

**CRITICAL AREAS CHECKLIST**

**A Technical Assistance Tool From Growth Management Services – updated April 2019**

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| **Name of city or county**: | |
| **Staff contact, phone, and e-mail address** | |
| **INSTRUCTIONS**  This checklist is intended to help local governments update their development regulations, pursuant to the schedule in [**RCW 3****6.****70A.130****(4)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.130) (updated in 2012)**. We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates.** This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to [*Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act*](https://deptofcommerce.app.box.com/s/ih7k99b6ars6lsgdje9czjmeq4zk1jjw), August, 2016 and [WAC 365-196-610](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-610) (updated in 2015).  **Bold items are a GMA requirement or may be related requirements of other state or federal laws**.  **Commerce WAC provisions are advisory** under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “*…****shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials*.**” Underlined items are links to Internet sites and may include best practices or other ideas to consider. If you have questions, call GMS at (360) 725-3066.  **Updates to Commerce WAC** – Revisions to the Commerce WAC relating to critical areas have been provided in a table with dates of changes on the [Growth Management Act Periodic Update web site](http://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/). The table can be used with this checklist to determine what changes have been made since the last update of your critical areas regulations.  **How to fill out the checklist**  Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:  **Is this item addressed in your current Critical Areas Ordinance (CAO)?** If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the [Commerce Growth Management Services Web page](http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/GMA-Periodic-Update.aspx) or [contact one of the Commerce planners](https://deptofcommerce.app.box.com/s/835yvhlzgeaoggz43movvjxstxao288e) assigned to your region. | **Contents**  **Instructions………..……….….1**  **Overall Requirements……..2**  **Wetlands…………………………3**  **Critical Aquifer Recharge Areas………………………………4**  **Frequently Flooded Areas……………………………..5**  **Geologically Hazardous**  **Areas……………………………...6**  **Fish and Wildlife Habitat Conservation Areas….……..7**  **Designating and Protecting Waters of the State……..…..8**  **Anadromous Fisheries…………………………..8**  **Reason Use Exceptions….…8**  **Agricultural Activities………9**  **Forest Practices Regulations……………………..9**  **Good Ideas…….……..…………9** |

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| **CRITICAL AREAS**  Regulations protecting critical areasare required by [**RCW****3****6.****70****A.060(2)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.060)and [**RCW 36****.70A.172(1)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.172). [WAC 365-195-900](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-195-900) through [925](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-195-925) provide guidelines**.** Guidance can also be found in Commerce’s [*Crit**ical Areas Handbook (*Updated June, 2018*)*](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/); the Minimum Guidelines [WAC 365-190-080 – 130](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190); Best Available Science, [Chapter 365-195 WAC](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-195); and Procedural Criteria, [WAC 365-196-485](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-485) and [WAC 365-196-830](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-196-830), and on Growth Management’s Critical Areas webpage. | |
| **Regulations required to protect critical areas** | **Addressed in current plan or regulations? If yes, note where** |
| **OVERALL REQUIREMENTS**  **The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction.**   1. **Designation of Critical Areas**   [**RCW 36.70A.170(1)(d)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.170) required all counties and cities to designate critical areas. [**RCW 36.70A.170(2)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.170) requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050.  [**RCW 36.70A.05**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.050)**0** directed Commerce to adopt the Minimum Guidelines to classify critical areas. [WAC 365-190-080](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-080) through [130](#_Fish_and_wildlife) (updated in 2010) provide guidance on defining or “designating” each of the five critical areas.  [WAC 365-190-040](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-040) (updated in 2010) outlines the process to classify and designate natural resource lands and critical areas.   1. **Definition of Critical Areas**   [**RCW 36.70A.030**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.030) provides definitions for each type of critical area. Sections (5) regarding fish and wildlife habitat conservation areas; (9) regarding geologically hazardous areas; and (21) regarding wetlands were updated in 2010.  [WAC 365-190-030](http://app.leg.wa.gov/wac/default.aspx?cite=365-190-030) (updated 2010) provides definitions in the Minimum Guidelines.   1. **Protection of Critical Areas**   [**RCW 36.70A.060 (2)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.060) required counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170.  [**RCW 36.70A.172(1)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.172) requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.   1. **Inclusion of Best Available Science**   [**R****CW 3****6.7****0A****.1****7****2**(1)](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.172) requires inclusion of the best available science (BAS).  [Chapter 365-195 WAC](http://app.leg.wa.gov/wac/default.aspx?cite=365-195) outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.  [WAC 365-195-915](http://apps.leg.wa.gov/wac/default.aspx?cite=365-195-915) provides criteria for including BAS in the record. | Was BAS documented in the record for the review and updates to the critical areas regulations?   * Yes * No   Location in Text: |

