

# SEPA Nonproject Review Form

## 1) Background

- a) Name of proposal, if any, and brief description.

Ordinance amending Section 8.24.220 of the Black Diamond Municipal Code (BDMC) to prohibit overnight anchorage and moorage of vessels during certain hours of the day and prohibiting people living on vessels on Lake Sawyer.

- b) Agency and contact name, address, telephone, fax, email

City of Black Diamond, Mayor Carol Benson, 24301 Roberts Drive/PO Box 599  
Black Diamond, WA 98010; Phone: (360) 851-4500, Fax: (360) 851-4501

- c) Designated responsible official.

Barbara Kincaid, Community Development Director, City of Black Diamond

- d) Describe the planning process schedule/timeline

Draft Ordinance will be issued for public review/comment on August 13, 2020.  
Council adoption of Ordinance anticipated to occur on September 3, 2020.

- e) Location - Describe the jurisdiction or area where the proposal is applicable. Non project action is an Ordinance that applies citywide; specific geographic area is to limit certain activities on Lake Sawyer.

- f) What is the legal authority for the proposal? State and federal law enables/authorizes local jurisdictions to enact local regulations.

- g) Identify any other future nonproject actions believed necessary to achieve the objectives of this action. None at this time.

## 2) Need and Objectives

- a) Describe the need for the action. (Whenever possible this should identify the broad or fundamental problem or opportunity that is to be addressed, rather than a legislative or other directive.)

The City has received public comments and complaints about the mooring of unoccupied boats, overnight mooring and people living on boats. The overall

concern is for public safety as well as potential pollutants into Lake Sawyer from such

- b) Describe the objective(s) of the proposal, including any secondary objectives which may be used to shape or choose among alternatives.

The ordinance is intended to remove the potential threats to life, health, safety and the environment by prohibiting people from leaving boats moored and unattended or living aboard.

- c) Identify any assumptions or constraints, including legal mandates, which limit the approach or strategy to be taken in pursuing the objective(s).

The State of Washington Shoreline Management Act (SMA) and City's adopted Shoreline Master Program requires the City to develop strategies to maintain the environmental health of Lake Sawyer. Additionally, BDMC Chapter 8.24.220 contains regulations to maintain safety from the public use and enjoyment on Lake Sawyer.

- d) If there is no legislative or other mandate that requires a particular approach, describe what approaches could reasonably achieve the objective(s). N/A

### **3) Environmental Overview**

Describe in broad terms how achieving the objective(s) would direct or encourage physical changes to the environment. Include the type and degree of likely changes such as the likely changes in development and/or infrastructure, or changes to how an area will be managed.

Currently, there are two large boats on Lake Sawyer that have been mooring overnight, leaving the boats unattended during the week and living on them during the weekend. The Lake is a site for many types of recreation; fishing, boating, skiing, and swimming. The unattended boats have drifted into the active, recreational areas and may have harmed other people recreating on the Lake. Lake Sawyer is not equipped or intended for overnight use; there are no public mooring buoys or dump stations nearby. There is a strong possibility that the continuation of such uses will cause harm or introduce pollutants into the Lake.

### **4) Regulatory Framework**

- a) Describe the existing regulatory/planning framework as it may influence or direct the proposal.

Current regulations and the City's Shoreline Management Program (SMP).

- b) Identify any potential impacts from the proposal that have been previously designated as acceptable under the Growth Management Act (GMA), chapter 36.70A RCW. N/A – this is not a GMA Action.

## 5) Related Documentation

- a) Briefly describe any existing regulation, policy or plan that is expected to be replaced or amended as a result of the proposal. (Adequate descriptions in section 4.a may be referenced here, rather than repeated.) See Section 4.
- b) List any environmental documents (SEPA or NEPA) that have been prepared for items listed in 4.a. or that provide analysis relevant to this proposal. **Note:** Impacts with previous adequate analysis need not be re-analyzed but should be adopted or incorporated by reference into the NPRF. Identify the:
  - i) Type of document
  - ii) Lead agency and issue date
  - iii) Where copies can be viewed or obtained
  - iv) The portions of the document applicable to the current proposal and briefly explain relevancy. Summarize the relevant impact assessment or, provide reference to discussion(s) in Part II that includes this information.

