

received
electronically
june 16 2016



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

JUN 16 2016

Environmental and Cultural Resources Branch

Ms. Loree' Randall
Washington Department of Ecology
PO Box 47600
Olympia, Washington 98504

Dear Ms. Randall:

The U.S. Army Corps of Engineers, Seattle District (Corps) in partnership with the French Slough Flood Control District is proposing levee rehabilitation activities to the Lord Hill Levee near Snohomish, WA.

Initial damages to the levee occurred during high flow events of the 2014-2015 flood season. Repairs were completed during August- September of 2015. However the Snohomish River exceeded flood stage four times between the end of October and mid-December 2015. Because the newly repaired tie-in had not had sufficient time to settle and stabilize, additional damage was incurred. The proposed 2016 repair reworks the tie-in, reworking 120 ft of 2015 work and reworking 130 ft of additional bank (total construction length is 250 ft) to tie in to a more gradual slope upstream of the damage site.

The Corps has determined that the project is consistent with to the maximum extent practicable with the enforceable policies of the approved Washington State Coastal Zone Management Act (CZMA) program. The Corps is requesting CZMA consistency concurrence for these actions. The enclosed determination of consistency with the Washington Shoreline Management Act is based on review of applicable sections of the State of Washington Shoreline Management Program and policies and standards of the Snohomish County Shoreline Master Plan.

If you have any questions or need additional information, please contact Ms. Bobbi Jo McClain at telephone (206) 764-6968.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Lewis".

Evan Lewis
Chief, Environmental and Cultural
Resources Branch

Enclosures

Coastal Zone Management Act Consistency Determination Lord Hill Levee Repair 2016

The Lord Hill levee repairs are activities undertaken by a Federal agency; the following constitutes a federal consistency determination with the enforceable provisions of the Washington Coastal Zone Management Program.

1. Introduction

The proposed Federal action applicable to this consistency determination is the rehabilitation activities on the Lord Hill levee on the Snohomish River. This determination of consistency with the Washington Coastal Zone Management Act is based on review of applicable sections of the State of Washington Shoreline Management Program and policies and standards of the Snohomish County Shoreline Management Use Regulations.

2. Proposed Action

The US Army Corps of Engineers, Seattle District (Corps), in concert with French Slough Flood Control District, is proposing to repair damage to the Lord Hill levee (at latitude 47°53'58.06"N, longitude 122° 5'27.68"W, Figure 1) on the Snohomish River near the City of Snohomish, Snohomish County, Washington. The Lord Hill levee is approximately 16,690 feet long. As designed, the levee provides a 10-year level of protection to residential and agricultural properties.

Initial damage to the levee occurred during the March 2014 flood event when the Snohomish River exceeded flood stage, reaching an approximate 2-year event. High flows resulted in damages at two locations on the levee. Site 1 was located at the confluence of the Pilchuck and Snohomish Rivers. Flood damages at Site 1 consisted of approximately 600 feet of toe scour and bank caving along the lower bank of the riverward bench. Site 2 was located immediately downstream of the Old Snohomish Monroe Road bridge on the Pilchuck River. Flood damages at Site 2 included an oversteepened slope due to a rotational failure along with loss of riprap armoring. The damage at Site 2 was approximately 160 feet in length. This initial damage was repaired in the summer of 2015.

The 2015 construction began on 1 Aug 2015 and was completed successfully on 11 Sept 2015. Because of the low water levels, all work in 2015 was able to be conducted out of the water. Soon after completion, the first winter floods of the 2015-2016 floods hit the site (Figure 2).

The Snohomish River exceeded flood stage four times between the end of October and mid-December 2015, with the largest event on 18 November corresponding to approximately a 4-year average return interval. Riprap comprising the riverward toe and slope armoring was scoured from approximately 80 linear feet of the levee dislodging slope and toe rock.