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| **WETLANDS DEFINITION**  **The definition of wetlands is consistent with** [**R****CW 3****6.70A.****0****30(21)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.030)(updated in 2012). | Is the wetland definition consistent with  RCW 36.70A.030(21)?   * Yes * No * N/A   Location in Text: |
| **WETLANDS DELINEATION**  **Wetlands are delineated using the 1987 Federal Wetland Delineation Manual and Regional Supplements** in accordance with[WAC 173-22-035](http://apps.leg.wa.gov/wac/default.aspx?cite=173-22-035)(updated in 2011).  See Ecology’s [Wetland Delineation](https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Delineation-resources) page and [WAC 365-190-090](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-090) (updated in 2010) for additional assistance. | Are wetlands delineated using the 1987 Federal Wetland Delineation Manual and Regional Supplements?   * Yes * No * N/A   Location in Text: |
| **WETLANDS PROTECTION**  **Policies and regulations protect the functions and values of wetlands.** **RCW 36.70A.172(1)** Counties and cities are encouraged to make their actions consistent with the intent and goals of “protection of wetlands”, Executive Order 89-10 as it existed on September 1, 1990.  WAC 365-190-090(3) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see:   * [2014 Updates to the Washington State Wetland Rating Systems](https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Delineation-resources) * [Washington State Wetland Rating System for Western Washington](https://fortress.wa.gov/ecy/publications/summarypages/1406029.html) * [Washington State Wetland Rating System for Eastern Washington](https://fortress.wa.gov/ecy/publications/summarypages/1406030.html)   For other resources and guidance on protecting wetlands, go to Ecology’s  [Local Wetland Regulations: Growth Management Act technical assistance.](https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations/Local-regulations.) | Do the regulations use a rating system to determine wetlands protection?   * Yes * No * N/A   Location in Text |

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| **CRITICAL AQUIFER RECHARGE AREAS**  **Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1).**  **Policies and regulations protect the quality and quantity of groundwater used for public water supplies.** [**RCW 36.70A.070(1)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.070) and [WAC 365-196-485(1)(d)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-196-485). (Required if groundwater is used for potable water.)  The following references also relate to protection of groundwater resources:  [**RCW 90.44**](http://app.leg.wa.gov/rcw/default.aspx?cite=90.44) – Regulation of Public Groundwaters  [**RCW 90.48**](http://app.leg.wa.gov/rcw/default.aspx?cite=90.48) – Water Pollution Control (1971)  [**RCW 90.54**](http://app.leg.wa.gov/rcw/default.aspx?cite=90.54) – Water Resources Act of 1971  [**RCW 36.36.020**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.36.020) - Creation of aquifer protection area (1988)  [WAC 365-190-100](http://app.leg.wa.gov/wac/default.aspx?cite=365-190-100)Critical Aquifer Recharge Areas (2010)  [WAC 173-100](http://apps.leg.wa.gov/WAC/default.aspx?cite=173-100) Groundwater Management Areas and Programs (1988)  [WAC 173-200](http://app.leg.wa.gov/wac/default.aspx?cite=173-200) Water Quality Standards for Groundwaters of the State of Washington (1990)  [WAC 365-196-735](http://app.leg.wa.gov/wac/default.aspx?cite=365-196-735)Consideration of state and regional planning provisions (list) (2010)  The [Critical Aquifer Recharge Areas Guidance Document](https://fortress.wa.gov/ecy/publications/SummaryPages/0510028.html) (2005) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.  Also, consider the following: Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology’s guidance on [Critical Aquifer Recharge Areas](https://ecology.wa.gov/Water-Shorelines/Water-quality/Groundwater/Protecting-aquifers/Critical-aquifer-recharge-areas).Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology’s Stormwater Manual for Western Washington (updated in 2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See [Stormwater Management and Design Manuals](http://www.ecy.wa.gov/programs/wq/stormwater/municipal/StrmwtrMan.html) on Ecology’s web page.See Stormwater Drainage and Water Quality on page 7 of this checklist for additional LID resources. | If groundwater is used for potable water, do regulations protect the quality and quantity of ground water?   * Yes * No * N/A   Location in text:  Are the critical aquifer recharge regulations consistent with current mapping of these critical areas?   * Yes * No * N/A   Location in text: |

