APPENDIX C

ASSESSMENT OF SHORELINE JURISDICTION

17 January 2008

Michael Paine, Environmental Planning Manager
City of Bellevue
Department of Planning and Community Development
450 110th Avenue NE
Bellevue, WA 98004

Re: Proposed Bellevue Shoreline Jurisdiction

Dear Michael:

The Watershed Company, in collaboration with City of Bellevue staff, has developed the attached proposed maps of shoreline jurisdiction. Under the City's current Shoreline Master Program, Lake Washington, Lake Sammamish, Phantom Lake, Mercer Slough, and lower Kelsey Creek are regulated as shorelines, in addition to identified associated wetlands and the shorelands extending 200 feet from the ordinary high water mark.

The first step in updating the map of shoreline jurisdiction was to review the precise shoreline and associated wetlands definitions found in the WAC and in Washington Department of Ecology's (Ecology) rules and guidance documents. Portions of these definitions that apply to the City of Bellevue revolve around the size threshold for waterbodies meeting Shoreline criteria, the State Ordinary High Water Mark (OHWM) definition, and when to consider critical areas (wetlands) as "associated" with the shoreline.

Streams/River

Washington Department of Ecology's Digital Atlas was consulted to verify the upstream limits of stream and river shoreline jurisdiction based on USGS's recent study of the 20 cubic feet per second (cfs) cut-off. As in the original SMP work, Mercer Slough and the lower portion of Kelsey Creek are shoreline jurisdictional. The location of 20 cfs has been adjusted slightly upstream based on recent modeling performed by USGS. No other streams within the City have a mean annual flow of 20 cfs or greater.

Lakes

The minimum size limit for lakes to be designated as shoreline is 20 acres. Thus, as in the original SMP work, Lake Washington, Lake Sammamish and Phantom Lake are each identified as shoreline jurisdictional lakes. No other waterbodies within the City boundary exceed 20 acres.

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Associated Wetlands

Existing City of Bellevue wetland information and National Wetland Inventory (NWI) data were reviewed to identify associated wetlands. Ecology guidance states that the entire wetland is associated if any part of it lies within the area 200 feet from the OHWM (or floodway in riverine environments) of a state shoreline. Further guidance states that wetlands that are hydraulically connected to a Shoreline also would be considered associated, as well as wetlands within the 100-year floodplain. Wetlands that are separated by an obvious topographic break from the shoreline are not associated, provided they are outside the shoreland zone and provided that the break is not an artificial feature such as a berm or road.

Associated wetlands are identified along the jurisdictional boundary of Mercer Slough/Lower Kelsey Creek and Phantom Lake. No other inventoried wetlands lie within the 200-foot shoreline jurisdiction of either Lake Washington or Lake Sammamish. Based on field observations and examination of numerous soils samples and background materials, the valley between Phantom and Larsen Lakes is a single wetland, broken on its surface by road overlays with surface connections maintained only by culverts passing stream flow that originates in either Phantom Lake or wetlands associated with Phantom Lake (see attached memo). Therefore, the associated wetland located along the western portion of Phantom Lake, extends north, entirely surrounding Larsen Lake.

Optional Shoreline Jurisdiction Boundaries

Per Ecology requirements, The Watershed Company and City staff have investigated the option of expanding shoreline jurisdiction to include critical area buffers and/or floodplains. Both options are provided in the attached map documents.

In terms of critical area buffers, The Watershed Company included the two inventoried wetlands surrounding Mercer Slough/Kelsey Creek and Phantom Lake. Neither of these wetlands have been rated and classified using the City's updated critical areas ordinance. Therefore, given their size and general condition, both wetlands were assumed for purposes of mapping to be Category I wetlands with a moderate habitat value resulting in a wetland buffer of 110 feet.

Floodplain maps were provided by City staff. These areas include the 100-year floodplain boundary for Kelsey Creek, Mercer Slough, and Phantom and Larsen Lakes. By definition, all wetlands within the 100-year floodplain are within shoreline jurisdiction as "Associated Wetlands." Under this optional scenario, any floodplain area located beyond associated wetlands and 200-foot minimum jurisdiction would be considered as part of the shoreline jurisdiction.

Upon review of both scenarios, the City is not proposing to include either the 100-year floodplain or critical area buffers as part of shoreline jurisdiction.

