



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

July 23, 2010

Urban Forestry Commission
c/o Tracy Morgenstern
Office of Sustainability and Environment
Tracy.Morgenstern@seattle.gov

Dear Commissioners:

Thank you for your recommendations to amend Director's Rule 5-2007, Great Blue Heron Management Plan. I appreciate your efforts to assist the City in implementing the goals of the Urban Forest Management Plan and to protect important wildlife habitat within the city.

As you are aware, Director's Rule 5-2007 was created in 2007 as a species habitat management plan allowed under the Environmentally Critical Areas (ECA) Code and jointly administered with the Washington Department of Fish and Wildlife (WDFW) to afford additional protection to our Great Blue Heron nesting areas. Under Washington Administrative Code (WAC) chapter 365 -195, all ECA regulations must be consistent with Best Available Science (BAS). In creating this rule, the Department of Planning and Development (DPD) worked with community members, developers, scientists, and WDFW to assess Best Available Science to inform our decision-making process. In evaluating changes to ECA regulations, DPD is similarly responsible for ensuring that these changes are consistent with BAS.

The recommendations forwarded by the Urban Forest Commission include three specific proposals:

1. Extend protections for screening trees during the nesting season to a permanent year-round prohibition.
2. Reduce tree retention requirements from 22" to 6" during the nesting season
3. Clarify in the Director's Rule that screening required in buffer areas should be "consistent with a landscape planting plan approved by DPD.

In evaluating the first modification, DPD consulted with WDFW to understand whether this recommendation was consistent with BAS and was told that such a requirement could not be supported given current science. Given this interpretation, DPD cannot justify making the proposed modification at this time as it would conflict with state requirements. ECA regulations are periodically updated to improve existing regulations and ensure compliance with BAS. We will continue to monitor research in this field and will reconsider this issue during the next periodic update.



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Existing science does not provide sufficient guidance on the threshold of screening trees that should be protected during the nesting season. To properly consider this recommendation, DPD will need to commit staff to an assessment of the impacts of this change on existing neighborhoods and should changes be recommended, conduct public outreach to communication any regulatory changes. Due to substantial and ongoing reductions in the City's budget, DPD faces considerable challenges in completing our work commitments, including the comprehensive update of our tree protection regulations. In light of current financial conditions, we will assign staff when they become available or may defer full review of the Commission's recommendations to our 2011 work plan.

Regarding the Commission's third proposed modification related to the consistency of screening in buffers and required landscape plans, applicants are currently required to provide a plan to demonstrate compliance with any landscaping requirements. While the proposed language may provide additional clarity to applicants, it would not modify existing standards or requirements. This clarification may not alone justify updating the Director's Rule at this time; we will include it in a future revision to the rule in an effort to better articulate existing standards.

Thank you for your service to the City's efforts to protect and enhance our urban forest. I look forward to continuing to work with you as we explore ways to resolve the challenges we face as a growing urban center.

Sincerely,

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cc: Councilmember Richard Conlin
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Brennon Staley, Land Use Planner, DPD