

Text Location	Issue	Comment	DPD Response
Washington Toxics Coalition, The Floating home Association, Deb Natelson, Diane Buckshnis Edmonds City Council Position #4, Diana Foreman, Michael Ellis, Jack Bautsch			
1	23.60.190.B	Vegetation management	Support the requirement that mandates mechanical weed controls before restoring to use of herbicides – is a positive step in furtherance of these goals.
			Support regulations regarding aquatic weed control: the logical sequencing of approaches from least toxic to most toxic in the strategies; the requirement to have an IPM plan – the language that fosters coordination with WA State Dept of Ecology in developing an EIS and mitigation plan if herbicides are deemed the only options. Additionally, staff should remember that there was a moratorium on the use of aquatic herbicides. If manual methods were employed then, perhaps we can use these options more frequently.
			Support: The new language is congruence with the City's responsible existing regulations and practices to protect water quality: 1) It adopts the Critical Areas
			No response needed.

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		<p>Ordinance approach to restricting the use of pesticides and fertilizers within 50 feet of a watercourse as it folds the ordinance into the SMP; 2) it is consonant with Seattle Parks Dept. policies eschewing herbicides in favor of manual and mechanical weed controls such as hand-pulling, mowing, and use of bottom barriers, and 3) reflects the intent of the landmark Shoreline Management Act of 1972, which prohibited the use of herbicides to control aquatic weeds altogether, a position the city maintained for 26 years.</p>	
		<p>Repeated use of aquatic herbicides threatens water quality, and improved water quality is vital to successful protection of threatened species and Puget Sound. Even more disturbing is that definitive science on the long-term effects of the use of aquatic herbicides is still being created, yet in 2007 the Department of Ecology reported discharge of 244 gallons of liquid triclopyr, diquat dibromide, and glyphosate into Lake Washington, the Ship Canal, and Portage Bay, in</p>	<p>No response needed.</p>

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			addition to 2,022 pounds of granular triclopyr, endothall, and fluridone. Two years earlier no aquatic herbicide treatments were allowed by DOE, and shoreline residents, yacht clubs, and businesses used harvesters, weed rakes, bottom barriers, and hand-pulling to control their weeds. Most importantly, we know it can be done.	
Stephanie Roche				
2	23.60.190	Use of herbicides to control aquatic noxious weeds	Please follow the wording of the current Seattle Parks Dept. policies which reflects the landmark Shoreline Management Act of 1971, which prohibited the use of herbicides to control aquatic weeds altogether, a position the city held for 26 years. Section 23.60.190 of the proposal should be re-written so there is NEVER any resorting to herbicide application for water weed control.	The City is including a tiered approach to managing the use of pesticides and herbicides in the water but not banning. The intent of the tiered approach is to only allow the use of pesticides and herbicides when all other non-chemical means have been explored and are deemed infeasible. Please see the definition of "feasible" in 23.60.912.
Heron Habitat Helpers				
3	General Comment		Regulations are too long, detailed and unsearchable for easy use by the public. Although we do understand why so much detail has been added about heights, setbacks,	The proposal has updated the existing regulations. Additional standards were added to meet the City's requirements under the Shoreline Management Act and Chapter 23-26 WAC. DPD has been implementing the Shoreline Master Program regulations since 1972 and is committed to continuing to implement and enforce the SMP as required by law.

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			<p>etc. in various zones, we do not understand why DPD has decided to implement this degree of detail to standards and enforcement while a few months ago DPD made such unreasonable protestations it could not implement tree permits as part of a forest management plan. Can DPD afford to implement these regulations in the current City budgetary climate?</p>	
4			<p>Then, we also have reviewed shoreline comments prepared by the Seattle Urban Forestry Commission and support these comments particularly related to tree removal (no trees over 6" DBH), retention of native vegetation, and protection of critical root zones for existing trees. We strongly feel that more natural shorelines should be encouraged rather than bulkheads since this is critical for creating shallower water where herons can feed. Finally, some individual comments:</p>	<p>See responses to the Urban Forestry Commission comments below</p>
5			<p>We feel that 2 boat slips per residence is far too generous for a forward shoreline management</p>	<p>The regulation pertains to boat lifts not boat slips. In evaluating the appropriate number of boat lifts DPD determined that it was reasonable to allow a single family resident (SFR) two boat lifts. SFR piers are for boat moorage/slips and DPD continue to encourage</p>