Revised Jurisdiction Summary

The following are proposed areas of shoreline jurisdiction:

- Lake Washington
- Lake Sammamish
- Mercer Slough
- Phantom Lake
- Lower Kelsey Creek
- Shorelands 200 feet from the OHWM, and including the floodway and 200 feet of adjacent floodplain where present, of each of the listed waterbodies
- Associated wetlands
- The City is not proposing to include the 100-year floodplain or critical area buffers as part of shoreline jurisdiction.

Please call if you have any questions.

Sincerely,

Daniel K. Nickel
Environmental Engineer

Enclosures

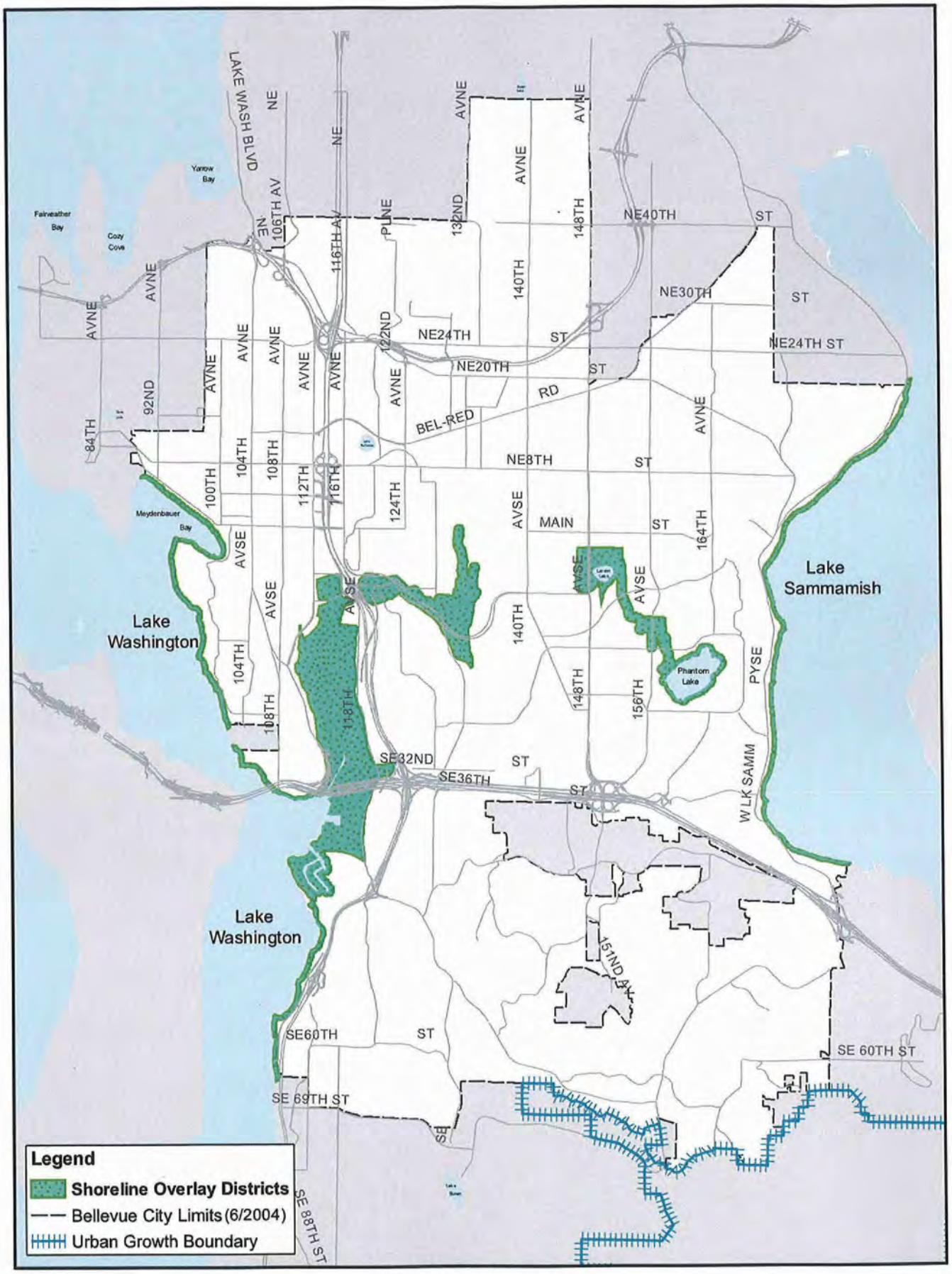

FIGURE SM.1

Shoreline Management Areas

N

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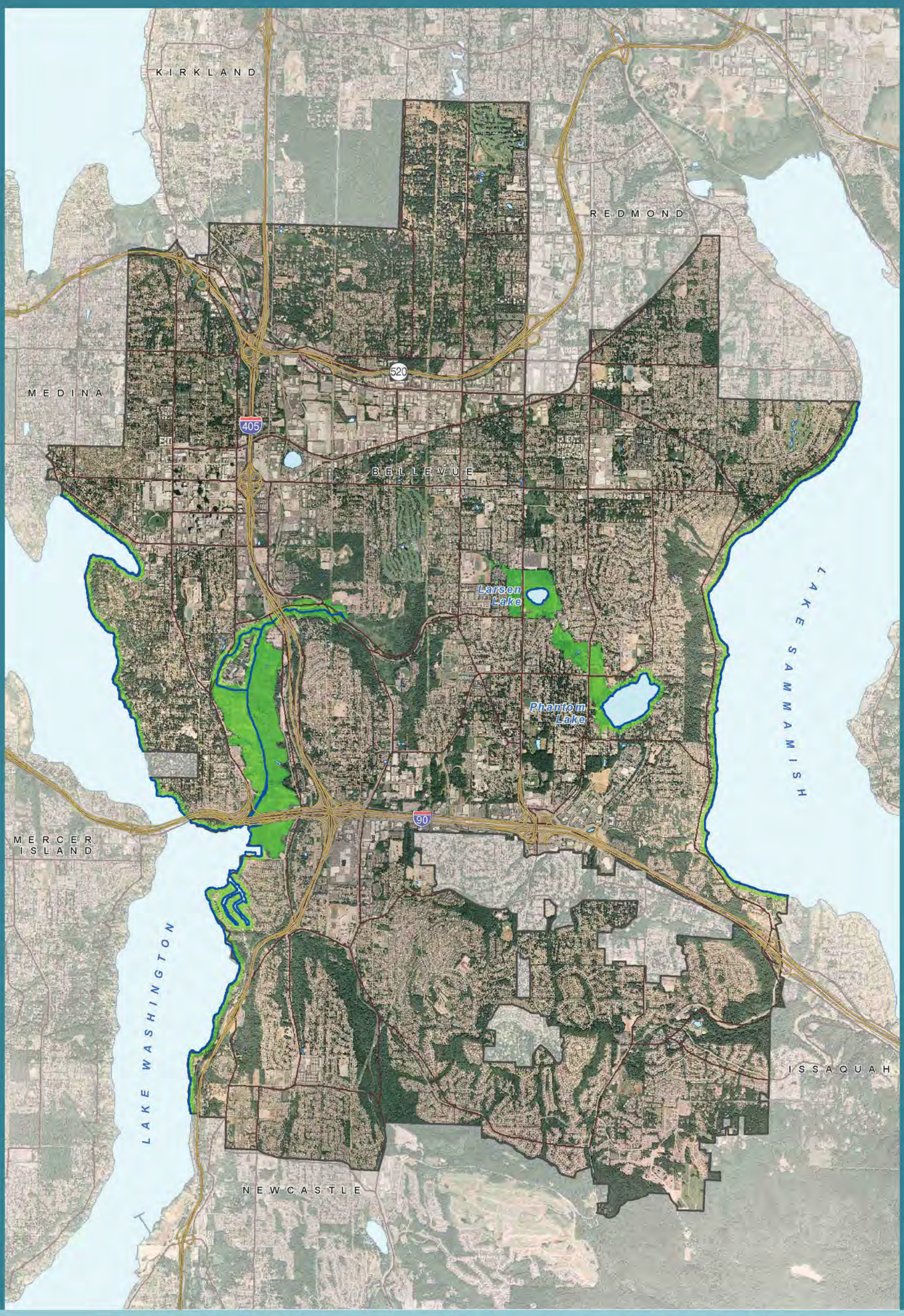


