

## ENVIRONMENTAL CHECKLIST

### A. Background

#### 1. Name of proposed project, if applicable:

Adoption of the Long Range Drainage Plan for Eastsound Village Urban Growth Area as new Appendix 10 to San Juan County Comprehensive Plan and updated 6 and 20 year Capital Improvement Plans.

#### 2. Name of applicants:

San Juan County

#### 3. Address and phone number of applicants and contact person:

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#### 4. Date checklist prepared:

May 7, 2008

#### 5. Agency requesting checklist:

San Juan County Community Development and Planning

#### 6. Proposed timing or schedule (including phasing, if applicable):

Public Notice of checklist availability for comment, May 14, 2008; Notice of Public Hearing  
Comment and review of checklist, May 14 – May 28, 2008  
60-day GMA review by Dept. of Community, Trade, and Economic Development, April 23-June 22, 2008  
Planning Commission review and public hearing, May 19, 2008  
County Council review and public hearing, June 3, 2008

#### 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Both public and private projects and development activities will be conditioned by the Stormwater Drainage plan.

#### 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

San Juan County. October 1996. Final Environmental and Economic Impact Statement (FEEIS) for San Juan County Comprehensive Plan, Official Maps, Shoreline Master Program, Friday Harbor UGA, and Roche Harbor Master Planned Resort, and supportive studies and reports.

San Juan County. November 1997. Final Supplemental Environmental Impact Statement (FSEIS) for changes made to the Comprehensive Plan, Official Maps, and for adoption of a Unified Development Code (UDC).

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Draft Stormwater Ordinance and Issue Papers: [www.metrokc.gov/ddes/cao/#comment](http://www.metrokc.gov/ddes/cao/#comment)

Kulzer, Louise, and John Heal. April and October 1994 and July 1996. "Water Quality Thresholds Decision Paper." King County Surface Water Management (now, Water and Land Resources Division).

State of Washington, Department of Ecology.

*Stormwater Management Manual* for Western Washington, August 2001. Referenced information and sources.

Water Quality web pages: [www.ecy.wa.gov/programs/wq/wqhome.html](http://www.ecy.wa.gov/programs/wq/wqhome.html)

Stormwater web pages: [www.ecy.wa.gov/programs/wq/stormwater/](http://www.ecy.wa.gov/programs/wq/stormwater/)

Construction stormwater NPDES permits:

[www.ecy.wa.gov/programs/wq/stormwater/construction/reissue.html](http://www.ecy.wa.gov/programs/wq/stormwater/construction/reissue.html)

----- WAC 173-201A. Water Quality Standards for Surface Waters of the State of Washington. Existing rules (effective 12/26/92) and new revisions (effective July 1, 2003).

U.S. Environmental Protection Agency. Stormwater documents, including Report to Congress *re* Phase 2 stormwater regulations, and menu of best management practices.

[http://cfpub.epa.gov/npdes/home.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/home.cfm?program_id=6)

Wiseman, C., Matthews, R., and Vandersypen, J. San Juan County [water quality] Monitoring Project. Draft Final Report, June 14, 2000.

- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

Not applicable to non project action. The Unified Development Code (UDC) provides implementing regulations for the policy direction of the Comp Plan and its Official Maps for land use and development in San Juan County lands and waters. Ongoing land development and use, and various governmental actions, are guided and regulated by these documents.

- 10. List any government approvals or permits that will be needed for your proposal, if known.**

Approval of an amendment of the San Juan County Comprehensive Plan by the San Juan County Council.

- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

This is a nonproject action to amend the San Juan County Comprehensive plan to include a new Appendix 10 titled, "Long Range Drainage Plan for Eastsound Village Urban Growth Area" and associated updated 6 and 20 year Capital Improvement Plans.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. Give the tax parcel number. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The action applies to the lands and waters in Eastsound, Orcas Island, Washington.

## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

#### **a. General description of the site**

The lands within Eastsound include a wide variety of terrain. There are flat and hilly lands, areas of steep slopes and wetland areas.