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			<p>plan. When one flies over Seattle, one is constantly struck by how much of our waterways are overhung by docks, boats, etc. so the shoreline is practically obscured. Instead, we suggest a 1.5 slips per residence standard, with the averaging caused by neighbors sharing spaces – or DPD may consider a separate category for hand-powered boats that require much less space on moorage.</p>	<p>neighboring property to share piers. Multifamily residential development are required to share piers however, it has proven to be more difficult to require SFR to share piers.</p>
6			<p>We wish that section XVI had been mentioned early on – the section on definitions (or maybe we just missed it). It was at the end of the document and a surprise after we had written down words that puzzled us. Note “feeder bluff” is not included in the f’s; “habitat units” are defined but the definition is not understandable to an average person; “view corridors” appear to contain only DPD enforcement areas whereas Parks also has “view corridors” it maintains and how is the public to know if these are the same, overlap, or are different?</p>	<p>There is a Table of Contents for the regulations and all sections are listed in the Table of Contents. Revisions to the definitions have been made as requested.</p> <p>Regarding view corridors – regulated view corridors under the Shoreline Master Program (SMP) regulations are different than view corridors regulated by Parks are different and overlap DPD’s regulations.</p> <p>Unfortunately within the SMP all other regulations cannot be listed and explained. However, the City is very open to answering specific questions about any of our regulations.</p>
7			<p>We found no section on acronyms.</p>	<p>A section on acronyms has been added to the second draft of the SMP</p>

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			Therefore, when we read “UM” and “UI,” we did not know what they meant.	
8			We were puzzled by the various dates incorporated in the document – dates that grandfather in structures or processes before/after a certain date. We would appreciate a section at the end of the document which gives the BASIS of using these dates and establishes their reasonableness.	DPD understands the request; however, at this time it is not possible to provide a list as requested. If there are specific dates that you have questions about please ask about those specific dates and the DPD can work to provide this information.
9			Despite our comment above about all the detail in the document, there was one element that was missing. There was nothing about artificial lighting. Although Seattle does not put billboards along its shorelines, who knows what demands may surface in the future. At least a cursory section about “no new artificial lighting” might suffice	Code revised as requested. See subsection 23.60.152.P
Donna Kostka				
10			...NOTE I saw no mention of the COE in the Goals section or of any consideration for restoration of creek mouths.	There are many goals within the restoration section that refer to biologically important areas. Rather than naming all the areas that are biologically important in the goals stream mouths are specifically mentioned in the regulations. See 23.60.160.A
11			...NOTE: this 500 foot buffer area is an exception to your new 35’	The 35-ft buffer is along the shoreline and the heron habitat is not within the Shoreline District so this buffer does not overlap the heron habitat buffer.n

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			rule setback.	
12			LU240.4. Amend to add COE, so would read: "...provision of public access opportunities by public agencies, such as the City, Port of Seattle, King County, the State, and the Corps of Engineers at new shoreline facilities and encourage these agencies to provide similar opportunities in existing facilities."	Code revised as requested.
13			LU242. Amend to add at end: "...to include restoration of creek mouths which the City has diverted into the sewer system."	This policy has to do with street ends and public access and the requested language is not appropriate here. Additionally, it is better to use a scientific approach in determining the location for restoration. The LUG 50 and 51 do this and therefore restoration of creek mouths which the City has diverted into the sewer system would be included within these goals.
14			LUG50. Amend to add at end: "...to include restoration of creek mouths which the City has diverted into the sewer system."	See response to comment #13.
15			LUG56. Amend to add at end: "...to include restoration of creek mouths which the City has diverted into the sewer system."	See response to comment #13.
16			LU258. Amend to add at end: "...to include areas protected by Great Blue Heron Management Areas in DR 5-2007."	See response to comment #13.
17			LUG59. Amend to add at end: "...to include restoration of creek mouths	See response to comment #13.

