

Legislation Text

File #: FCD18-01, **Version:** 2

Clerk 04/20/2018

A MOTION relating to the Lower Green River Corridor Plan; initiating the planning process for a proposal that will result in the Plan; describing the goals and purposes of the proposal; describing alternative means of accomplishing the goals and purposes of the proposal; requesting the District responsible official to begin State Environmental Policy Act review of the proposal; and establishing the charter for and membership of a Lower Green River Corridor Plan Advisory Committee.

WHEREAS, the King County Flood Control District ("the District") through Resolution FCD2016-05 directed the District executive director to prepare a work plan and budget for a Lower Green River Corridor Plan ("the LGRCP") and to issue a request for proposal for a consultant to prepare a State Environmental Policy Act ("SEPA") programmatic environmental impact statement ("EIS") for the LGRCP, and

WHEREAS, the LGRCP is a follow-up plan to the Interim System-Wide Improvement Framework ("Interim SWIF") submitted by the District to the United States Army Corps of Engineers in February 2016 and accepted by the Corps on March 31, 2017, and

WHEREAS, the Interim SWIF maintains eligibility for flood damage repairs under the federal PL 84-99 Program, but does not include projects to extend flood protection and does not address multiple objectives, and

WHEREAS, the District through Resolution FCD2016-05 determined that the broader objectives supported by stakeholders who participated as Interim SWIF advisors can best be achieved through a long-range planning process that includes a SEPA EIS that can analyze cumulative impacts and reasonable

alternatives for accomplishing the objectives of flood protection, economic vitality, equity and social justice, habitat restoration, housing, recreation, salmon recovery, water quality and other issues to be defined through an EIS scoping process, and

WHEREAS, pursuant to chapter 86.15 RCW, the District's purposes and powers include planning, constructing, acquiring, repairing, maintaining and operating all necessary equipment, facilities, improvements and works to control, conserve and remove flood waters and storm waters, as well as taking action necessary to protect life and property from flood water damage, and

WHEREAS, the District through Resolution FCD2014-09.1 adopted provisional levels of protection for 43.7 shoreline miles of the Lower Green River as described in the map exhibit dated, June 12, 2014, attached to Resolution FCD2014-09.1, and

WHEREAS, the District desires to initiate the planning process for a proposal that will result in the LGRCP, by adopting the goals and purposes of the proposal, and

WHEREAS, the District through Resolution FCD2016-04 adopted SEPA procedures ("SEPA Resolution"), and

WHEREAS, the SEPA Resolution designates the District executive director as the District's SEPA responsible official, and

WHEREAS, Section 4 of the SEPA Resolution states that for all proposals for which the District is the lead agency, the District executive director, as SEPA responsible official, shall make the threshold determination, supervise scoping, prepare any required EIS and perform any other functions assigned to the lead agency or the responsible official under the SEPA Resolution, and

WHEREAS, Section 5D of the SEPA Resolution states that the District shall be the lead agency for the LGRCP, and

WHEREAS, Section 6 of the SEPA Resolution states that the responsible official shall begin any required environmental review at the earliest point in the planning and decision making process when the

principal features of the proposal and its probable environmental impacts are reasonably identified, and

WHEREAS, the principal features of the LGRCP proposal and its probable environmental impacts can be reasonably identified, and

WHEREAS, under the SEPA regulations, Chapter 197-11 WAC, which are adopted by reference in the SEPA Resolution, the SEPA responsible official must issue a threshold determination for the proposal for the LGRCP, and

WHEREAS, under SEPA regulations, the SEPA responsible official must issue a determination of significance ("DS") if a proposal may have a probable significant adverse environmental impacts, and

WHEREAS, a DS must state that agencies, affected tribes and members of the public are invited to comment on the scope of the EIS, and

WHEREAS, if the SEPA responsible official issues a DS for the LGRCP proposal, the District must prepare an EIS, which must discuss probable significant adverse environmental impacts and reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality, and

WHEREAS, if the SEPA responsible official issues a DS and the District prepares an EIS, the District will engage in a robust public involvement process to develop the LGRCP proposal and the EIS, and

WHEREAS, the Lower Green River study area includes flood risk reduction facilities in multiple jurisdictional ownerships and is surrounded by mixed land uses, including agricultural, commercial, industrial, open space, recreational and residential, and

WHEREAS, the Lower Green River study area is the largest warehouse and distribution hub in the entire Northwest, supplying the region with groceries, food service products, gasoline, medical supplies and other critical provisions and includes many of the region's major employers, and

WHEREAS, flood risk modeling conducted by the District in 2014 finds that levee overtopping or breaching that resulted in floodplain inundation of one to 10 feet or more put at risk, people, structures,

infrastructure and economic activity including approximately 22,000 people that live in the floodplain and approximately 9,000 residential, commercial and public facilities, based on 2014 data, and

