



King County

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

AMENDMENTS TO KING COUNTY FLOODPLAIN REGULATIONS

A. BACKGROUND

1. *Name of proposed project, if applicable:*

Amendments to King County Floodplain Regulations

This SEPA Checklist is prepared for a non-project action as defined under WAC 197-11-704 for amendment to floodplain regulations in King County Code chapter 21A.24. A new SEPA checklist may be required for project actions implemented under these floodplain regulations.

2. *Name of applicant:*

King County Department of Natural Resources and Parks
Water and Land Resources Division
River and Floodplain Management Section

3. *Address and phone number of applicant and contact person:*

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4. *Date checklist prepared:*

May 18, 2009

5. *Agency requesting checklist:*

King County Department of Natural Resources and Parks
Water and Land Resources Division
River and Floodplain Management Section

These code amendments are proposed as a result of a Community Assistance Visit (CAV) conducted on January 15, 2009 by Washington State Department of Ecology on behalf of the Federal Emergency Management Agency (FEMA) to assess King County's compliance with the National Flood Insurance Program. The CAV identified deficiencies in the regulations for the AO (shallow flooding) flood zone and an inappropriate allowance for a civil engineer to complete a FEMA Elevation Certificate. Additional changes are included in this ordinance to facilitate the correction to sub-grade crawl spaces, which were identified through field inspections of floodplain development as part of the CAV.

6. *Proposed timing or schedule (including phasing, if applicable):*

It is anticipated that the King County Executive will transmit this ordinance to the King County Council in July 2009 for their review. A decision on this ordinance will be based on the King County Council's schedule.

7. *Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.*

No. It is anticipated that adoption of this ordinance will address the code deficiencies identified through the CAV.

8. *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*

King County's floodplain regulations have been adopted through the King County Comprehensive Plan process for compliance with the Washington State Growth Management Act for the protection of frequently flooded areas as required under RCW 36.70A.060. These critical areas regulations are reviewed and updated as necessary every four years through the Comprehensive Plan major update process. An environmental review was completed for the 2008 King County Comprehensive Plan update and associated development regulations. Site specific environmental review may have been prepared for specific development proposals located in floodplains.

9. *Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.*

This is a non-project action. However there may be development permits pending within King County's floodplains. These development permits would be vested to the code that was in effect when the permit application was determined to be complete. Therefore the code changes proposed through this ordinance will not impact any pending development permits.

10. *List any government approvals or permits that will be needed for your proposal, if known.*

This ordinance would need to be reviewed and approved by the King County Council and signed by the King County Executive. The ordinance would go into effect ten days after signature by the Executive.

11. *Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)*

King County and nearly 20,000 other communities across the United States and its territories participate in the National Flood Insurance Program by adopting and enforcing floodplain management regulations to reduce future flood damage. The Federal Emergency Management Agency (FEMA), or state agency acting on behalf of FEMA, conducts Community Assistance Visits (CAV) to provide technical assistance to communities and to determine if the community is in compliance with the National Flood Insurance Program. The Washington State Department of Ecology, acting on behalf of FEMA, conducted a CAV for King County on January 15, 2009. The CAV identified deficiencies related to performance standards for the AO (shallow flooding) flood zone in King County flood regulations that must be corrected in order for King County's regulations to be in compliance with the National Flood Insurance Program. In addition, King County flood regulations incorrectly allow a Professional Engineer to prepare a Federal Emergency Management Agency Elevation Certificate; only Professional Land Surveyors are allowed to complete Elevation Certificates. Additional changes are included in this ordinance to facilitate the correction to sub-grade crawl spaces, which were identified through field inspections of floodplain development as part of the CAV. This ordinance proposes the following changes to resolve the flood regulation deficiencies identified through the Community Assistance Visit:

Section 1, lines 59-60 – allows King County to exclude the costs to elevate a residential structure when determining if the project is considered a substantial improvement.

Section 2, lines 99-100 – adds a provision that would allow King County to use whatever data accurately classifies and delineates flood hazard areas or base flood elevations. This is added to allow King County to utilize underlying data used in creating flood hazard maps for determining a base flood elevation for the AO (shallow flooding) flood zone. The AO zone does not establish a base flood elevation like other flood zones, and the data needed to establish a base flood elevation, such as the topography, would not be included in the preliminary or adopted maps or studies or any of the other sources of flood hazard data listed in this section.

