



Critical Areas Ordinance

Rivers and Streams

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Why do we regulate rivers and streams?

The purpose of regulating activities around rivers & streams is to:

- Ensure the continued existence and enhancement of fish and wildlife populations by protecting and conserving valuable fish and wildlife habitat.
- Encourage the preservation of natural river and stream functions that support fish and wildlife populations and preserve marine shorelines.
- Preserve critical wildlife habitats so that isolated populations of species are not created and habitat fragmentation is avoided especially along riparian corridors.
- Maintain the natural geographic distribution of fish and wildlife habitat.

What is a river?

A river is an area where surface waters produce a defined channel or bed and the mean annual flow is 20 cubic feet per second or greater.

What is a stream?

A stream is an area where the surface water flow is sufficient to produce a defined channel or bed and the mean annual flow is less than 20 cubic feet per second. A defined channel or bed is an area, which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel

swales. The channel or bed need not contain water throughout the year.

This definition includes drainage ditches or other artificial watercourses where natural streams existed prior to human alteration, and salmonid fish populations utilize the waterway or the watercourses flow directly into Shellfish Habitat Conservation Areas.

Why are rivers & streams important?

Rivers & Streams perform a variety of functions that are important to the environmental and economic well being of Whatcom County:

- Groundwater recharge;
- Fish and wildlife habitat;
- Recreation, education, scientific study, and aesthetic values.

Buffers

A standard 100-foot buffer protects all rivers and streams, except that a standard 50-foot buffer shall be applied to those waterways not utilized by salmonid fish populations and which do not directly flow into such waterways. Any exception to the standard 100-foot buffer shall be made by Whatcom County critical areas staff.

- Buffers provide separation between river and stream systems and development activities, thus minimizing adverse impact to these areas.
- All buffers shall be measured on a horizontal plane from the ordinary high water mark.

THE PLANNING AND DEVELOPMENT SERVICES HANDOUT SERIES

- Buffers shall remain naturally vegetated except where the buffer has been invaded by noxious weeds or where the natural buffer can be enhanced for habitat, bank stabilization or water quality purposes.
- There shall be no activity allowed within a river, stream, or its associated buffer without meeting the mitigation requirements.
- Under certain conditions, Whatcom County allows modification of buffer widths by granting agreements for buffer averaging. The County may also require larger buffer widths when necessary to protect a stream or river's functions and values.

How does development impact river and stream corridors?

Development activity is defined as any activity that requires federal, state, or local approval for the use or modification of land or its resource.

These activities include, but are not limited to:

- Shoreline substantial development;
- Clearing activity;
- Fill and grade work;
- Activity conditionally allowed;
- Building or construction;
- Land division;
- Revocable encroachment permits; and
- Septic approval.

Development activity can result in degraded fish and wildlife habitat and degraded water quality by contributing to problems including, but not limited to:

- Increased storm water runoff and flooding;
- Increased stream erosion and turbidity/sedimentation;
- Increased levels of toxic chemicals and organic pollutants;
- Decreased light and dissolved oxygen for aquatic plant and animal life;
- Increased water temperature;

- Loss of riparian buffer.

What is the review process for my project?

Review and approval for a proposed development within a critical area may be initiated through the application for any project permit in Whatcom County. The County will use the following procedure for critical areas review upon submittal of a project or land use application:

- The technical administrator will determine if the project is located within a critical area or its potential buffer area.
- If the proposed activity is located within a critical area or its buffer, the technical administrator will confirm the presence or absence of a critical area through site inspection or other appropriate means.
- A Critical Areas Assessment Report is required when any part of the project may impact a regulated critical area.

The recommendation and conclusions of the approved report will be used to assist the administrator in making a final decision concerning critical areas jurisdiction and appropriate mitigation measures.

Fees

Please refer to the current Whatcom County Unified Fee Schedule.

Information

Protecting rivers and streams and riparian areas requires public education, involvement, and cooperation. Due to the administrative complexity of these regulations, it is usually best to visit with PDS staff or contact the Natural Resource Specialist to answer any additional questions.

Land Use Services Division
5280 Northwest Drive, Suite B

Bellingham, Washington 98226 USA

E-mail: pds@co.whatcom.wa.us

Staff Contact: Natural Resource Specialist

Phone: (360) 676-6907