WHEREAS, expected annual damages and economic impacts due to flooding were estimated in 2014 to be \$47.1 million over a 50-year period and the present value of those impacts were estimated to be \$1.1 billion, and

WHEREAS, the District desires to update the membership of the LGRCP Advisory Committee established through FCD2016-12.2 and to provide a charter to guide their work, and

WHEREAS, when complete, the LGRCP will be formally adopted by the District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING COUNTY FLOOD CONTROL ZONE DISTRICT:

SECTION 1. The goals and purposes of a proposal that will result in the LGRCP ("the Proposal") are to provide an integrated and reasonable long-term approach to reduce flood-risk within the Lower Green River Corridor while balancing multiple objectives within the study area, including but not limited to economic vitality and environmental protection. This integrated approach is intended to protect people, property and jobs, while reducing conflicts between flood facilities, agricultural land use, economic development, equity and social justice, habitat restoration, housing, recreation, salmon recovery, water quality and other issues that will be considered and analyzed through a SEPA EIS scoping process. This integrated approach also is intended to reduce flood risks while supporting the economic prosperity of the region and improving fish habitat.

SECTION 2. The District SEPA responsible official is requested to make a threshold determination for the Proposal as soon as possible pursuant to the SEPA regulations, Chapter 197-11 WAC and the SEPA Resolution, and if the threshold determination is a DS, to initiate scoping for and preparation of an EIS as soon as possible.

SECTION 3. The alternatives to the Proposal described in Section 4 of this Resolution use the following assumptions about flood facility project types:

A. Flood facility project "type a" are levees or floodwalls with riverward side slopes of less than 2.5:1. Project footprints would be designed to limit property acquisitions while still meeting engineering standards for certification. This facility type is intended in the most constrained locations where a facility "type b or c" (described below) would impact existing agricultural land, buildings, parking or traveled roadways. Permit agencies are likely to require off-site mitigation for this facility type. The approximate footprint of this facility type is no greater than 100 feet from the ordinary high water mark to the extent of maintenance access.

B. Flood facility project "type b" are levees or floodwalls with riverward side slopes of 2.5:1 or more that can be planted with vegetation and/or a bench, including large woody debris, scour protection and enhanced vegetation. This facility type would likely require more land acquisition or easements and are more likely to be self-mitigating than facility "type a" described above. This facility type is intended in locations where a wider footprint would not impact existing agricultural land, buildings, parking or traveled roadways. Under this alternative, the District would provide offsite habitat mitigation, only if required by permitting agencies. Existing recreational facilities would be maintained and limited recreational enhancements would be funded by the District if feasible as part of a flood facility. No habitat enhancement would be provided beyond mitigation required by permitting agencies. The approximate footprint of this facility type is 100 to 150 feet from the ordinary high water mark to the extent of maintenance access.

C. Flood facility project "type c" are levee setbacks or floodwalls with benches, possible acquisition and relocations, enhanced shade and more opportunity for riparian and aquatic enhancement. Existing setback levees may require some modification to provide the 500-year level of protection. Riverward side slopes are 3:1. This facility type is intended in locations where a levee setback would not impact existing agricultural and, buildings, parking or traveled roadways. The footprint of this facility type is 150 feet or more from the ordinary high water mark to the extent of maintenance access.

D. Flood facility project "type d" are physical non-structural measures such as home elevations, basement removal with utility addition, flood proofing, berms, ring levees, farm pads and drainage

improvements. The United States Army Corps of Engineers defines these measures as physical nonstructural measures applied to a structure or its contents that prevent or provide resistance to damage from flooding. Physical nonstructural measures differ from structural measures in that they focus on reducing the consequences of flooding instead of focusing on reducing the probability of flooding.

SECTION 4. Possible alternatives to be discussed and analyzed in an EIS for the Proposal are described below. The District acknowledges that these alternatives may be modified, changed or replaced during the EIS scoping process or preparation of the EIS. The maps attached to this Motion are for illustrative purposes only; they may contain inaccuracies and should not be considered binding or final.

Alternative 1 - No Action - Implement the adopted 2018-2023 six-year capital improvement program (CIP) which includes 2.1 miles of new facilities designed to contain a flow of 18,800 cubic feet per second, plus three feet of freeboard, a 500-year level of protection, as well as maintenance of existing levees and revetments.

