

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: This SEPA environmental checklist concerns certification of the *King County Mitigation Reserves Program In-lieu Fee Program Instrument* (Program Instrument), which is a document outlining policies and commitments for operations of King County's Mitigation Reserves Program (MRP). The MRP is an in-lieu fee compensatory mitigation program through which development project permittees may be able to satisfy their mitigation obligations for unavoidable permitted impacts to wetlands and other aquatic resources by paying a fee to King County, the sponsor of the program. King County will then use collected mitigation fees to implement mitigation projects that offset losses to wetlands and other aquatic resources associated with unavoidable permitted impacts.

This Program Instrument has been developed in collaboration with an Interagency Review Team (IRT)—comprising representatives of federal and state regulatory agencies and Tribes—to comply with the 2008 federal rules on compensatory mitigation for losses of aquatic resources, issued jointly by the US Army Corps of Engineers and the US Environmental Protection Agency [33 CFR Part 332 and 40 CFR Part 230, Subpart J].

In addition to serving as a program guidance document, the Program Instrument is also a legally binding contract among the co-chairs of the IRT—the US Army Corps of Engineers and the Washington State Department of Ecology—and King County, the program sponsor. Upon certification of the Program Instrument, King County will be authorized to operate the Mitigation Reserves Program according to the terms of the Program Instrument.

The environmental checklist refers to the pending certification of the Program Instrument; it does not pertain to any discrete projects that may occur through the program. Hence, this environmental checklist is for a non-project action. Individual projects that eventually occur through this program will likely require individual SEPA environmental checklists, which will be completed as necessary during permitting for individual projects.

All of the files constituting the Program Instrument are available for review on the Mitigation Reserves Program website at www.kingcounty.gov/mitigation.

Proponent: King County Department of Natural Resources and Parks

Location of proposal, including street address, if any: Not applicable. This proposal is for a non-project action. The area covered by the proposal is all of King County.

Lead agency: King County Department of Natural Resources and Parks

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☒ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by Thursday, October 6, 2011.

Responsible official: Mark Isaacson

Position/title: Division Director, Water and Land Resources Division Phone.: 206-296-6587

Address: 201 S Jackson St, Suite 600 Seattle, WA 98104

Date: 9/22/2011 Signature Mark Isaacson

(OPTIONAL)

☐ You may appeal this determination to (name) _____
at (location) _____ no later than (date) _____ by (method) _____

You should be prepared to make specific factual objections.

Contact _____ to read or ask about the procedures for SEPA appeals.

☐ There is no agency appeal.

WAC 197-11-985 Notice of assumption of lead agency status.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

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In addition to serving as a program guidance document, the Program Instrument is also a legally-binding contract among the co-chairs of the IRT—the US Army Corps of Engineers and the Washington State Department of Ecology—and King County, the program sponsor.

Upon certification of the Program Instrument, King County will be authorized to operate the Mitigation Reserves Program according to the terms of the Program Instrument.

All of the files constituting the Program Instrument are available for review on the Mitigation Reserves Program website at www.kingcounty.gov/mitigation.

Proponent: King County Department of Natural Resources and Parks

Location of proposal: Not applicable. This proposal is for a non-project action. The area covered by the proposal is all of King County.

Initial lead agency: King County Department of Natural Resources and Parks

New lead agency _____

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated September 22, 2011.

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts: _____

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official: Mark Isaacson

Position/title: Division Director, Water and Land Resources Division Phone.: 206-296-6587

Address: 201 S Jackson St, Suite 600 Seattle, WA 98104

Date: 9/22/2011 Signature _____