#### **b. What is the steepest slope on the site (approximate percent slope)?**

Various slopes are present in Eastsound.

#### **c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

Eastsound has a variety of soils, including soils suitable for agricultural uses. There is little or no prime farmland.

#### **d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

There are no areas of unstable slopes in Eastsound.

#### **e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

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Does not apply to this nonproject action. Some County, residential or commercial project development could use some of these materials, the source of which would be dependent on the time, location, and quantity needed.

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

None from these amendments. Some County, residential or commercial project development could result in some additional erosion, particularly during construction however evaluation and mitigation measures will be determined at the individual project level.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Does not apply to this nonproject action.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

The Comp Plan and UDC contain policies and regulations whose intent is to avoid, reduce and mitigate erosion and its impacts. The proposed Appendix 10, "Long Range Drainage Plan for Eastsound Village Urban Area" contains references to specific projects to minimize and control runoff and the resulting erosion.

The recommended amendment identifies projects to control and limit the impacts of Stormwater runoff. Project-specific analysis of potential environmental impacts are appropriate for many potential developments, but these are addressed as part of the review for any specific development project proposal.

**2. Air**

**a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

None from these amendments. Some County, residential or commercial project development could result in some additional air pollution both during construction and long-term as a result of the new uses or activities.

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Does not apply to this nonproject action.

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

Non project action. Does not apply.

**3. Water****a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Eastsound has a few seasonal streams, and wetlands and marine embayments.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

The amendment is a non project action and does not include specific project activities. Some County, residential or commercial project development may occur within 200 feet of such waters subsequent to the adoption of the amendment, however, environmental impacts and mitigation measures will be determined at the project level.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None by this nonproject action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

Not applicable.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

FEMA floodplains occur in some shoreline locations; these are part of the environmentally sensitive areas overlay district

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Not directly by this nonproject action. Some County, residential or commercial project development may result in some additional discharges to the stormwater both during construction and long-term as a result of the new uses or activities. The potential now and in the future exists for anthropogenic substances, *etc.* to occur in connection with project development and use. The Comp Plan and UDC contain policies and regulations whose intent is to avoid, reduce and mitigate stormwater pollution and its impacts.

Specific environmental protection measures are appropriate for many potential developments, but these are addressed as part of the review for any specific development project proposal.

**b. Ground:**

- 1) **Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

No new withdrawals as a result of this amendment. Groundwater is a major component of many/most individual and community water supplies. Project development should result in controlled stormwater runoff, some of which may soak into the ground and enter the groundwater supply.

- 2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial waste or chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None directly by this nonproject action. Some County, residential or commercial project development may result in some discharges to the water both during construction and long-term as a result of the new uses or activities.

**c. Water runoff (including stormwater):**

- 1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

A certain amount of stormwater runoff occurs from natural surfaces and vegetation. Generally, lands with forest canopies yield the lowest volume of runoff; shrubs allow more runoff, and grassland, open ground, and mineral surfaces yield respectively greater volumes of runoff.

Clearing, development, and the addition of hardened and impervious surfaces generate additional stormwater runoff with increased peak volumes. This is generated at present from the project development, from the roofs of structures, the hardened surfaces of driveways and roads, and from the cleared area of parcels.

Depending on the location and also sometimes on the immediate or recent amounts of rainfall, the runoff flows down to a freshwater stream or wetland, or infiltrates into the groundwater, or is directly or ultimately discharged into the marine waters.

The new Appendix 10 is designed to address stormwater control issues specific to Eastsound. If and when specific projects identified in Appendix 10 are constructed, there may be a temporary disruption in flow patterns and contents. Measures to mitigate the impact of specific proposals will be determined as part of the project review process.

- 2) **Could waste materials enter ground or surface waters? If so, generally describe.**

Not directly by this nonproject action.

**d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:**

None by this non project action. Individual projects within Appendix 10 are specifically designed to control and treat, where appropriate, Stormwater runoff.