Proposed Minimum Shoreline Jurisdiction

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

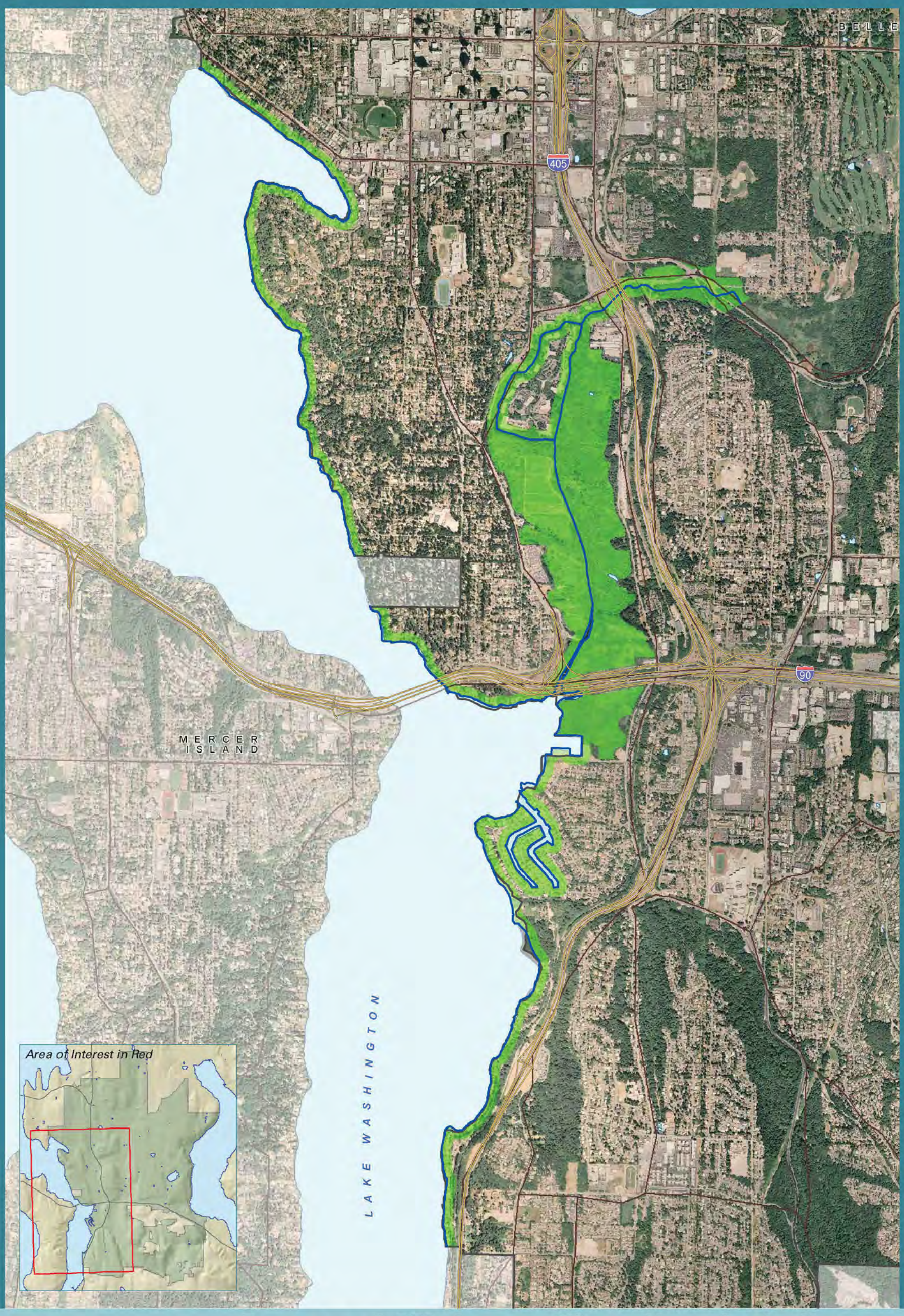
THE WATERSHED COMPANY

0 0.25 0.5
Miles

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- Lakes
- City Boundary
- Highways
- Major Streets