In trying to reduce the length of the repair in 2015, the Corps tied the work into an oversteepened existing bank along the Snohomish River near the confluence. This reduced the overall project length and repaired the 2014 damage locations. The floods and high waters of the 2015-2016 flood season came quickly after 2015 repair completion. Because the newly repaired slope at the

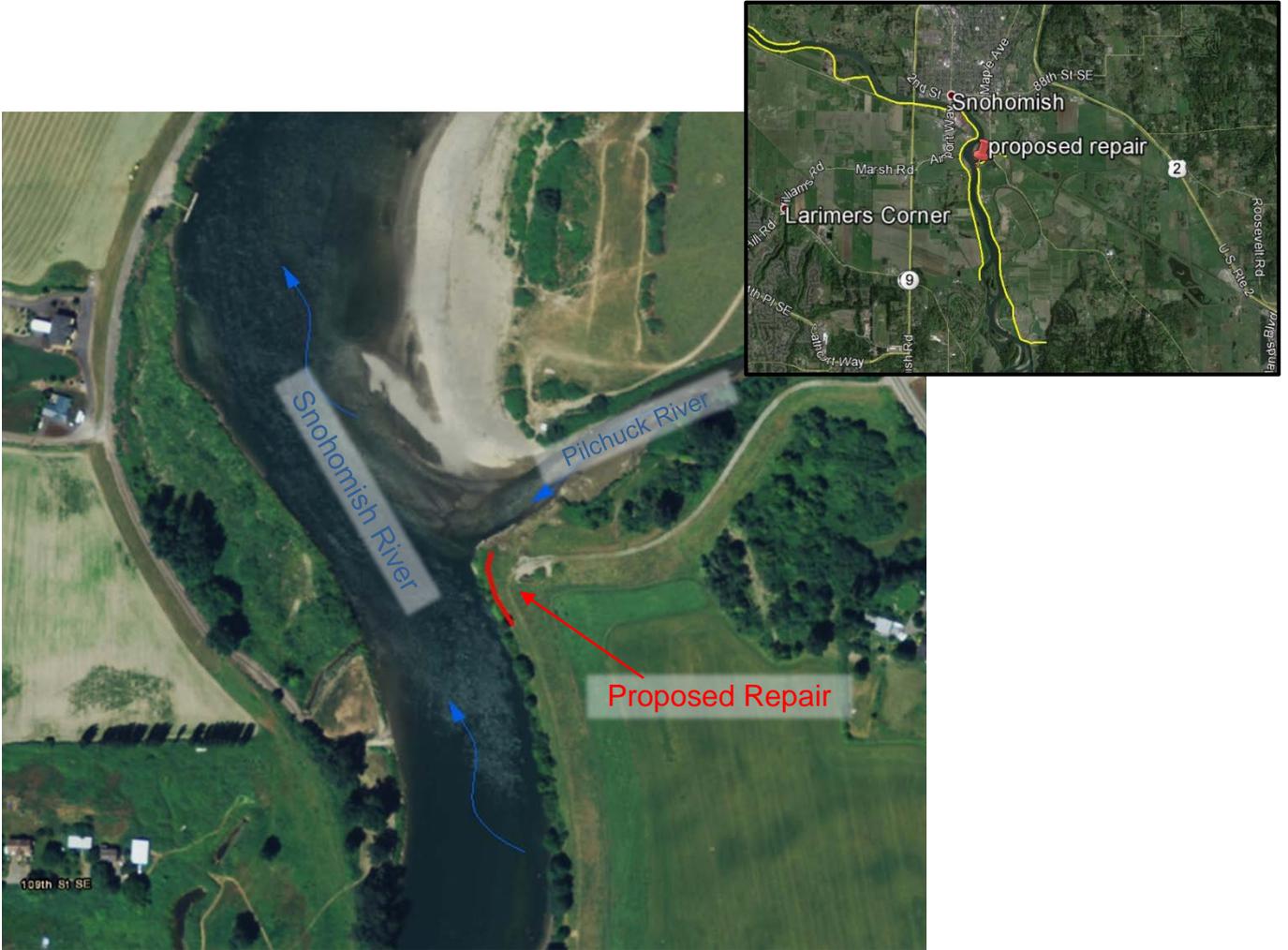


Figure 1. Overview of the project location. The red line indicates the damaged location.