**4. Plants**

- a. **Check or circle/underline types of vegetation found on the site, and describe:**

Deciduous tree: alder, maple, aspen, other

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Evergreen tree: fir, cedar, pine, other

Shrubs

Grass

Pasture:

Crop or grain

Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

Water plants: water lily, eelgrass, milfoil, other

Other types of vegetation: succulents, saprophytes, others

**b. What kind and amount of vegetation will be removed or altered?**

None directly by this nonproject action. Additional vegetation may be removed as part of normal development processes during construction. The type and amount of removal or alteration will depend on the individual project and site.

**c. List threatened or endangered species known to be on or near the site.**

Not applicable to this non project action.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Not applicable to this non project action.

**5. Animals**

**a. Circle/underline any birds and animals which have been observed on or near the site or are known to be on or near the site and describe:**

Birds: hawk, heron, waterfowl

Mammals: deer, rodents, raccoon, mustelids, marine mammals, other

Fish: bass, salmon, trout, herring, shellfish, marine fish in near-shore area.

- b. **List any threatened or endangered species known to be on or near the site.**

Not applicable to non project action.

- c. **Is the site part of a migration route? If so, explain.**

The islands are part of the Pacific Coast Flyway.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

Not applicable to non project action.

## 6. Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

None directly by this nonproject action. Some County, residential or commercial project development and subsequent facilities may make use of various energy sources.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Does not apply.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

The amendment does not include project activities. Energy conservation features are a part of the State's building code. Measures to reduce project impacts are addressed as part of the review for specific development proposals in the future.

## 7. Environmental Health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

Not directly by this nonproject action.

- 1) **Describe special emergency services that might be required.**

Does not apply.

- 2) **Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable.

Specific pollution control and environmental health measures may be appropriate for some potential project developments, but these are addressed as part of the review for any specific development project proposal.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Does not apply.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

None directly by this nonproject action. Individual project development will result in additional noise related to normal construction and use.

- 3) Proposed measures to reduce or control noise impacts, if any:**

Not applicable to non project action. The County has adopted a noise ordinance that conditions various noise-generating activities which occur as the result of subsequent activities or project development.

**8. Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties?**

The lands within Eastsound include a variety of land use districts and activities.

- b. Has the site been used for agriculture? If so, describe.**

Not applicable to non project action.

- c. Describe any structures on the site.**

Depending on the location in Eastsound various residential and accessory structures, some home occupations and cottage enterprise structures, and commercial and industrial buildings are present.

- d. Will any structures be demolished? If so, what?**

Does not apply to this nonproject action.

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**e. What is the current land-use district classification of the site?**

Not applicable to non project action.

**f. What is the current comprehensive plan designation of the site?**

Not applicable to non project action.

**g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable to non project action.

**h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.**

Not applicable to non project action.

**i. Approximately how many people would reside or work in the completed project?**

Does not apply.

**j. Approximately how many people would the completed project displace?**

Does not apply.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

Does not apply.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

Not applicable to non project action.

**9. Housing**

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

No units would be developed directly by this nonproject action.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

Does not apply.

- c. **Proposed measures to reduce or control housing impacts, if any:**

Does not apply.

**10. Aesthetics**

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

None would be developed directly by this nonproject action.

- b. **What views in the immediate vicinity would be altered or obstructed?**

Does not apply.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

Not applicable to non project action. The Comp Plan and UDC contain policies and regulations whose intent is to avoid, reduce and mitigate impacts to visual quality and aesthetics. The best management practices and site plan preparation section of the *Stormwater Management Manual* include guidance for site and facilities development. Specific mitigative measures may be appropriate for some potential project developments, but these are addressed as part of the review for any specific development project proposal.

**11. Light and Glare**

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Does not apply.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

Does not apply.

- c. **What existing off-site sources of light or glare may affect your proposal?**

Does not apply.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

Not applicable to non project action. The Comp Plan and UDC contain policies and regulations whose intent is to avoid, reduce and mitigate light and glare impacts. Specific mitigative measures may be appropriate for some potential project developments, but these are addressed as part of the review for any specific development project proposal.