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| **FREQUENTLY FLOODED AREAS**  **Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1)**  [WAC 365-196-830](http://apps.leg.wa.gov/wac/default.aspx?cite=365-196-830) provides:” "Protection" in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”  [WAC 365-190-110](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-110) (updated in 2010) directs counties and cities to consider the following when designating and classifying frequently flooded areas:  (a) Effects of flooding on human health and safety, and to public facilities and services;  (b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in **RCW** [**36.70A.110**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.110);  (c) The future flow flood plain, defined as the channel of the stream and that portion  of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out;  (d) The potential effects of tsunami, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change;  (e) Greater surface runoff caused by increasing impervious surfaces.  Classification of and regulations for frequently flooded areas should not conflict with the [Federal Emergency Management Agency (FEMA)](http://www.fema.gov/national-flood-insurance-program) requirements for the National Flood Insurance Program. See [Ecology’s Frequently Flooded area guidance](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Guidance-for-floodplains-Critical-Areas-Ordinanc)  and [**44 CFR 60**](http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=44:1.0.1.2.27).  Communities that are located on Puget Sound or the Strait of San Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the National Flood Insurance Program Biological Opinion (BiOp) for Puget Sound (<https://www.fema.gov/media-library/assets/documents/30021>). The biological opinion required changes to the implementation of the National Flood Insurance Program in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:  1) a model ordinance (<https://www.fema.gov/media-library/assets/documents/85339>); 2) a programmatic Checklist (<https://www.fema.gov/media-library/assets/documents/85336>); or  3) on a permit by permit basis (<https://www.fema.gov/media-library/assets/documents/85343>) as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the option of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community’s biological opinion compliance strategy.  Additional resources:  [**RCW 86.12**](http://apps.leg.wa.gov/RCW/default.aspx?cite=86.12)Flood Control by Counties  [**RCW 86.16**](http://app.leg.wa.gov/RCW/default.aspx?cite=86.16) Floodplain Management  [**RCW 86.26**](http://app.leg.wa.gov/RCW/default.aspx?cite=86.26) State Participation in Flood Control Maintenance  [**RCW 86.16.041**](http://app.leg.wa.gov/RCW/default.aspx?cite=86.16.041) Floodplain Management Ordinance and Amendments  [WAC 173-158-070](http://apps.leg.wa.gov/WAC/default.aspx?cite=173-158-070)Requirements for construction in Special Flood Hazard Areas | Are frequently flooded areas designated and regulated using FEMA and Ecology guidance?   * Yes * No * N/A   Location in Text:  Are you utilizing your CAO as part of a programmatic response to the BiOp?   * Yes * No * N/A   Location in Text: |

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| **DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS**  **The definition of geologically hazardous areas is consistent with** [**RCW 36.70A.030(10)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.030) (updated 2012).  “Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. | Is the geologically hazardous areas definition consistent with  RCW 36.70A.030(10)?   * Yes * No * N/A   Location in Text: |
| **PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS**  **Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1)**  [WAC 365-196-830](http://apps.leg.wa.gov/wac/default.aspx?cite=365-196-830) (2010) provides:” "Protection" in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”  **Geologically hazardous areas are designated, and their use is regulated or limited** **consistent with public health and safety concerns**. [**RCW 36.70A.030(10)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.030) provides a definition (updated in 2012) and [WAC 365-190-120](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-120) describes the different types of hazardous areas (2010):   * Geologically hazardous areas include: * seismic hazards * tsunami hazards * [landslide hazards](http://www.dnr.wa.gov/programs-and-services/geology/geologic-hazards/landslides), * areas prone to erosion hazards * volcanic hazards * [channel migration zones](https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Hazards/Stream-channel-migration-zones) * areas subject to differential settlement from coal mines or other subterranean voids. * Critical facilities, such as hospitals and emergency response centers, hazardous materials storage, etc. should be restricted in hazard zones.   The Department of Natural Resource’s [*Geologic Hazards and the Environment*](http://www.dnr.wa.gov/programs-and-services/geology/geologic-hazards-and-environment) website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness and includes [geologic hazard maps](http://www.dnr.wa.gov/geologyportal). | Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety?   * Yes * No * N/A   Location in Text: |