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			which the City has diverted into the sewer system.”	
18			LU316. Amend to add: “...to include consideration for the City’s first Wildlife Sanctuary at Kiwanis Ravine.”	Kiwanis Ravine is not within the Shoreline District and therefore the request should be made to amend the Comprehensive Plan during that amendment process.
Urban Forestry Commission				
19	23.60.190	Vegetation management	The lack of protection for non native trees in the current draft of the Proposed Shoreline Master Program Regulations could result in severe and unmitigated loss of ecologic function. Specifically, the delivery, movement, and loss of water, sediment, large woody debris, phosphorous, nitrogen, pathogens, and light energy could all be adversely affected if mature non-native trees and shrubs are replaced with native groundcovers. There is no compelling scientific literature to suggest that the ecological functions as defined by the City are not well met by non-native species.	Changes made as indicated in responses to specific code sections.
20			Also of concern to the UFC is the lack of protection for existing native trees and shrubs. This is especially worrisome in regards to the lack of protection for the	Please provide specific language to achieve the requested protection and DPD will consider the proposed change.

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			critical root zone of mature trees.	
21	Section 23.60.020 (18)		Permits and Exemptions, under item 18 (temporary development of four weeks or fewer) the conditions should be appended to include : d. Does not damage or remove any trees over 6” DBH, except in cases where it can be shown – to the satisfaction of the director – that to do so would improve the health of other trees as in thinning groves or clumps of over-crowded trees. e. Does not include temporary development within or compaction of the critical root zone of any trees over 6” DBH. Failure to make these additions could result in damage or removal of mature trees and significant loss of shoreline ecological function.	Code revised as requested.
22	Section 23.60.152 - General		General Development makes a fallacious assumption that all native vegetation provides high ecologic function. Canopy coverage, multi-storied vegetation and species diversity are all important to ecologic function. We maintain that the standard for general development (23.60.152 (f) be updated to require native	See response to comment #23.

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			vegetation consisting of at least some trees, and shrubs in addition to ground cover and that disturbed soils be amended and de-compacted to insure the success of plantings.	
23	Section 23.60.184 (D) -	Standards for fill	should be appended with the following sentence: Fill shall not be placed in the critical root zone of any trees over 6" DBH, and work will not result in the compaction of soils in the critical root zone of any trees over 6" DBH. Failure to make this change could result in damage or death of mature trees and significant loss of shoreline ecological function.	Fill is the term used for placing sediment/soil in the water. The appropriate place for the suggested language is in Section 23.60.185 Standards for Grading, landfill and shoreline stabilization. See revised Section.
24	23.60.190 (A)4		should include a more clear professional standard for the qualifications of persons preparing plans. The standard of training and expertise related to the type of ecological environment where the work will occur," is vague and lacks objective standards such as professional accreditation or state licensing requirements.	Please provide suggested language. Very few professional areas have an accreditation or state licensing programs.
25	Section 23.60.190(A)5		This sub-section, taken in context with subsection 23.60.190 (A) 3 should be updated to codify that all	23.60.190.A.5 revised to include " <u>including all vegetation by species and number</u> ".

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			woody vegetation is accurately shown on the plans submitted, and that the size, species and location of trees is clearly shown. This information must be presented in a way that it can be easily verified by DPD staff.	
26	Section 23.60.190(C)1		should be changed to read: “Normal and routine pruning and maintenance that promotes the health and vigor of trees and shrubs is allowed without submitting an application.” Failure to do so could result in pruning intended to dramatically shorten the life and reduce the ecologic function of trees and shrubs in the shoreline zone.	Code revised as requested.
27	23.60.190(D)1(c)		should be changed from, “no native trees are removed,” to, “no trees over 6” DBH are removed.” Failure to make this change could result in the loss of canopy, mature trees, shade, nutrient input and large woody debris recruitment.	Code revised as requested.
28	Section 23.60.190(D)2		should similarly include a provision against the removal of any tree over 6” DBH. Failure to make this change could result in the loss of canopy, mature trees, shade,	Code revised as requested.