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



Proposed Minimum Shoreline Jurisdiction

Lake Washington, Mercer Slough, and Kelsey Creek

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

THE WATERSHED COMPANY

0 600 1,200
Feet

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- Lakes
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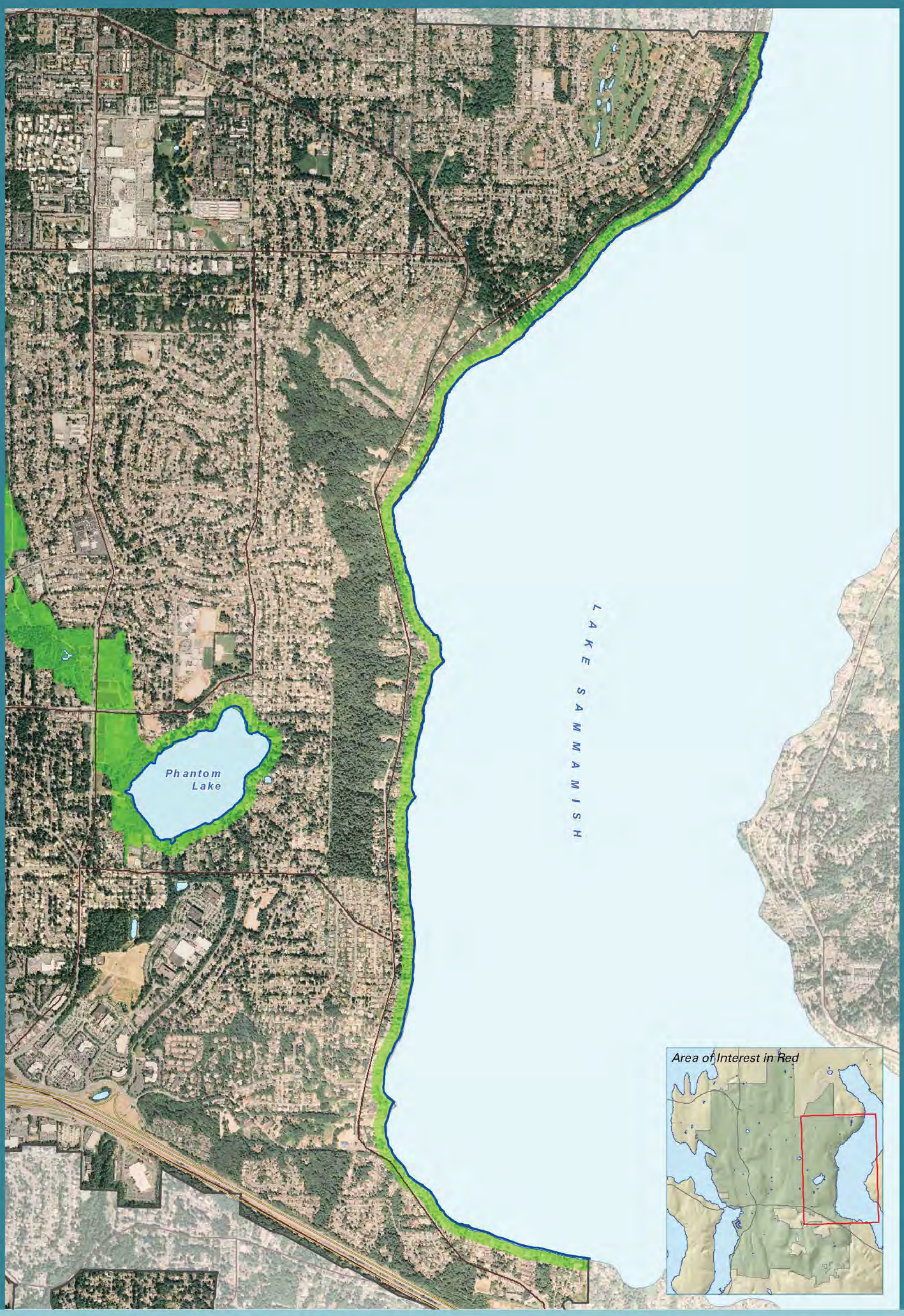

Proposed Minimum Shoreline Jurisdiction / Lake Sammamish

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

THE WATERSHED COMPANY

0 500 1,000
Feet

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

Minimum Shoreline Jurisdiction
Ordinary High Water Mark
City Boundary
Lakes
Highways
Major Streets

