



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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Critical Areas "Letter of Determination"

Background

Island County Code (ICC) 17.02B requires environmental documentation for development in the vicinity of wetlands and streams, as required by the Growth Management Act (GMA). The Planning Department allows for a brief report for certain scenarios. This brief report is called a "Letter of Determination," and is acceptable when a proposal falls outside of all critical areas and associated buffers.

Wetlands and Environmental Reports

A Letter of Determination is acceptable when proposed development falls outside the maximum buffer width of 300-feet, or when no regulated wetland is present (ex. mapping data incorrectly identifies wetland presence). For development closer than 300-feet from a regulated wetland, but outside of determined buffers, an abbreviated Wetland Report is acceptable. This second scenario requires complete U.S. Army Corps of Engineers data sheets and Island County Land Use and Buffer Worksheets, per 17.02B.400.C.

Streams and Environmental Reports

Regulated streams are designated as fish and wildlife habitat conservation areas (FWHCAs) in Island County. Under 17.02B.400, when a development proposal is located within 1,000-feet of a habitat for a protected species or an identified FWHCA or its buffer, a BSA is required. FWHCAs include all regulated streams, Washington Natural Heritage Program areas (NHP sites), areas with a primary association with endangered, threatened, and sensitive species, state natural area preserves, and habitats and species of local importance. For streams specifically, a Letter of Determination is acceptable when proposals fall outside of maximum stream buffer widths, per 17.02B.400.A.1.

Summary

When a qualified environmental consultant can clearly determine that development falls outside of the maximum buffer for wetlands and streams a Letter of Determination is acceptable. The Letter of Determination should be 1-4 pages in length, and reference the following items from 17.02B.410.C:

- Date of assessment
- Brief detailed description of development proposal
- Description of findings
- Site plan including a to-scale map documenting critical areas, buffers, and development
- Attachments:
 - Field indicators worksheet.
 - If closer than 300-feet to wetland, complete USACE data sheets and Island County Land Use/Buffer Worksheets required. If >300 feet, a brief detailed description of wetland edge determination, relevant data, and field indicators worksheet is acceptable.

In all cases where development may alter critical areas or associated buffers, complete environmental documentation and permit review is required, per 17.02B.400.