SEPA regulations require a "no-action" alternative for an EIS. The no-action alternative would provide a baseline for comparison of potential effects of the other Proposal alternatives. Under the no-action alternative, the District would maintain the current level of protection for the existing PL-84-99 levees and other levees and revetments. The no-action alternative assumes that the District will complete the projects in the adopted 2018-2023 CIP, including those Interim SWIF Capital Projects that are in the 2018-2023 CIP. It also assumes that the District will continue to make repairs to the PL-84 99 levees as needed, in accordance with the Interim SWIF Vegetation Management Plan. Under the no-action alternative, there would be no system-wide increase in the level of protection; however the 2.1 miles of new facilities would be designed at the higher level of protection to contain a flow of 18,800 cubic feet per second, plus three feet of freeboard.

This alternative would include the following facilities as well as maintenance of the existing 17 miles of PL 84-99 levees and 11 miles of other levees and revetments.

Facility type a: approximately .60 miles or 30% of the new facilities

Facility type b: approximately .57 miles or 28% of the new facilities

Facility type c: approximately .86 miles or 42% of the new facilities

The Lower Russell setback levee would be included in this alternative as a facility type c and the Lower Russell floodwall is a facility type b. Maintenance would take place on approximately 28 miles of existing levees and revetments.

Alternative 2 - Limited increase in the geographic extent of level of protection - Build approximately 20 miles of new or improved facilities to meet the 500-year level of protection designed to contain a flow of 18,800 cubic feet per second, plus three feet of freeboard.

This alternative would include the increased level of protection for 17 miles of the existing PL 84-99 levee system and approximately 3 miles of additional levees with an increased level of protection; including filling shoreline gaps on the right bank between PL 84-99 levees in Kent and Tukwila, and extending approximately 0.6 miles on the left bank in Tukwila and 0.5 miles on the left bank in Auburn. This alternative also would include maintenance on other non-PL 84-99 levees and revetments. Under this alternative, the District would undertake limited real estate easements and relocations. The District would implement all of the Interim SWIF identified capital projects, those included in the no action alternative as well as those currently unfunded.

Facility type a: approximately 10.17 miles or 50% of the new facilities

Facility type b: approximately 4.86 miles or 23% of the new facilities

Facility type c: approximately 5.41 miles or 27% of the new facilities

Agricultural areas would be provided the same level of protection as they currently have. Some agricultural drainage improvements and flood proofing may be required to maintain the current level of protection.

Alternative 3 - Greater increase in the geographic extent of level of protection, integrated habitat and recreation, agricultural protection facilities and habitat restoration project partnerships - Build approximately 30

miles of new or improved facilities to meet the 500-year level of protection designed to contain a flow of 18,800 cubic feet per second, plus three feet of freeboard. Provide physical non-structural flood measures to reduce the consequence of flooding for approximately 2 miles.

This alternative would include the increased level of protection for the 17 miles of the existing PL 84-99 levee system, the two-miles of filling gaps between PL 84-99 levees on the right bank in Kent and Tukwila, extending approximately 1 mile on the left bank in Tukwila and Auburn and extending the system by ten-miles. This alternative would include more real estate acquisitions than Alternative 2. The District would implement all of the Interim SWIF identified capital projects including those in the No Action Alternative as well as those currently unfunded. Agricultural land could have drainage improvements and agricultural structures could be flood-proofed to achieve the same level of protection as they currently have. Under this alternative, the District could provide incentives for partnership funding to create habitat restoration opportunities within WRIA-9.

Facility type a: approximately 15.43 miles or 49% of the facilities

Facility type b: approximately 5.39 miles or 17% of the facilities

Facility type c: approximately 9.08 miles or 29% of the facilities

Facility type d: approximately 1.91 miles or 6%

SECTION 5. The District establishes a Lower Green River Corridor Plan Advisory Committee and sets forth membership seats on the Committee, as listed below. The District Executive Committee must approve the list of names to fill the membership seats. The charter for the Advisory Committee is to provide feedback on the clarity and completeness of documents to ensure transparent and effective communications with the public. Each Advisory Committee member is expected to provide subject matter expertise on issues within their jurisdiction. The Advisory Committee will receive informational briefings on the alternatives included in the scoping notice, Lower Green River Corridor Plan, draft EIS and final EIS. The Advisory Committee will receive briefings prior to or early in the formal public comment periods in order to ensure the members are informed. The Advisory Committee may also be consulted with to provide feedback on planning and policy

questions.

Agency/Entity/Stakeholder

County: King County Flood Control District, Chair or designee

County: King County Flood Control District, Vice Chair or designee

Agriculture:

Business:

Business:

City: City of Auburn

City: City of Kent

City: City of Renton

City: City of Tukwila

County: King County Executive or designee

Environmental: WRIA 9

Federal: Corps of Engineers

Federal/Environmental: National Marine Fisheries

State/Permitting: Governor's Office of Regulatory Assistance

State/Environmental: Puget Sound Partnership