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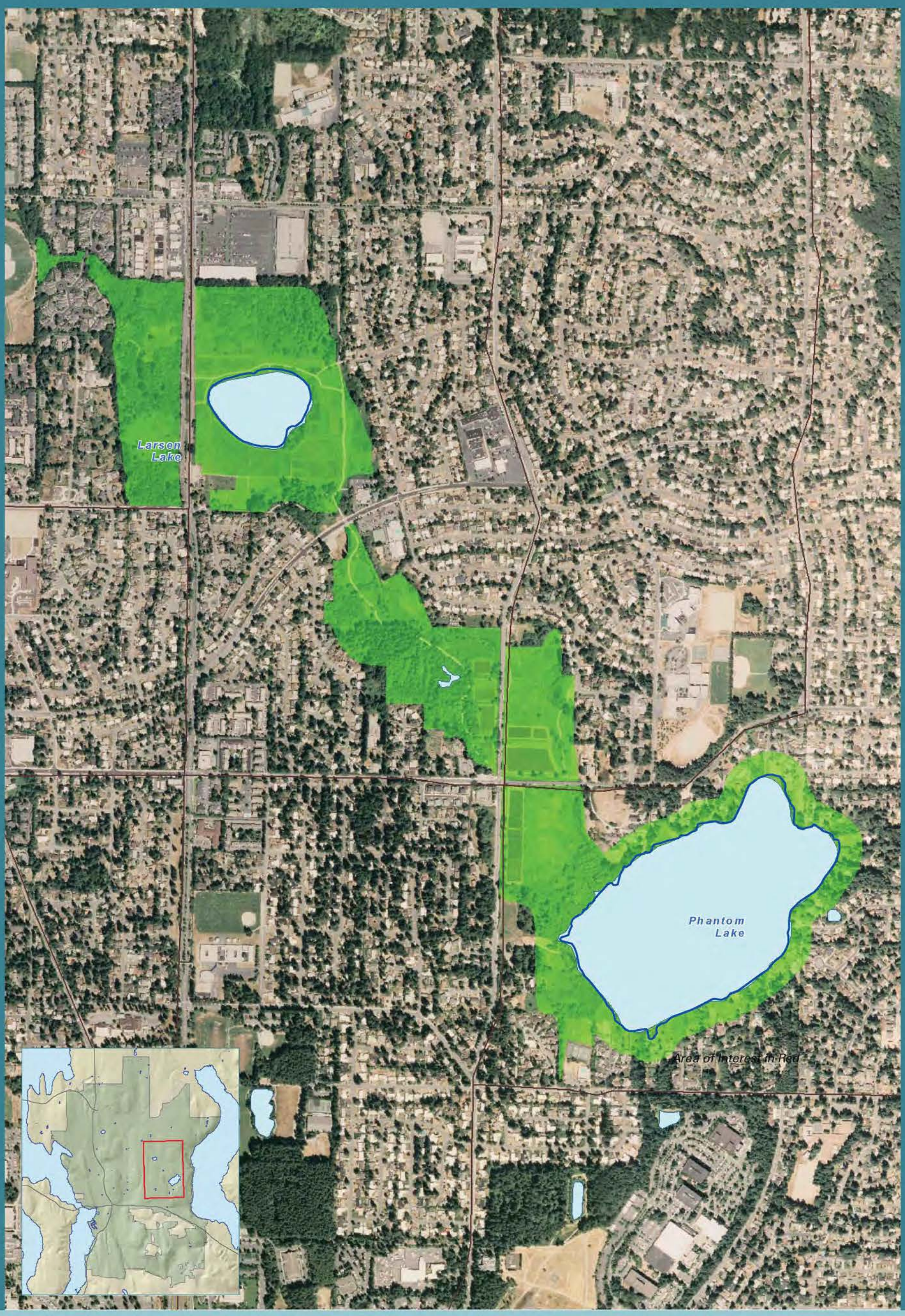

Proposed Minimum Shoreline Jurisdiction / Phantom Lake

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

THE WATERSHED COMPANY

0 250 500
Feet

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- City Boundary
- Lakes
- Highways
- Major Streets