**12. Recreation**

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

Various public and private locations in Eastsound provide formal and dispersed recreational opportunities.

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

Does not apply.

**c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Does not apply.

**13. Historic and Cultural Preservation**

**a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

Not applicable to non project action.

**b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

Not applicable to non project action.

**c. Proposed measures to reduce or control impacts, if any:**

Not applicable to non project action.

**14. Transportation**

**a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

Not applicable to non project action. Public and private roads form the land-based transportation system.

**b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

Not applicable.

**c. How many parking spaces would the completed project have? How many would the project eliminate?**

Not applicable to non project action.

- d. **Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable to non project action.

- e. **Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable to non project action.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

Not applicable to non project actions.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

Not applicable to non project actions.

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**

Not applicable to non project actions.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable to non project actions.

**16. Utilities**

- a. **Circle/underline utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Not applicable to non project actions.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Not applicable to non project actions. Indirectly, project improvements may facilitate an increase in demands and needs for some utilities, principally electricity.

**C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

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Ron Henrickson, Director, Community Development and Planning Department Director

Date Submitted:

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May 14, 2008

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

This is a nonproject action to amend the San Juan County Comprehensive Plan to include a new Appendix 10 titled, "Long Range Drainage Plan for Eastsound Village Urban Growth Area" and associated updated 6 and 20 year capital improvement plans. This Appendix will include updated 6 and 20 year Capital Improvement Programs. While the plan identifies specific projects, environmental impacts and mitigation measures will be determined when the specific project will be undertaken. The County formally implements the Stormwater Management through the storm drainage standards section in the Unified Development Code (UDC; §18.60.070) and related Code sections.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed amendment will not be likely to programmatically increase these impacts; rather, the new Appendix 10 will decrease them.

A certain amount of stormwater runoff occurs from natural surfaces and vegetation. Generally, lands with forest canopies yield the lowest volume of runoff; shrubs allow more runoff, and grassland, open ground, and mineral surfaces yield respectively greater volumes of runoff.

Clearing, development, and the addition of hardened and impervious surfaces generate additional stormwater runoff with increased peak volumes. This is generated at present from project development, from the roofs of structures, the hardened surfaces of driveways and roads, and from the cleared area of parcels. Certain impervious surfaces or cleared surfaces or activities have the additional potential to add eroded soil, oil, metals, or other pollutants to the stormwater runoff.

Depending on the location and also sometimes on the immediate or recent amounts of rainfall, the runoff flows down to a freshwater stream or wetland, or infiltrates into the groundwater, or is directly or ultimately discharged into the marine waters.

This nonproject action would not increase the amount of waste materials that would enter ground or surface waters. The potential now and in the future for anthropogenic substances (oil, antifreeze, metals, organic materials, etc.), sediment from erosion, and other materials to be introduced into stormwater runoff from roads, or introduced directly into marine waters by small boat engine combustion exhaust products. If the projects identified in Appendix 10 are constructed as proposed, it is expected that decreased amounts of pollutants will infiltrate all water bodies.

**Proposed measures to avoid or reduce such increases are:**

Although a non project action, the Comprehensive Plan amendment is specifically designed to reduce the impacts of stormwater runoff in Eastsound.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposed amendment is expected to decrease negative impacts.

Residential or commercial project development may result in some direct or incidental take of fish, wildlife, and plants, discharges to the water, emissions to the air, or release of pollutants both during construction and long-term as a result of the new uses or activities.

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The Comprehensive Plan and UDC contain policies and regulations the intent of which is to avoid, reduce and mitigate impacts to plants, animals, fish, or marine life, as well as to avoid, reduce and mitigate water pollution

and stormwater runoff, air pollution, emission of toxic substances, and their impacts. Specific biological protection, and pollution control and stormwater runoff measures are appropriate for many potential developments, but these are addressed as part of the review for any specific development project proposal.

**3. How would the proposal be likely to deplete energy or natural resources?**

The proposed amendments would not programmatically increase these impacts.