Figure 2. 2015 flooding of the 2015 project area. The picture on the left is from the proposed 2016 project site looking downstream on the Snohomish River at the Pilchuck confluence. The picture on the right is looking upstream on the Pilchuck River, the bench is fully submerged.

tie-in was oversteepened and had not had sufficient time to settle or grow vegetation, the tie-in was vulnerable and was damaged. The proposed 2016 repair reworks the tie-in, reworking 120 ft of 2015 work and reworking 130 ft of additional bank (total construction length is 250 ft) to tie in to a more gradual slope upstream of the damage site (Figure 3 and Figure 4). The modified levee shape would allow for smoother flow downstream towards the confluence with the Pilchuck River, creating a less adverse flow pattern along the riverward slope. Laying back the slope at the original tie-in location and matching the upstream gentler slope, the 2016 tie is expected to be more stable. Regrading can be achieved by removing material from the riverward slope to shift the levee crest landward and re-armoring the slope with riprap on a bed of quarry spalls. Additionally, because of the flood events, success of the mitigation plantings installed in 2015 was low. The proposed action will include reinstallation of these features.

The levee remains very wide at the damaged segment, but embankment material is exposed to scour. In the damaged condition, the levee will provide a 2-year level of protection (LOP). Repair work (aka the project) is scheduled to be conducted in the summer of 2016.

The work area is mostly unvegetated due to this recent disturbance and ongoing levee vegetation maintenance. The new work will require the removal of one 20-inch diameter at breast height (DBH) big-leaf maple tree and a small patch (10 feet by 10 feet) of Sitka willow at the upstream end of the repair. The earlier repair was seeded and some of the grass is still present, and willow stakes were incorporated into the toe of the newer levee work.

The repair will include in-water work. The remaining rock will be removed, the levee face regraded and new rock will be placed to reform the riverbank.

Excavated material will be generated from the layback design. Excess material will be placed on the landward side of the levee. The landward toe is not expected to change as there is an existing toe drain that will not be moved. The levee crest will shift slightly landward and the landward slope will be slightly steeper.



Figure 3. Location of the 2015 completed repairs and the 2016 proposed repairs.

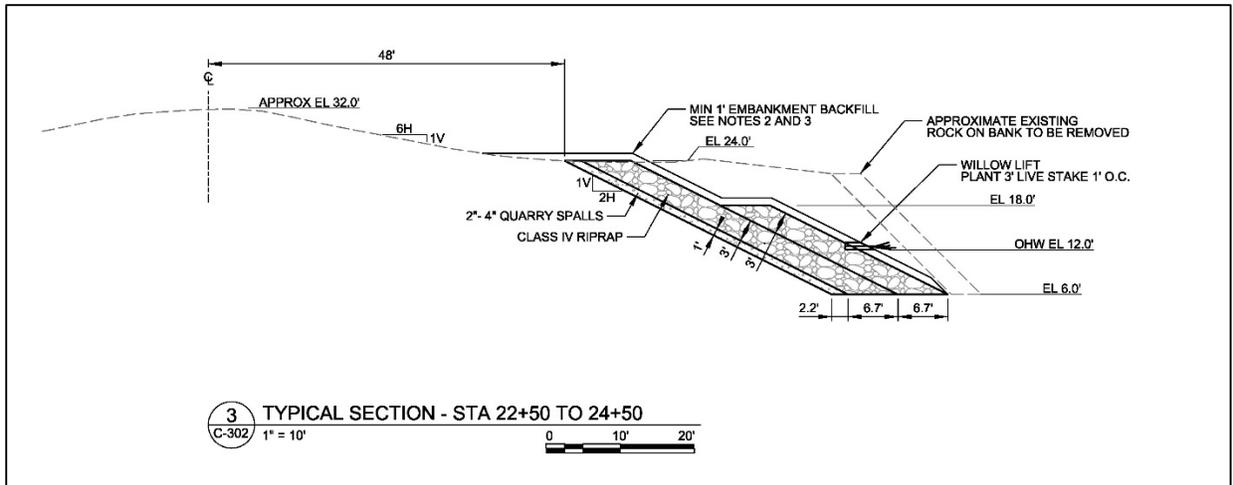


Figure 4. Cross section design for the 2015 repair in the project location. This design will be the same for the proposed action, pulled further upstream on the Snohomish River from the 2015 end point to tie into an area of the levee with a more gentle riverward slope.

3. State Of Washington Shoreline Management Program. The Snohomish River constitutes a shoreline under Washington Administrative Code (WAC) 173-18-310. Primary responsibility for implementation of the State of Washington Shoreline Management Act of 1971 (Revised Code of Washington [RCW] 90.58) is with local governments. The applicable local government office responsible for Snohomish County is the Snohomish County Department of Planning and Development Services.

