

CITY OF BLACK DIAMOND, WASHINGTON
ORDINANCE NO. 15-1066

AN ORDINANCE OF BLACK DIAMOND, WASHINGTON, RELATING TO THE ANIMAL TRAPPING, SPECIFICALLY ADDING BEAVERS TO THE EXEMPTION LIST OF THOSE SPECIES THAT MAY BE TRAPPED WITHIN CITY LIMITS, AS LONG AS ALL STATE LICENSES AND PERMITS HAVE BEEN OBTAINED AND STATE LAW IS FOLLOWED, AMENDING SECTION 6.08.140 OF THE BLACK DIAMOND MUNICIPAL CODE.

WHEREAS, in recent years the local beaver activity has greatly increased; and

WHEREAS, the beaver activity has increased maintenance costs in keeping culverts clear and protecting public roads and park facilities; and

WHEREAS, beaver dams have raised the water table of the approximate 170 acre Rock Creek wetland at least 3 feet and caused environmental damage including large significant trees all around the wetland to die, emergent willow, alder and cottonwood within the wetland to die, raised water temperature from lack of shade, migratory fish barriers and decomposing organic matter; and

WHEREAS, the beaver dams that have raised the water table of the Rock Creek wetland approximately 3 feet is causing a safety issue by greatly increasing the number of times that Abrams Ave will flood and have to be closed, isolating three homes and severely limiting emergency services; and

WHEREAS, the higher water table in the Rock Creek wetland is causing higher buoyant forces on the Morgan Street sewer pump station than it was designed for and may damage the facility by floating the wet-well and causing sewer spills into the wetland; and

WHEREAS, the higher water table is reducing the effectiveness of the storm water pond at "The Ridge" subdivision; and

WHEREAS, the higher water table may interfere with the City's upcoming project on the Rock Creek bridge; and

WHEREAS, The City's efforts to remove beaver dams under a HPA and approvals from Washington Department of Fish and Wildlife has been fruitless in that in most cases the beavers have reconstructed the dams within hours or days;

WHEREAS, the higher water table or beaver activity has caused private property damage;

WHEREAS, on November 17, 2015, the City's SEPA official issued a DNS for this Ordinance; and

WHEREAS, a copy of this draft Ordinance was sent to the Washington State Department of Fish and Wildlife on November 17 2015; and

WHEREAS, the City Council considered this Ordinance on November 19, 2015, during its regular meeting; NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BLACK DIAMOND CITY COUNCIL AS FOLLOWS:

Section 1. Section 6.08.140 of the Black Diamond Municipal Code shall be amended to read as follows:

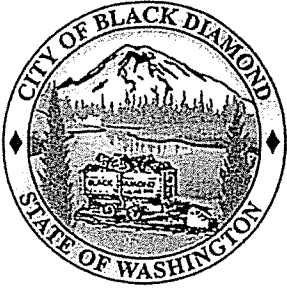
6.08.140. Animal traps – Prohibited – Exceptions.

A. It is unlawful for anyone to use traps to apprehend any animal inside the city, unless by animal control or law enforcement officers for the purposes of apprehending a dangerous or diseased animal, or by representatives from an animal welfare agency recognized by the Humane Society for Seattle-King County, for the purpose of trap/neuter/return or an adoption program.

B. This section does not apply to mouse traps, mole traps, ~~or~~ rat traps or beaver traps. A beaver is classified as a furbearer by the State of Washington. WAC 232-12-007. Beaver trapping must be performed according to regulations adopted by the Washington Department of Fish and Wildlife. A trapping license and open season are required to trap. A special trapping permit is required for the use of all traps other than live traps. RCW 77.15.192, 77.15.194; WAC 232-12-142. All special trapping permit applications must be submitted to the Washington State Department of Fish and Wildlife.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.



CITY OF BLACK DIAMOND

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www.ci.blackdiamond.wa.us

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS) File Number PLN15-0054

Description of Proposal: A request for a SEPA Threshold Determination associated with the adoption of a new ordinance revising the City of Black Diamond Municipal Code (BDMC) Section 6.08.140, *Animal Traps-Prohibited-Exception*, consistent with Washington Administrative Code (WAC) 232-12-007 and WAC 232-12-142.

Proponent: Seth Boettcher, Public Works Director
City of Black Diamond

Location of Proposal: Citywide. This proposal is a nonproject action.

Lead Agency: City of Black Diamond

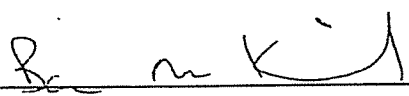
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and applicable Washington state regulations. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued after using the Optional DNS process in WAC 197011-355. There is no further comment period on the DNS.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

SEPA Responsible Official: Barbara Kincaid, Community Development Director
City of Black Diamond
24301 Roberts Dr.
Black Diamond, WA 98010
Tel: (360) 253-5700
Fax: (360) 886-2592
Email: bincaid@ci.blackdiamd.wa.us

Signature: 

Date: November 17, 2015

APPEAL INFORMATION

This decision to issue a Determination of Nonsignificance (DNS) may be appealed pursuant to Section 19.04.250 of the Black Diamond Municipal Code (BDMC). All appeals filed pursuant to this section must be filed in writing with the Community Development Director within fourteen calendar days of the date of the decision being appealed, no later than December 1, 2015. The written appeal shall be filed with a \$250.00 fee stating and must concisely state the basis or bases for the appeal.

Please contact the Community Development Department at 360-886-5700 to read or ask about the procedures for SEPA appeals.

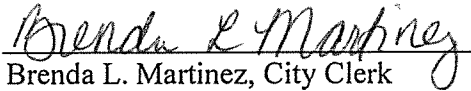
Section 4. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Black Diamond this 19th day of November 2015.



Mayor Carol Benson

AUTHENTICATED:



Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

PUBLISHED: 11/24/2015
EFFECTIVE DATE: 11/29/2015