Residential or commercial project development may result in some use of energy and natural resources both during construction and long-term as a result of the new uses or activities.

**Proposed measures to protect or conserve energy and natural resources are:**

None as part of the amendment process. Measures to reduce project impacts are addressed as part of the review for specific development proposals in the future.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

This is a nonproject action to amend the San Juan County Comprehensive Plan as such no direct impacts are expected.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

The Comp Plan and UDC contain policies and regulations to avoid, reduce and mitigate impacts to environmentally sensitive areas, plants, animals, fish, or marine life, as well as to avoid, reduce and mitigate water pollution and stormwater runoff. Environmentally sensitive areas ("critical areas" under the Growth Management Act) are recognized as an overlay district, and have additional protective regulations associated with them. Specific biological protection, and pollution control and stormwater runoff measures are appropriate for many potential developments, but these are addressed as part of the review for any specific development project proposal.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

This is a nonproject action to amend the San Juan County Comprehensive Plan, direct impacts to the shoreline are not expected to result from this action.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

The amendment will bring County into conformance with the GMA requirements for stormwater regulation and financing. The amendment is expected to enable the development of mechanisms that decrease the impact of stormwater runoff on the environment.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The amendment is not expected to increase demands on transportation, it may, increase the provision of public services in Eastsound.

**Proposed measures to reduce or respond to such demand(s) are:**

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This nonproject action will amend the San Juan County Comprehensive Plan to include a new Appendix 10 that will enable the development of new storm drainage systems in Eastsound.

Clean Water Act and the Washington State Water Pollution Control Act (RCW 90.48). Most stormwater discharges are considered to be point sources of pollution. Section 402 of the federal Clean Water Act provides that the discharge of any pollutants to the waters of the United States from any point source is illegal, unless the discharge is in compliance with a **National Pollutant Discharge Elimination System (“NPDES”)** permit. Stormwater discharges are therefore regulated under the point-source regulations as well as by local land-use regulations, and most require an NPDES permit.

In 1987, Congress added section 402(p) to establish a comprehensive framework for addressing stormwater discharges under the NPDES permit program. This direction was implemented by two phases of rule-making: the final Phase II stormwater regulations were issued by United States Environmental Protection Agency (“EPA”) on December 8, 1999, and are now in effect.

Endangered Species Act (ESA). The Puget Sound chinook salmon is now a listed “Threatened” “ecologically significant unit” of a species, and its area includes San Juan County and its offshore waters. A rule that has been adopted under §4(d) of the ESA applies to all situations where a “taking” of threatened species may occur: this includes habitat modification or degradation that might impair breeding, feeding, or sheltering.

ESA review is required for

- all federal permits (such as Clean Water Act §404 and NPDES permits (CWA §402);
- all federal project grants and cost-share projects;
- all state shorelines permits. The Shoreline Management Act, and the master programs and regulations that are adopted under it, are part of the State of Washington’s Coastal Zone Plan under the federal Coastal Zone Management Act, and are therefore subject to review and compliance under the federal ESA; and
- SEPA review.

An important requirement for limiting the applicability of the §4(d) rule to these activities is the control of stormwater runoff and its pollutants to marine waters, from such activities as routine road maintenance and residential, commercial, municipal and industrial development and redevelopment. The Comprehensive Plan update, Appendix 10, is expected to enable the construction of mechanisms to control stormwater runoff in Eastsound and in so doing minimize the negative impacts of unconstrained stormwater.

Coastal Zone Management Act (CZMA). The Coastal Zone Act Reauthorization Amendments of 1990 include new Section 6217, which addresses nonpoint source pollution. Section 6217 requires states to develop and implement Coastal Nonpoint Pollution Control Programs for polluted stormwater runoff. The regulations are meant to restore and protect coastal water quality through the application of economically achievable “best management practices” that are implemented through enforceable policies and state and local regulatory controls. The federal government may enforce the measures through funding penalties under Section 319 of the Clean Water Act and Section 306 of the CZMA.