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			nutrient input and large woody debris recruitment.	
29	Section 23.60.190(E)1(c)		should be changed from, “no native trees are removed,” to, “no trees over 6” DBH are removed.” Furthermore it should be stated explicitly that 750 square feet is the total maximum area allowed in the entire shoreline zone in one year. Failure to make this change could result in the loss of canopy, mature trees, shade, nutrient input and large woody debris recruitment.	Code revised as requested.
30	Sections 23.60.232(D)1, 23.60.258(E)1, 23.60.290(E)1, 23.60.332(C)1, 23.60.390(D)1, 23.60.410(D)1, 23.60.450(B)1, 23.60.490(E)1, 23.60.510(E)1, and 23.60.575(D)1		should all be changed from, “avoid reducing vegetation coverage,” to, “avoid reducing vegetation height, volume, density or coverage.” These sections should be strengthened with a new provision, “does not inhibit the continued growth and maturation of vegetation. Failure to make these changes could result in removal of highly functional trees and shrubs in favor of lesser functioning native ground covers.	Code revised as requested
31	23.60.906	Definitions “C” -	the Critical Root Zone of a tree should be defined as 1-1/2 times the maximum diameter of the tree’s canopy or 20 times the DBH,	Code revised as requested.

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			whichever is greater.	
32	23.60.928	Definitions “N”	Native vegetation should be defined as species thought to have occurred within the city limits of Seattle in the 18th century AD.	Code revised as requested.
33	23.60.938	Definitions “T”	Tree should be defined as meaning a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.	Code revised as requested.
34	23.60.942	Definitions “V”	<ul style="list-style-type: none"> oVegetation cover should be defined as the total area covered times whatever fraction of a real cover exists based on vertical observation, or estimation. o View corridors should be defined as, “an area of a lot that provides a view through the lot from the abutting public right-of-way to the water unobstructed by structures except as allowed by this chapter or by vegetation. 	Code revised as requested.
71 people made the following comments				
35		Strong support for:	Vegetative buffers for shorelines to protect natural functions, which are based on science.	The Shoreline Master Program (SMP) has three main goals: to provide for preferred uses, which include single family residential uses and water-dependent and water-related uses; to protect the ecological functions of the shoreline; and to provide for public access. In balancing these three goals some of the buffer are less than what is based by science such as the setback in the UI, UM and UC shoreline environment for water-dependent and water-

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				related uses. However, mitigation for development anywhere within the Shoreline District is required and will provide additional ecological functions in the way of increased vegetation and stormwater control.
36		Strong support for:	The exclusion of intense development from ecologically sensitive areas and areas that are in good ecological shape.	The updated standards within the SMP achieve this.
37		Strong support for:	Good standards to reduce expansion of and impacts of over-water development along the water's edges.	The updated standards within the SMP achieve this.
38		Strong support for:	Preferences to keep development that doesn't need to be next to the water away from the water.	The updated standards within the SMP achieve this within the boundaries of small lots and balancing the goals of the SMP as stated in the response to #35.
148 people e-mailed with the following comments				
39		Requesting improvements	Areas that are currently in good shape and have vegetation should be protected; either with protective environments or with science based buffers. There are some areas that do not have the needed protection; for example in the lower Duwamish River, north and south of Carkeek Park and south of Fautleroy Point.	Changes have been made to the shoreline environments in areas that were determined by the Shoreline Characterization Report to have higher ecologically functioning conditions. Smaller vegetated areas are still afforded protection by the standards in the regulations. See Section 23.60.190
40			Stonger buffers required for residential areas. Science supports wider buffers to protect our valuable shorelines.	Because the shorelines of Seattle are 99% developed smaller science based buffers are more appropriate. Mitigation is still required for any development in the Shoreline District and will provide additional ecological functions in the way of increased vegetation and stormwater control.
41			All live-aboards should be required	All liveaboards are required to control their black water and all house barges are required

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			to control both their black water and grey water.	to control their gray water. DPD is working with the liveaboard community that lives on recreational vessels to determine the most feasible way to control gray water from these vessels.
42			Aquaculture should be subject to the best management practices and this activity should not be allowed in critical habitat found, for example, in certain Conservancy areas.	Aquaculture changed to a prohibited use in all Conservancy shoreline environments and BMP requirements added to Section 23.60.194.