington 98226 USA
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Staff Contact: Natural Resources Planner
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