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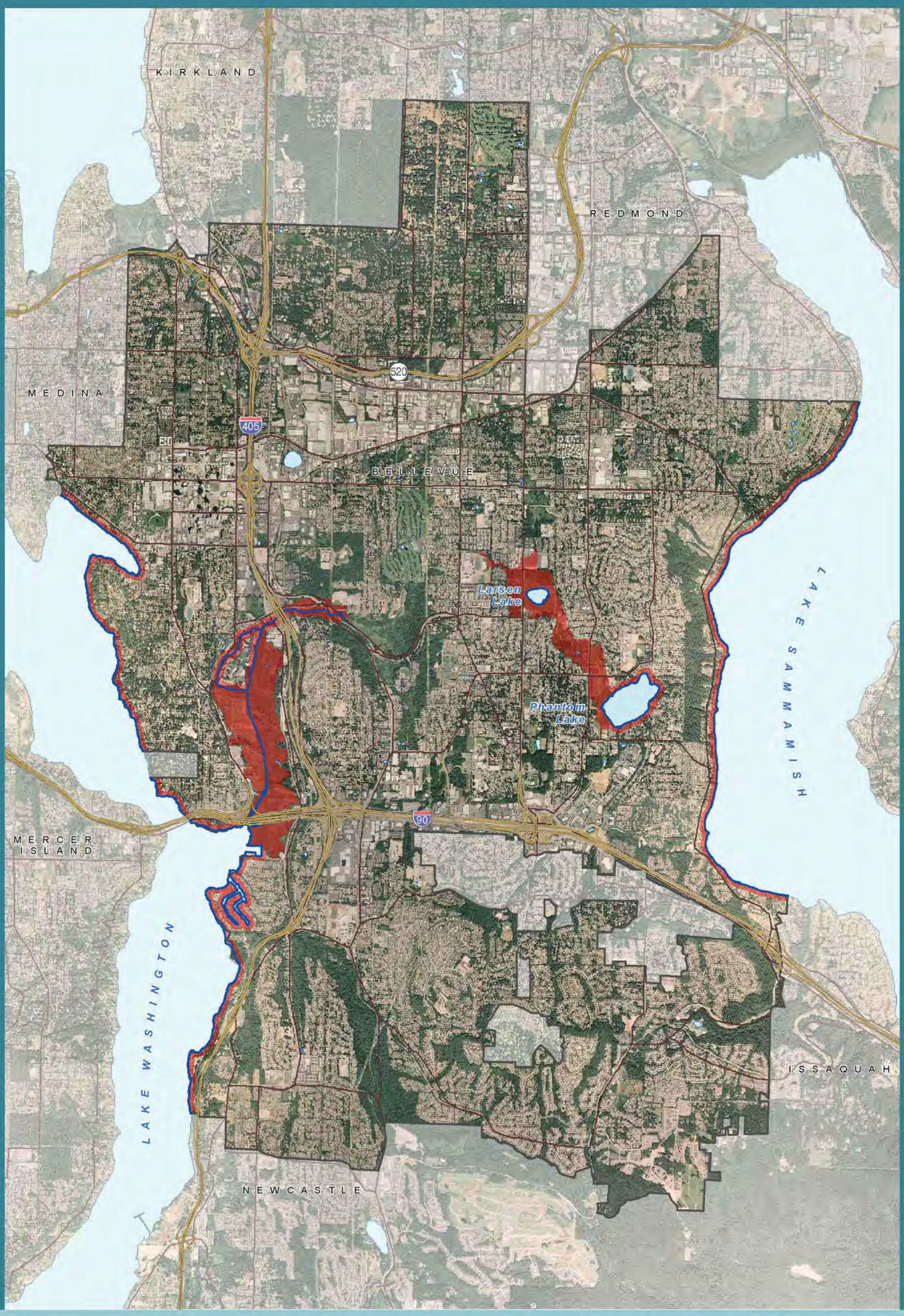

Proposed Minimum Shoreline Jurisdiction plus Floodplain

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

THE WATERSHED COMPANY

0 0.2 0.4
Miles

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

- Minimum Shoreline Jurisdiction Plus Floodplain
- Ordinary High Water Mark
- Lakes
- City Boundary
- Highways
- Major Streets