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| **DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS**  **The definition of fish and wildlife habitat conservation areas is consistent with** [**RCW 36.70A.030(5)**](http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.030) (updated 2012) and [WAC 365-190-030](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-190-030) (updated in 2015). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: “***such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company*”.** | Is the FWHCA definition consistent with  RCW 36.70A.030(5)?   * Yes * No * N/A   Location in Text: |
| **PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS**  **Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas.** [**RCW 36.****7****0****A****.172(1)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.172)and **RCW 36.70A.030(5)** (updated 2012).  [WAC 365-190-130(4)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-190-130) encourages to local jurisdictions consult WDFW’s [Priority Habitat and Species web site](http://wdfw.wa.gov/conservation/phs/mgmt_recommendations/). Recent updates include:   * [Priority Habitat and Species maps](http://wdfw.wa.gov/conservation/phs/maps_data/) (updated daily) * [Priority Habitats and Species List](http://wdfw.wa.gov/conservation/phs/list/) (updated June 2016)   + [Mazama Pocket Gopher](http://wdfw.wa.gov/publications/01175/) (2011, 2016)   + [Great Blue Heron](http://wdfw.wa.gov/publications/01371/) (2012)   + [Western Gray Squirrel](http://wdfw.wa.gov/publications/00027/western_gray_squirrel_final.pdf) (2010) * [Water Crossing Design Guidelines](http://wdfw.wa.gov/publications/01501/) (2013) * [Stream Habitat Restoration Guideline](http://wdfw.wa.gov/publications/01374/wdfw01374.pdf)s (2012) * [Shrub-Steppe](http://wdfw.wa.gov/publications/01333/) (2011) * [Land Use Planning for Salmon, Steelhead and Trout](http://wdfw.wa.gov/publications/00033/) (2011) * [Landscape Planning for Washington’s Wildlife](http://wdfw.wa.gov/publications/00023/) (2009) * [Aquatic Habitat Guidelines](http://wdfw.wa.gov/conservation/habitat/planning/ahg/index.html) (2010, 2010, 2014) * [Riparian Management recommendations (1997)](https://wdfw.wa.gov/publications/00029/) * [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2018)](https://wdfw.wa.gov/publications/01987/)   Areas “with a primary association with listed species” should be considered per [WAC 365-190-130(2)(a)](http://app.leg.wa.gov/wac/default.aspx?cite=365-190-130). Recent uplistings and delistings are:   * Uplisting of marbled murrelet to State Endangered – February 4, 2017 * Uplisting of Canada lynx to State Endangered – February 4, 2017 * Peregrine falcon delisted from State Sensitive – February 4, 2017   1. The peregrine will remain classified as “protected wildlife” under state law ([WAC 220-200-100](https://apps.leg.wa.gov/wac/default.aspx?cite=220-200-100)) and will continue to be protected under the federal Migratory Bird Treaty Act. * Bald Eagle delisted from State Sensitive - February 4, 2017   1. 2011: Downlisted from State Threatened to Sensitive (this ended the requirement to develop Bald Eagle Protection Plans per [WAC 220-610-100](https://apps.leg.wa.gov/wac/default.aspx?cite=220-610-100)—a change which many CAOs still don’t reflect).   2. 2007: Delisted from federal Threatened (but still covered by the federal Bald and Golden Eagle Protection Act)   Also see the Puget Sound Partnership’s Salmon Recovery web site for WRIA Plans in Puget Sound. | Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?   * Yes * No * N/A   Location in Text  Have you reviewed your regulations regarding any changes in species listings?   * Yes * No * N/A   Location in Text |
| **DESIGNATING AND PROTECTING WATERS OF THE STATE**  [**RCW 90.48.020**](https://app.leg.wa.gov/rcw/default.aspx?cite=90.48.020)defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. [WAC 365-190-130(2)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-190-130) (updated in 2010) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHAs).  Stream types are classified in [WAC 222-16-030](http://apps.leg.wa.gov/WAC/default.aspx?cite=222-16-030) (updated in 2006) with field verification, or an alternate system that considers factors listed in [WAC 365-190-130](http://app.leg.wa.gov/WAC/default.aspx?cite=365-190-130)(4)(f)(iii). See <http://www.dnr.wa.gov/forest-practices-water-typing> to use Washington State Department of Natural Resources (DNR)’s stream typing system.  Establish buffers to maintain no net loss of riparian ecosystem functions.  Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas. | Do you designate waters of the state as FWHCAs?   * Yes * No * N/A   Location in Text  Do your regulations protect waters of the state?   * Yes * No * N/A   Location in Text: |