Section 3, lines 115-117 – allows fill to be placed within the foundation of an existing residential building to the level of the lowest adjacent grade without providing compensatory storage. This area below the lowest adjacent grade is considered “dead storage” so fill placed there will not have an impact on the storage capacity of the floodplain. Relief from compensatory storage will facilitate the ability to eliminate sub-grade crawl spaces, which are not allowed under King County code and which were one of the more common floodplain development violations identified through the CAV.

Section 3, lines 291-295 – relocates the current provision related to uses not allowed in the flood season from the zero-rise floodway (K.C.C. 21A.24.250) to the zero-rise flood fringe (K.C.C. 21A.24.240) because some of the provisions apply to the AO zone and there could be AO zone mapping within the zero-rise flood fringe.

Section 4, lines 323-327 – relocated section above.

Section 5, line 376 – removes the ability for a civil engineer to prepare an Elevation Certificate. The State Board of Registration for Professional Engineers and Land Surveyors has determined that only Land Surveyors should be able to prepare Elevation Certificates.

Section 5, line 381 – moves the requirement for the surveyor to identify if a structure has a basement up to subsection A of this section that specifies what the land surveyor must document.

12. *Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.*

This is a non-project action that amends floodplain regulations countywide. Floodplains exist on most water bodies but these regulations are implemented primarily along the floodplains of King County’s six major river systems, which are the South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green and White Rivers, and their significant tributaries, the Tolt, Raging, Miller and Greenwater Rivers. The floodplain regulations also apply along other tributaries and smaller streams, including, but not limited to Tokul Creek, Kimball Creek, Coal Creek (Snoqualmie), Issaquah Creek, Fifteen Mile Creek, and Holder Creek.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. *General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous ,other: river banks.*

This is a non-project action, but the regulations will apply to land that is generally flat and along river banks.

- b. *What is the steepest slope on the site (approximate percent slope)?*

This is a non-project action, but the regulations will apply to riverbank slopes that range from 1.5:1 to 3:1 with the average slope at approximately 2:1.

- c. *What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.*

This is a non-project action, but the regulations will apply to land along rivers with soils that typically consist of a mixture of imported materials and native materials, often in layers or lens formations. The imported materials range in size from angular rock down to fine gravel and sandy soils. The native materials are alluvial soils with particle sizes ranging from boulders and cobbles to fine silts, and textures ranging from sand and gravelly sand to silty clay loam. In rare instances, small inclusions of relict peat soils are encountered during excavation of failed embankments.

- d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*

This is a non-project action but the regulations apply in floodplains where instability of the riverbank is often evident. On lower gradient rivers within broad alluvial valleys, failures are generally caused by prolonged saturation of fine-grained alluvium within the upper banks followed by rotational slumping of this material into the channel. On steeper gradient, gravel bedded rivers such as the Cedar and the Forks of the Snoqualmie, failure failures are usually caused by loss of undersized toe rock in high velocity events or face scour of upper bank materials (generally smaller angular rock). Slope movements, including landslides, are also present or potentially present on valley wall or exposed bluff locations where these adjoin the active channel. Examples include locations on the Cedar, Green, Snoqualmie and Tolt Rivers.

- e. *Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.*

This is a non-project action, but fill is allowed within floodplains under current floodplain regulations provided compensatory storage is provided. This ordinance would allow fill within the foundations of existing residential buildings without providing compensatory storage if the fill is only to the depth of the lowest adjacent outside grade. Fill under these circumstances is placed in areas that only provide "dead storage" so there would be no decrease in the storage capacity of the floodplain.

- f. *Could erosion occur as a result of clearing, construction, or use? If so, generally describe.*

This is a non-project action, but no changes are proposed under this ordinance to regulations that would increase the potential for erosion.

- g. *About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?*

This is a non-project action and does not include project construction that will result in creation of impervious surface.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:*

This is a non-project action and does not include project construction that will result in erosion or other impacts to the earth.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.*

This is a non-project action and does not include project construction that will create emissions to the air.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.*

This is a non-project action and does not include project construction that would be impacted by any off-site emissions or odor.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:*

This is a non-project action and will not produce any emissions or other impacts to the air that would need to be reduced.