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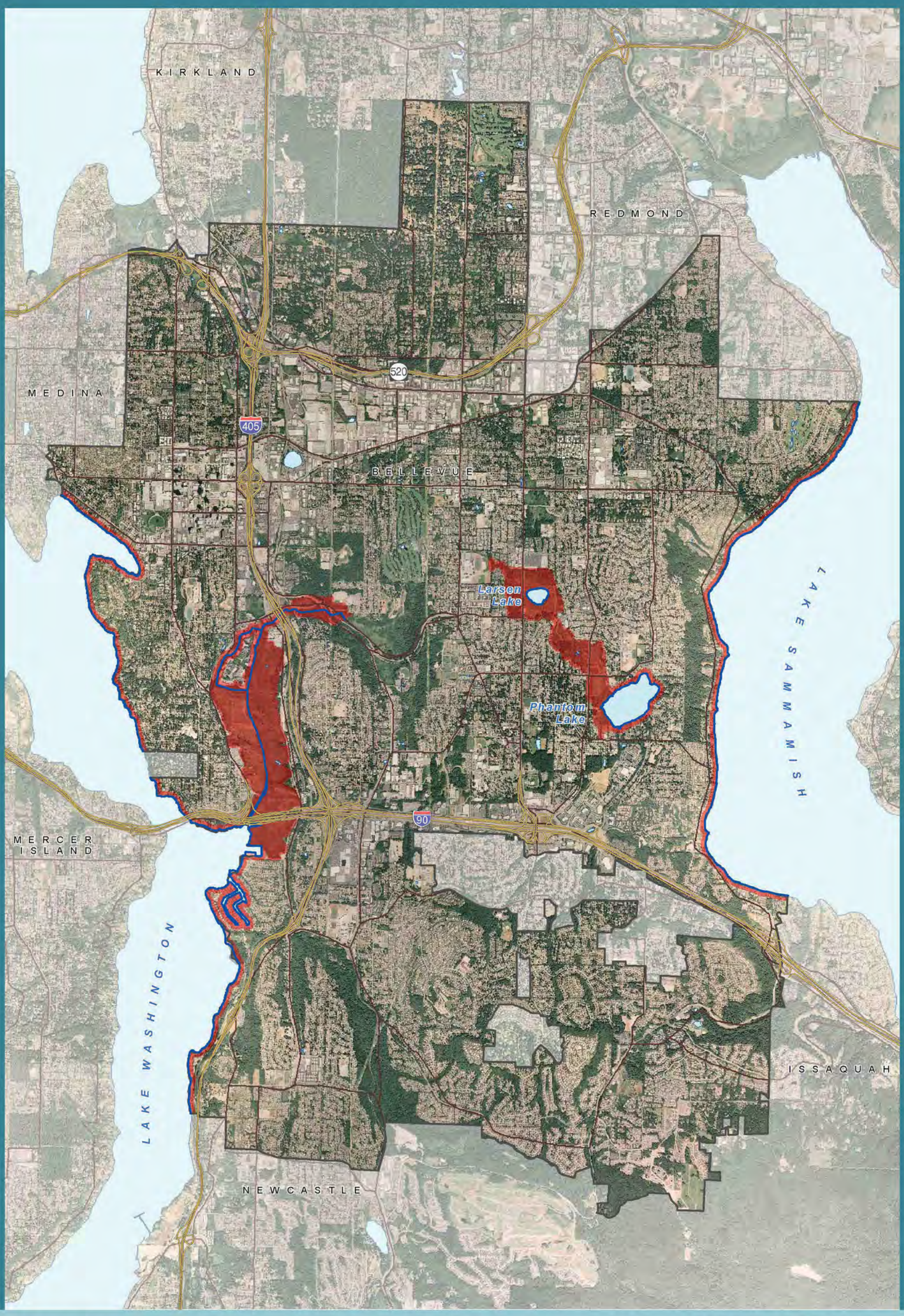

Proposed Minimum Shoreline Jurisdiction plus Wetland Buffers

City of Bellevue Shoreline Master Program

CITY OF BELLEVUE WASHINGTON

0 0.25 0.5
Miles

THE WATERSHED COMPANY

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue
Finalized 10/09/2015

Minimum Shoreline Jurisdiction Plus Wetland Buffers
Ordinary High Water Mark
Lakes
City Boundary
Highways
Major Streets

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