| **ANADROMOUS FISHERIES**  **Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.** [**RCW 36.70A.172(1)**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.172) is the requirement and [WAC 365-195-925](http://apps.leg.wa.gov/WAC/default.aspx?cite=365-195-925) (updated in 2000) lists criteria involved. This requirement applies to all five types of critical areas.  [WAC 365-190-130(4)(i)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-190-130) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the [Governor's Salmon Recovery Office webpage](http://www.rco.wa.gov/salmon_recovery/gsro.shtml) and the Puget Sound Partnership’s [Salmon Recovery webpage](http://www.psp.wa.gov/salmon-recovery-overview.php)).  [Land Use Planning for Salmon, Steelhead and Trout](http://wdfw.wa.gov/publications/00033/): A land use planner’s guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.  The Washington State [Recreation and Conservation Office (RCO) website](http://www.rco.wa.gov/salmon_recovery/efforts.shtml) includes information on salmon recovery efforts. | Do your regulations give special consideration to anadromous fisheries?   * Yes * No * N/A   Location in Text: |
| **REASONABLE USE EXCEPTIONS**  **The Critical Areas Ordinance (CAO) allows for “reasonable use” if the CAO would otherwise deny all reasonable use of property.** Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible. [**RCW 3****6****.70****A.370**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.370) (1991). Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See [*Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.9 (Updated June, 2018).*](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/) | Do you have reasonable use provisions?   * Yes * No   Location in Text: |
| AGRICULTURAL ACTIVITIES NOT UNDER VSP (COUNTIES ONLY)  Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the Voluntary Stewardship Program (VSP) have been reviewed, and if needed, revised pursuant to RCW 36.70A.130.[RCW 36.70A.710(6)](https://app.leg.wa.gov/rcw/default.aspx?cite=36.70a.710) "Agricultural activities" means all agricultural uses and practices as defined in [RCW 90.58.065](https://apps.leg.wa.gov/rcw/default.aspx?cite=90.58.065).  **VSP Counties**  After watershed work plan approval, VSP counties are encouraged to reference and describe their participation in the program within their critical areas development regulations ([WAC 365-196-832](https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-832)). See [*Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resource Lands (Updated June, 2018).*](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/) | Did you review your regulations as they apply to agricultural activities?   * Yes * No * N/A   Location in Text: |
| **FOREST PRACTICES APPLICATION REGULATIONS**  ***If applicable*, regulations for forest practices have been adopted:** [**RCW 36****.70A.****570**](http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.570)(adopted in 2007).  [**RCW 7****6.0****9.240**](http://apps.leg.wa.gov/RCW/default.aspx?cite=76.09.240), amended in 2011, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances. | Have you adopted forest practices regulations?   * Yes * No * N/A   Location in Text: |
| **GOOD IDEAS**  **Non-regulatory measures** to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:   * public education * stewardship programs * pursuing grant opportunities * water conservation * joint planning with other jurisdictions and non-profit organizations * stream and wetland restoration activities * transfer of development rights   **No net loss** of critical area functions and values is a recommended approach for development regulations in [WAC 365-196-830(4)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-196-830). If development regulations allow harm to critical areas, they should require compensatory mitigation of the harm.  **Monitoring and adaptive management** is encouraged in [WAC 365-195-905(6)](http://apps.leg.wa.gov/wac/default.aspx?cite=365-195-905) to improve implementation of your regulations. See Commerce’s Monitoring chapter in the updated [Critical Areas Handbook (June 2018](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/)). | Are you using non-regulatory measures to protect critical areas?   * Yes * No   Location in Text:  Do your regulations address no net loss and require compensatory mitigation?   * Yes * No   Location in Text:  Do you have a monitoring and adaptive management program for your CAO?   * Yes * No   Location in Text: |