



## King County

### Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center  
201 South Jackson Street, Suite 600  
Seattle, WA 98104-3855

**206.296.6519** Fax 206.296.0192

TTY Relay: 711

June 19, 2012

Mark Carey, Director, Mitigation Division  
Federal Emergency Management Agency, Region X  
130 – 228<sup>th</sup> Street SW  
Bothell, WA 98021-9796

Dear Mr. Carey:

By this letter King County is pleased to forward to you the final Programmatic Habitat Assessment (HA) to demonstrate compliance with the federal Endangered Species Act (ESA), the Magnuson-Stevens Act, and the National Marine Fisheries Service's (NMFS) Biological Opinion. Thank you for meeting with King County on May 9, 2012 to answer questions and finalize King County's Programmatic HA. We are confident that King County's Programmatic HA demonstrates that future development within King County's floodplain under current regulations will not exceed the incidental take limits established by NMFS in the Biological Opinion for King County, and may affect, but is not likely to adversely affect habitat conditions for protected species in King County's watersheds.

King County has worked closely with your staff to address the questions raised on the previous draft HA submitted September 2011 and further revised in December 2011 and May 2012. This Programmatic HA was prepared to supplement King County's September 2010 Biological Opinion checklist. King County has also met with staff from NMFS to brief them on the methodology used in the preparation of this Programmatic HA. Our understanding is that NMFS endorses this approach of a comprehensive review of land uses and parcels within the jurisdictional floodplain based on the zoning and land use regulations found in King County's critical areas, shoreline master program, floodplain management, stormwater management, and clearing and grading codes and adopted manuals. NMFS stated they believe this comprehensive floodplain analysis clearly narrows the range of impacts that can be expected from future floodplain development, and is consistent with the RPA Element 3 goal of avoidance of adverse effects.

One of the key measures for assessing the condition of King County's existing floodplains and estimating future impacts from development is the amount of impervious surface, along with the potential for increases in forest cover and removal of impervious surface through active and passive restoration and open space preservation. King County's annual reporting to FEMA under RPA Element 7 – Monitoring and Adaptive Management, demonstrates that the increase in impervious surface in King County floodplains since the Biological Opinion effective date of

Mr. Mark Carey, Director  
June 19, 2012  
Page 2

September 22, 2008 through December 2011 was roughly 1.156 acres total in unincorporated King County. Since 2007, King County has purchased 119 parcels totaling 284 acres of floodplain property, which will be preserved as permanent open space and available for restoration efforts. We believe King County's progressive land use regulations and aggressive floodplain acquisition and restoration programs demonstrate an upward trend in habitat protection and reduction in floodplain development impacts.

King County's Programmatic HA is a snap-shot in time. Development is going to continue to occur within King County's floodplains. To assess the assumptions and methodology used in this Programmatic HA, King County is committed to updating the land use analysis used in this HA no more than every five years, but at least every ten years. If King County were to make major area-wide zoning changes within the floodplain, or significant changes to land use regulations that reduce habitat protection measures, the land use analysis would be updated in association with those zoning and regulation changes.

We greatly appreciate the assistance of your staff, particularly Barry Gall and John Graves, in helping to explain FEMA's expectations and guide our compliance efforts. If you have any questions or comments on King County's Programmatic HA, do not hesitate to me at 206-296-8011 or Priscilla Kaufmann, Program Manager, in the River and Floodplain Management Section of the Water and Land Resources Division at 206-205-0598.

Sincerely,



Steve Bleifuhs, Manager  
River and Floodplain Management Section

cc: Sung Yang, Chief of Staff, King County Executive Office (KCEO)  
John Starbard, Director, Department of Development and Environmental Services (DDES)  
Mark Isaacson, Division Manager, Water and Land Resources Division (WLRD),  
Department of Natural Resources and Parks (DNRP)  
Megan Smith, Environmental Policy Advisor, KCEO  
Harry Reinert, Special Projects Manager, DDES  
Priscilla Kaufmann, Program Manager, River and Floodplain Management Section,  
WLRD, DNRP