3. Water

- a. Surface:*

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

This is a non-project action, but the floodplain regulations that are being amended by this ordinance apply to development proposals within the 100-year floodplains located on rivers and large tributary streams. These water bodies include, but are not limited to King County's six major river systems, which are the South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green and White Rivers, and their significant tributaries, the Tolt, Raging, Miller and Greenwater Rivers. The floodplain regulations also apply along other tributaries and smaller streams, including, but not limited to Tokul Creek, Kimball Creek, Coal Creek (Snoqualmie), Issaquah Creek, Fifteen Mile Creek, and Holder Creek. Such water bodies are regulated as Aquatic Areas in the King County Critical Areas regulations, and may also be defined as Shorelines of the State in the Washington State Shoreline Management Act (RCW 90.58) and its rules (Chapter 173-26 WAC).

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*

The regulations being amended by this ordinance apply to land that is adjacent to the water bodies identified in B.3.a.1) above. The regulations also apply to structures and installations that are dependent upon being located within the zero-rise floodway, such as:

1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;
2. Flood damage reduction facilities, such as levees, revetments and pumping stations;
3. Stream bank stabilization structures only if a feasible alternative does not exist for protecting structures, public roadways, flood protection facilities or sole access routes.
4. Surface water conveyance facilities;

5. Boat launches and related recreation structures;
6. Bridge piers and abutments; and
7. Approved aquatic area or wetland restoration projects including, but not limited to, fisheries enhancement projects.

- 3) *Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- 4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- 5) *Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*

The proposal includes amendments to floodplain regulations for the 100-year floodplain but does not include any construction.

- 6) *Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

b. *Ground:*

- 1) *Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- 2) *Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

c. *Water runoff (including stormwater):*

- 1) *Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- 2) *Could waste materials enter ground or surface waters? If so, generally describe.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

d. *Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

4. Plants

a. *Check or circle types of vegetation found on the site:*

- X deciduous tree: alder, maple, aspen, other: cottonwood, Oregon Ash, bitter cherry, poplar
- X evergreen tree: fir, cedar, pine, other: hemlock, spruce
- X shrubs: blackberries, butterfly bush, Scot's broom, willow, dogwood, ninebark, hardhack, other: wild rose
- X grass: reed canary grass
- X pasture
- X crop or grain
- X wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- X water plants: water lily, eelgrass, milfoil, other
- _____ other types of vegetation

All of the above vegetation could be found in floodplains where these regulations apply.

b. *What kind and amount of vegetation will be removed or altered?*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

c. *List threatened or endangered species known to be on or near the site.*

The plants listed above in Section B.4.a were reviewed against the Endangered Species Act (ESA) threatened and endangered plant listings contained in Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 & 17.12 (U.S. Department of the Interior, U.S. Fish & Wildlife Service, July 15, 1991). None of these plants were listed as threatened or endangered.

d. *Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

5. Animals

a. *Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:*

- X birds: hawk, heron, eagle, songbirds, other: kingfisher, merganser, American dipper
- X mammals: deer, bear, elk, beaver, other: otter, muskrat, mink, mouse, vole
- X fish: bass, salmon, trout, herring, shellfish, other: whitefish, sculpin, stickleback

All of the above animals could be found in floodplains where these regulations apply.

- b. *List any threatened or endangered species known to be on or near the site.*

Fish: Chinook salmon, currently listed as a Threatened Species under the ESA, and steelhead trout is a Proposed Species for listing under the ESA, utilize all river reaches along which these regulations apply, except those reaches above Snoqualmie Falls, which is located at rivermile (RM) 40.3 on the Snoqualmie River. Bull trout, currently listed as a Threatened Species under the ESA, may utilize all river reaches where these regulations apply, including those reaches upstream from Snoqualmie Falls, although none have been found above the Falls, despite sampling efforts to date.

Wildlife: Bald eagles (*Haliaeetus leucocephalus*), currently listed as a Threatened Species under the ESA, range in the vicinity of all river reaches along where these regulations apply.

- c. *Is the site part of a migration route? If so, explain.*

Juvenile and adult anadromous and resident fish migrate through these river systems during certain times of the year.

Most of the large river valleys in King County--especially those that contain the Green and Snoqualmie Rivers--comprise a portion of the Pacific Flyway used by waterfowl and other migratory bird species.

- d. *Proposed measures to preserve or enhance wildlife, if any:*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

6. Energy and natural resources

- a. *What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- b. *Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.*

No.

- c. *What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

7. Environmental health

- a. *Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.*

This is a non-project action and does not include construction of a project. Construction projects that are subject to these regulations will require separate environmental review.

- 1) *Describe special emergency services that might be required.*