The proposed projects are repairs of an existing levee built in 1962, which do not require substantial development permits. The Revised Code of Washington (RCW) 90.58.030, Shoreline Management Act of 1971, states “The following shall not be considered substantial developments for the purpose of this chapter: ... (x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.” The Washington Administrative Code (WAC) 173-27-040, section titled ‘Developments exempt from substantial development permit requirement’, reiterates the policy with “(2) The following developments shall not require substantial development permits: (k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.”

4. Description of Snohomish County Plan. The following outlines pertinent sections of the Snohomish County program (Snohomish County Code, Title 30 Unified Development Code, Subtitle 30.4 Land Use Permits and Decisions, Chapter 30.44 Shoreline Management, <http://snohomishcountywa.gov/DocumentCenter/View/8354>). The Snohomish County Shoreline Master Plan is available online at <http://snohomishcountywa.gov/DocumentCenter/View/7612>. The Corps of Engineers consistency determination is indicated in *bold italics* beneath the relevant code.

Snohomish County-30.44.110 Development exempted from the shoreline substantial development permit requirement.

The following types of development shall not be considered shoreline substantial developments for purposes of this chapter and shall not be required to obtain a shoreline substantial development permit:

(2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(4) Emergency construction necessary to protect property from damage by the elements;

(12) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system; provided that any new development associated with said diking or drainage systems, which would (1) reclaim lands which are not being used for agricultural purposes at the time the development is proposed, (2) increase the level of protection provided, or (3) enlarge the land area for which protection is provided, shall not be considered operation and maintenance under this exemption.

Consistent. The proposed action area is the repair of a levee built in 1962. The repair would restore the pre-damaged level of protection.

Snohomish County-30.44.120 - Requirements for exempted developments.

Any development or shoreline substantial development exempted from obtaining a shoreline substantial development permit by SCC 30.44.210 shall be required to be consistent with the policy and intent of the Shoreline Management Act of 1971, this chapter, and the master program.

Consistent. The proposed action is consistent with the policy and intent of the Shoreline Management Act of 1971, this chapter, and the master program, as demonstrated within this consistency determination.

Snohomish County-30.67.540. Flood protection measures

(1) The following general regulations apply to flood protection measures within shorelines

(g) Normal maintenance or repair of flood protection measures is allowed.

Consistent. The proposed action area is the repair of a levee built in 1962. The repair would restore the pre-damaged level of protection.

Snohomish County SMP, 2.2.3 Resource

The Resource environment shoreline designation is intended for areas within shoreline jurisdiction that are currently utilized or planned for agriculture or commercial forest practices. The intent is to conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use.

Management Policies:

9. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or protect

ecological functions and where mitigation is applied. New development should be designed and located to preclude the need for such work.

11. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected.

Consistent. The proposed action area is designated “Resource” in the Shoreline Environment Designations Map (<http://snohomishcountywa.gov/DocumentCenter/View/7613>). The proposed action is the repair of an existing flood control structure. No new structures will be constructed. Additionally, the proposed work limits the amount of vegetation removal and shoreline modification to the extent possible and is only being conducted due to the existing flood damage and need to restore the level of flood protection offered by the levee.

Snohomish County SMP, 3.2.3.1 Shoreline Use Element: Goals and Policies

Goal 3. Preserve, protect and restore Snohomish County's unique, valuable and nonrenewable natural resources while encouraging the best management practices for the continued sustained yield of renewable resources of the shorelines

Policy 1. All uses should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where there is no feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.

Policy 9. Uses and modifications that cause significant adverse impacts to the functions of critical saltwater and freshwater habitats should not be allowed except as required to provide for reasonable new uses of private property and protection of existing uses.

Consistent. The proposed action is the repair of an existing flood control structure. No new structures will be constructed. The proposed work limits the amount of vegetation removal and shoreline modification to the extent possible. Additionally plantings will be included to mitigate for the impact to vegetation. The plantings will replace vegetation that must be removed for construction and will reduce the time lag before the vegetation restores the habitat and water quality functions of the project area.