A SEPA DNS was prepared for the SMP. Black Diamond was lead agency and documents may be viewed by contacting the City of Black Diamond Community Development Department. The SMP contains policies to maintain the public use of Lake Sawyer and specifically does not allowing mooring buoys on the Lake.

## 6) Affected Environment

Generally, describe the existing environmental landscapes or elements (e.g., character and quality of ecosystem, existing trends, infrastructure, service levels, etc.) likely to be affected if the proposal is implemented. Include a description of the existing built and natural environment where future “on the ground” activities would occur that would be influenced by the nonproject proposal.

**Note:** When complete, this section needs to provide information on existing conditions for the elements of the environment discussed in sections 8 and 9. A list of the built and natural elements of the environment is in WAC 197-11-444. The following should be included, as appropriate: Primary physical features, Development level and infrastructure, Percent impervious surfaces (approximate), Unique features, including historic and cultural sites, potential or existing critical areas, resource lands, and Endangered or threatened species in or near the area.

The proposed non-project action, an Ordinance to prohibit overnight or unattended moorage for extended periods of time and people living on boats is consistent with the city's policies, regulations and state and federal laws.

Lake Sawyer is a large lake that is under the jurisdiction of the Shoreline Management Act (SMA). The lake is largely developed with single family homes and private docks. There is one public boat launch and a public park that provides public access and allows for the use and enjoyment of the lake both residents and non-residents.

Due to the crowded conditions, the lake is heavily used for many types of recreation; including fishing, swimming, and boating. The proposed non-project action will have no negative impact on the elements of the environment listed in WAC 197-11-444. It is the intent of the ordinance to improve existing conditions by prohibiting uses on the lake that may impact environmental health as well as to create an additional environmental impact from boats that are unattended and may be leaking fuel into the water or discharging illicit waste. In addition to causing harm to the natural and built environments, public services are increased if a spill is reported or someone is injured from an unattended, moored boat coming untied or drifting into active boating areas.

## **WAC 197-11-444, Elements of the Environment**

### **Natural Environment**

#### **a. Earth**

Geology; soils; topography; unique physical features; erosion/enlargement of land area

#### **b. Air**

Air quality; odor climate

#### **c. Water**

Surface water movement/quantity/quality; runoff/absorption; floods

#### **d. Plants and animals**

Habitat for and numbers or diversity of species of plants, fish, or other wildlife; unique species; fish or wildlife migration routes

#### **e. Energy and natural resources**

Amount required/rate of use/efficiency; source/availability; nonrenewable resources; conservation and renewable resources; scenic resources

### **Built Environment**

#### **a. Environmental health**

Noise; risk of explosion; releases or potential releases to the environment affecting public health

#### **b. Land and shoreline use**

Relationship to existing land use plans and to estimated population; housing; light and glare; aesthetics; agricultural crops

#### **c. Transportation**

Transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement/circulation of people and goods; traffic hazards

#### **d. Public services and utilities**

Fire; police; schools; parks and other recreational facilities; maintenance; communications; water/storm water; sewer/solid waste; other governmental services or utilities.

**7) Consistency of the proposal with other plans, policies, and laws.**

This proposal is internally and externally consistent with other plans, policies, and laws.

**8) Monitoring and Follow-up**

- a) Describe any monitoring that will occur to ensure the impacts were as predicted and that mitigation is effective, including responsible party, timing, and method(s) to be used.

The City of Black Diamond Police regularly patrol the lake. They will be monitoring unintended actions that may occur from this ordinance.

- b) Identify any plans or strategies for updating this proposed action based on deviation from impact projections or other criteria.

None at this time.

Submitted by: Mayor Carol Benson, City of Black Diamond

Date: August 13, 2020

Signature: 