✓DK

FAUNTLEROY
WATERSHED
COUNCIL

January 21, 2004

TO: Miles Mayhew, Seattle Department of Planning and Development

FM: Tom Linde, Phil Sweetland, and Judy Pickens, Fauntleroy Watershed Council

RE: ECA Input

What is currently working well with the ECA regulations? What is not working as well?
See response to next question.

What has been your experience with the ECA regulations? How have you been personally affected by the ECA regulations?
As a watershed council, we have been involved in recent years in several respects:

- The residential property that includes the mouth of Fauntleroy Creek went on the market. With no provision for **ECA disclosure in the real estate listing**, we had to provide information to the seller listing agent, and new owner in an effort to make sure that no party could claim ignorance about buffer and other considerations.
- We were called by concerned neighbors into a clear-cutting episode on a steep slope adjacent to Fauntleroy Park, where homeowners were apparently **unaware of ECA limitations**. As a consequence, we are giving higher priority to working with the city to communicate critical-area/habitat implications of living adjacent to park and creek habitat.
- We have put considerable effort into trying to protect **nearshore habitat** - a critical component of our anadromous creek system. For example, we initiated an ongoing survey to quantify pet waste as a source of fecal coliform in Fauntleroy Cove. The ECA restrictions in place haven't been enough to stem the load of bacteria and nutrients making their way to the cove from the urban watershed.
- As we gain direct experience with the complexity of salmon habitat, we are increasingly aware of the effects of urban chemicals and the **inadequacy of creek buffer requirements**. Limiting development within 50 feet of the corridor may reduce erosion and permeable surface in the immediate vicinity of the creek but it does nothing to restrict the <u>use of chemical fertilizers, pesticides, and herbicides</u>. Our experience also prompts us to question whether 50 feet is adequate in terms of <u>groundwater recharge</u>.

How can we improve protection of critical area functions and values while allowing reasonable development opportunities?

- **Flag ECA implications in single-family real estate listings**. Expecting an outside party (such as a neighborhood group) to take the lead is unrealistic and inadequate.
- **Don't grant waivers to new owners**; they should decide to buy knowing the ECA requirements and agree to abide by them, even if the prior owner did not.
- **Create a "chemical-free zone"** (artificial fertilizers, pesticides, and herbicides) in the groundwater-recharge area of creeks. (Hydrologists will need to define an effective width to apply citywide.)
- Factor in restrictions that will help **protect nearshore habitat**.
- Invest in **outreach to homeowner**s in protected areas so that they know habitat, stewardship, and resale implications.

How can incentives for property owners enhance protection of environmentally critical areas? What incentives should be available for ECA protection?

- **Knowledge** – knowing what protections apply to a property and why.
- **Reinforcement** – hearing the stewardship message time and again.
- **Recognition** – something that the community and/or city does to give a pat on the back to homeowners (especially).

Beyond these "soft" incentives, we would support the biggest hammer the city can legally use!