

From: Margaret Fleek
Sent: Monday, November 30, 2009 1:47 PM
To: Graves, John
Subject: RE: ESA Issues

Hello John,

WE NEED A MEETING WITH YOU!!!!!!!

I have finally had a chance to read over your proposed model ESA ordinance, and would like to offer a few comments on a very preliminary basis, since we have not yet had an opportunity to get together with all the local planners.

There are at least three major issues that need to be carefully addressed in order to make it possible to live with the results, from the city's perspective. The first is the definition of Protected Area, that includes the Floodway, the riparian habitat zone and the Channel Migration Zone.

As you know, the Floodway here is specifically limited to the area between the levees, and extending landward from the toe a distance of 300 feet in the city and 500 feet in the county. Is that going to be the case for this program?

Not so concerned about the Riparian habitat zone, other than the fact that there is only a mowed levee for much of that river frontage and the experts still require levee vegetation maintenance under PL 84-99.

BUT the Channel Migration Zone as you have presented it here in Section 4.4 does NOT reflect the decisions that are now in place relative to the Shorelines Management Act and the fact that there is another under the radar screen work group convened to discuss it. See the following e-mail:

-----Original Message-----

From: Olson, Patricia (ECY)
Sent: Wednesday, November 18, 2009 9:35 AM
To: Fritzen, Bob (ECY); Margaret Fleek
Subject: RE: Channel Migration Zone

Hi Margaret

The SMP guidelines say that within municipalities and their urban growth areas that a community may consider the area landward of publically maintained structures, such as levees and revetments, the disconnected channel migration area. However, the NMFS-FEMA Biological Opinion is not bound by SMP guidelines. NOAA Fisheries used the DNR Forest Practices definition for channel migration area. Under that definition, when a structure has an opening (flood gate, culvert etc) that allow fish to get behind the structure then the area landward of the structure would be within the connected channel migration area.

There is an informal workgroup consisting of Pierce and King Counties, NOAA Fisheries, FEMA and Ecology (me) trying to come up with consistent standards between programs (FEMA and state floodplain management, NOAA

requirements, SMP and Critical Areas). One of the items we are addressing is the role of structures in preventing channel migration. But we haven't agreed on all issues yet.

Regards
Patricia

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OTHER PROBLEM AREAS:

We need flexibility to address things like compensatory storage and low impact development. Impervious surface over 10% of the parcel is a POSTAGE STAMP!!!! Low impact development needs more work than the products we have seen to date, if it is to be effective.

HOWEVER, we have the entire Gages Slough corridor where we are planning to increase storage and have significant restoration projects underway, and a chance to do something that WORKS. Taking a city-wide approach is not mentioned in your proposal.

The other end of the world section is, as you must already know, 5.4 Hazardous Materials. This is not just the Protected Area, but the entire floodplain; this clearly means no hardware stores, no industry. What are people thinking that we are going to shut down industry and business when they come in for a tenant remodel because gee, they have "more than normal household use"?

The idea that these rules would be put in place without our involvement is shocking. When can we schedule a meeting with you and the Planners of our region?????