Snohomish County SMP, 3.2.5 Specific Shoreline Uses & Modifications

- Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
- Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

Consistent. The proposed action is the repair of an existing flood control structure. Rock armoring will be placed only where rock armoring had previously existed. The project has been designed by professional engineers to ensure that the proposed design is appropriate to the specific conditions of the shoreline at the damaged locations. The design also includes plantings to replace vegetation that must be removed for construction. Plantings will reduce the time lag before the vegetation restores the habitat and water quality functions of the project area.

Snohomish County SMP, 3.2.5.8 Flood Protection Measures

Goals

1. Prevent and minimize flood damage without decreasing fish and wildlife habitat.
2. Manage floodplains in a manner that supports agricultural uses wherever possible.

Policies

1. Encourage the removal of artificial restrictions to natural channel migration if feasible and recognize that seasonal flooding is a natural process.
2. Give preference to nonstructural flood hazard reduction measures over structural measures.
3. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood prone areas.
4. Assure that flood hazard reduction measures do not result in a net loss of ecological functions associated with rivers and streams
6. Avoid development and shoreline modifications that would result in interference with the process of channel migration.
9. When shoreline stabilization and flood protection structures are rebuilt, construct structures that protect or enhance wildlife habitats and are vegetated with native shrubs and trees.
10. Encourage bio-stabilization methods for erosion damage repair whenever possible.
18. Recognize and protect the integrity of a water body's hydraulic system, including associated wetlands, when planning for and designing flood protection measures.
19. All flood protection measures, including repair and maintenance, should conform to standards set forth in county and/or state approved floodplain management plans, when applicable.
20. When emergency repair of flood protection structures is necessary, permits for the work, including mitigation, shall be obtained in a reasonable timeframe or the structure shall be removed.

Consistent. The proposed action is the repair of an existing flood control structure. Setting back the levee is not feasible for this small emergency repair due to the increased time and cost required for real estate acquisition and construction. The nonstructural alternative was also explored, but is similarly infeasible for this emergency repair due to the increased time and cost required. The proposed work does not increase the amount of shoreline modification as it replaces an armored bank with a similarly armored bank. The slight layback in the design will increase the stability of the levee and slightly increase the channel width, particularly at high flows. The project has been designed by professional engineers to ensure that the proposed design is appropriate to the specific conditions of the shoreline at the

damaged locations. The proposed action is being completed under an emergency authority, however all necessary permits are expected to be in place prior to construction.

Snohomish County SMP, 3.2.5.15 Shoreline and Bank Stabilization

Policies

1. Permit the construction of structural shoreline stabilization only when non-structural methods of shoreline protection are not feasible to protect a primary structure and/or pre-existing, legally established access from erosion caused by tidal action, currents, or waves.
2. Locate and construct shoreline stabilization structures in a manner which will not result in adverse effects on downdrift, downstream and adjacent properties and will result in no net loss of shoreline ecological functions.
5. When possible, design structural shoreline stabilization to blend in with the surroundings and to not detract from the aesthetic qualities of the shoreline.
6. Permit the construction of shoreline stabilization structures only where they are necessary to protect primary structures, designated agricultural land and pre-existing, legally established access from natural processes, not for the indirect purpose of creating land by filling behind the bulkhead.
8. Allow new bank stabilization of shorelines only after a geotechnical or hydrologic analysis demonstrates an imminent threat to an existing primary structure or essential public facility.
9. Bioengineering techniques utilizing vegetation, logs or rootwads shall be the preferred method of permitted structural shoreline stabilization except in those cases where a geotechnical or hydrologic analysis determines that such methods are not feasible.

Consistent. The proposed action is the repair of an existing flood control structure. Setting back the levee and nonstructural alternatives were explored. These alternatives were determined to be infeasible for this emergency repair due to the increased time and cost required for real estate acquisition and increased construction cost. The proposed work does not increase the amount of shoreline modification. The slight layback in the design will increase the stability of the levee and slightly increase the channel width, particularly at high flows. The project has been designed by professional engineers to ensure that the proposed design is appropriate to the specific conditions of the shoreline at the damaged locations. The proposed action is being completed under an emergency authority, however all necessary permits are expected to be in place prior to construction.

Snohomish County-30.62A.310 General standards and requirements.

- (1) This Part establishes specific standards and requirements for protection of wetlands and fish and wildlife habitat conservation areas, and under what circumstances mitigation may be used to address the impacts of development.
- (2) Any development activity action requiring a project permit or clearing occurring within wetlands, fish and wildlife habitat conservation areas, and buffers is prohibited unless conducted in compliance with this chapter.
- (3) Except as otherwise provided in Part 500, all development activities, actions requiring a project permit or clearing shall be designed and conducted to achieve no net loss of critical area functions and values and comply with the following general standards and requirements:
 - (a) The project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and buffers in the following sequential order of preference:

- (i)avoiding impacts altogether by not taking a certain action or parts of an action; or;
- (ii)when avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and mitigating for the affected functions and values of the critical area;

Consistent. The proposed action is the repair of an existing flood control structure. No new structures will be constructed. The proposed work limits the amount of vegetation removal and shoreline modification to the extent possible by limiting the project length while creating a stable structure. Plantings will be included to mitigate for the impact to vegetation. No wetland impacts will occur. Work will be done within the summer in-water window that is designed to limit impacts to sensitive life stages of fisheries.

Snohomish County-30.62A.320 - Standards and requirements for buffers.

Buffers shall be required adjacent to streams, lakes, wetlands and marine waters to protect the functions and values of these aquatic critical areas.

(1)Buffer Standards and Requirements—No Mitigation Required. All development activities, actions requiring project permits and clearing that comply with the buffer requirements of SCC 30.62A.320(1)(a) through (g) satisfy the avoidance criteria of SCC 30.62A.310(3) and are not required to provide mitigation.

(a)Buffer widths shall be as set forth in Table 2a or 2b below.

Table 2a—Stream, Lake and Marine Buffer Width Standards (Feet)		
<i>Streams and Lakes</i>		
Type S		150
Type F with anadromous or resident salmonids		150
Type F without anadromous or resident salmonids		100
Type Np		50
Type Ns		50
<i>Marine Waters</i>		
Type 1	All marine waters	150

(b)Buffer widths shall be measured as follows:

(i)the buffer for streams, lakes and marine waters shall be measured from the ordinary high-water mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and

(ii)provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:

- (i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and
- (ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:
 - (A) any streams or lakes containing salmonids;
 - (B) wetlands containing salmonids; or
 - (C) marine waters containing salmonids.
- (d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(2) Buffer standards and requirements – mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

- (a) New utilities and transportation structures are allowed within buffers when:
 - (i) no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs; and
 - (ii) location, design and construction minimizes impacts to the buffers pursuant to SCC 30.62A.310.
- (b) Stormwater detention/retention facilities are allowed pursuant to the requirements of SCC 30.63A.240.
- (c) Access through buffers is allowed provided it is designed and constructed to be the minimum necessary to accommodate the use or activity.
- (d) Construction of pedestrian walkways or trails in buffers is allowed when constructed with natural permeable materials and does not exceed 6 feet in width.
- (e) Trimming of vegetation for purposes of providing a view corridor in a buffer is allowed provided that:
 - (i) trimming shall not include felling, topping, or removal of trees and be limited to hand pruning of branches and vegetation;
 - (ii) trimming and limbing of vegetation for the creation and maintenance of view corridors shall occur in accordance with the pruning standards of the International Society of Arboriculture (See articles published by the International Society of Arboriculture, Consumer Information Program, updated July, 2005);
 - (iii) trimming shall be limited to view corridors of 30 feet wide or 50 percent of the lot width, whichever is less;
 - (iv) no more than 30 percent of the live crown shall be removed; and
 - (v) the activity will not increase the risk of landslide or erosion.
- (f) New shoreline and bank stabilization measures or flood protection are allowed pursuant to 30.62A.330(2).
- (g) Reconstruction or replacement of buildings may be allowed provided the new building does not encroach further into a critical area or its buffer than did the original building being reconstructed or replaced.

(3) Buffer standards and requirements – mitigation ratios. To mitigate impacts to functions and values of buffers, the ratios in Table 3 shall be required unless using the provisions of innovative development in 30.62A.350. The ratios are based upon the existing type of vegetative cover and are expressed in terms of the number of acres needed to recover

the lost functions and values of one acre of buffer area. For impacts to buffers that permanently remove existing vegetation, functions and values shall be assumed to be replaced by creating or enhancing new buffers at the following ratios:

Table 3 –Buffer Mitigation Ratios

Existing Riparian habitat vegetation type	Creation	Enhancement ¹
Mature forest	6:1	12:1
Non-mature forest	3:1	6:1
Shrub	2:1	4:1
Non-woody vegetation	1.5:1	3:1
No vegetated cover	1:1	2:1

¹ enhancement of the existing buffer is allowed in lieu of creation for up to one acre of buffer loss

Consistent. The proposed action is the repair of an existing flood control structure. No new structures and no new impervious surface will be constructed. The proposed work occurs within the buffer of the Snohomish River. Temporary impacts to the buffer will occur, however the functions will be maintained in place. The buffer in the project vicinity includes grazed pasture area, sparse trees, and willow thickets. The new work will require the removal of one 20-inch diameter at breast height (DBH) big-leaf maple tree and a small patch (10 feet by 10 feet) of Sitka willow at the upstream end of the repair. Willow shrubs will be planted to replace vegetation that must be removed for construction and will reduce the time lag before the vegetation restores the habitat and water quality functions of the project area.

Snohomish County-30.62A.330 - Standards and requirements for activities conducted within streams, lakes and marine waters.

This section provides standards and requirements for activities conducted within streams, lakes and marine waters. Protection of streams, lakes and marine waters is inextricably linked to protection of the adjacent buffers. Standards and requirements for buffers adjacent to streams, lakes and marine waters are found in SCC 30.62A.320.

(1)Standards and Requirements for Streams, Lakes and Marine Waters—No Mitigation Required. Any development activity, action requiring project permit or clearing that does not encroach into streams, lakes or marine waters and provides buffers consistent with the requirements of SCC 30.62A.320(1) satisfies the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

Consistent. While no permit is required for this project, the proposed levee repair is consistent with this criterion. The repair does not encroach into the river beyond the toe of the original pre-damaged levee. Several alternatives have been considered by the Corps for this repair. Riprap with plantings will provide protection to the structures while providing habitat functions, and limiting impact to the river.

**Snohomish County-30.65 Special Flood Hazard Areas
Snohomish County-30.65.010 - Purpose and applicability.**

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the jurisdiction of the county.

30.65.020 - Intent.

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

- (1) To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
- (2) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
- (3) To meet the minimum requirement of the national flood insurance program; and
- (4) To implement state and federal flood protection programs.

Snohomish County-30.65.220 - Floodways—Permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific floodproofing standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of this chapter and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC 30.65.230(1):

- (10) Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the shoreline management master program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.
- (11) Dikes, when the applicant can provide clear and convincing evidence that:
 - (a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
 - (b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and
 - (c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented.

Consistent. Levees are flood control structures that are by definition located within floodplains. The project repairs an existing levee (dike) to its pre-damaged condition without raising the height or encroaching into the river. The project is being completed with the French Slough Flood Control District as the local sponsor and a public notice will be issued.

The project has been designed with vegetated riprap to provide protection to the adjacent protected structures while providing habitat function and limiting impact to the river.

5. The project complies with the following enforceable policies of the Coastal Zone Management Program:

1. Shoreline Management Act: As per RCW 90.58.030 and WAC 173-27-040, maintenance of existing levees is exempt. This consistency determination will be submitted to Washington Department of Ecology for concurrence.
2. State Water Quality Requirements: The Corps concludes that the project is not subject to regulation under Sections 401 and 404 of the Federal Water Pollution Control Act. The exemption from the requirement to evaluate the effects of discharges of fill material into waters of the United States under 33 USC 1344(f)(1)(B) applies because all riverward work at the repair site will be conducted within the pre-damaged levee footprint. Therefore the proposed repair of the Lord Hill Levee does not require a 404 (b)(1) evaluation nor a 401 water quality certification.
3. State Air Quality Requirements: This project does not require air quality permits.
4. State Environmental Policy Act: Corps Civil Works projects comply with NEPA and are not subject to SEPA.

The remaining two policies, the Energy Facility Site Evaluation Council law and the Ocean Resources Management Act are not applicable to this project.

6. Consistency Determination. Based on the above evaluation, it is determined that the proposed rehabilitation activities comply with the policies, general conditions, and activities as specified in the Snohomish County Unified Development Code. The proposed action is considered to be consistent to the maximum extent practicable with the State of Washington Shoreline Management Program and policies and standards of the Snohomish County Shoreline Management Program.