



December 23, 2011

Maggie Glowacki
Senior Land Use Planner
Department of Planning and Development
City of Seattle
700 5th Avenue, Suite 2000
PO Box 34019
Seattle, WA 98124-4019

Re: Comments on Second Draft 2011 Seattle Shoreline Master Program (SMP)

Dear Ms. Glowacki,

Salmon Bay Sand & Gravel appreciates the opportunity to comment on the second draft SMP. We have identified some of our concerns, which are addressed in this letter. It is our understanding that other opportunities to provide comment and input will be available.

Specific example of what uses or conditions at a site require the need for grated decks; or for repair of a bulkhead, without additional documentation.

Salmon Bay Sand & Gravel receives clean sand via floating barges that come through the Ballard Locks and dock at our facility on Salmon Bay. The presence of bulkheads allow the barges to dock close to the uplands facility so sand can be off-loaded using the stationary crane. Aprons are placed over the railing of the barge and secured using the bulkheads during off-loading. If repairs to the bulkhead required permitting, the time for permitting would significantly impact the daily operations of the facility and increase costs of manufacturing concrete.

Best Available Scientific Information

There has been no further discussion of our concern related to Best Available Scientific Information addressed in our first letter dated May 31, 2011. We are repeating our concerns again to amplify our concern about the lack of robust scientific research in Salmon Bay that is being used to make significant policy decisions for at least the next ten years.

Since the Seattle Shoreline Master Program is based on the Best Available Scientific Information, we reviewed the document titled "*Environmentally Critical Areas Best Available Science Review*" dated August 2005, issued by the City of Seattle Department of Planning and Development (DPD), and provided on the city's DPD webpage. The first sentence in the Purpose & Background section of the report states "*The purpose of this report is to provide a compilation and review of the best available scientific information that is applicable to Seattle*". However, the last sentence in this section states "*An exhaustive review of all relevant and applicable scientific information is beyond the scope of this project*".

MAILING ADDRESS:
PO BOX 70328
SEATTLE WA 98127

Phone: (206) 784-1234
Toll Free: 1-800-774-8999
Fax: (206) 781-0984
www.sbsg.com

STREET ADDRESS:
5228 SHILSHOLE AVE NW
SEATTLE WA 98107

and literally would take years to complete.” This last sentence greatly concerns us, clearly stating that this document is being used for the best available scientific information, but by admission, does not include all relevant and available scientific information.

By our count, in the References *Section 3-1 Fish & Wildlife Habitat Conservation Areas: Aquatic Habitat*, there are no references regarding Salmon Bay, and there is one reference from 1999 regarding juvenile salmon in Lake Washington, Lake Sammamish and the Ship Canal (Warner, 1999). In References Section 3-1, there are a total of 346 documents listed; one from 1931, 1 from 1943, 6 in the 1950s, 8 in the 1960s, 26 in the 1970s, 69 in the 1980s, 115 in the 1990s and 120 in the 2000s. There are no documents listed from 2005. We are very concerned that policy is being made with old information, with very few (or none) scientific aquatic studies completed in Salmon Bay or the Ship Canal for over six years and more.

Washington Administrative Code (WAC) Best Available Science Rule

The WAC Best Available Science Rule **WAC 365-195-905 (2) Criteria for determining which information is the “best available science”** states *“The department will make available a list of resources that state agencies have identified as meeting the criteria for best available science pursuant to this chapter. Such information should be reviewed for local applicability.”* Based on our review, there is no information that has local applicability sufficient to reach the conclusions made in the report.

Furthermore, **WAC 365-195-905 (5a) Characteristics of a valid scientific process** provides a list of the characteristics expected in a valid scientific process. We have addressed our concerns below for each characteristic listed in 365-195-905 905 (5a):

1. **Peer review.** Section 3-2 of the report states that the lead author was one person from a local consulting company and two employees from the City of Seattle. There was no representative of the maritime industry who provided peer review.
2. **Methods.** The apparent method provided was that the documents were “reviewed” *with pertinent information developed in recent years that identifies the effects of urban development on the aquatic habitat and those actions appropriate to protect and restore natural functions to this habitat.* No such document(s) is listed in the references for Section 3 for Salmon Bay and the Ship Canal.
3. **Logical conclusions and reasonable inferences.** Gaps in data are written off as taking too long to gather, as stated in the Purpose & Background section of the report.

4. **Quantitative analysis.** There is no discussion regarding the quantitative methods or appropriate statistical data analysis. We believe this is the case since there is very little or no data available for Salmon Bay or the Ship Canal.
5. **Context.** Since there is very little or no data, the conclusions drawn in the report are not representative of aquatic habitat in Salmon Bay or the Ship Canal.
6. **References.** As previously stated, the majority of the documents referenced have no direct references to or discussion of Salmon Bay or the Ship Canal.

Based on our review, the best available scientific information is weak to non-existent for Salmon Bay and the Ship Canal. Since this is the basis for policy making by the City of Seattle for the Shoreline Master Program, we believe that many of the conclusions regarding aquatic habitat made in the report are not valid for Salmon Bay and the Ship Canal.

Part 3 Development Standards

Provisions in Section 23.60.152 C are still too restrictive for operating businesses that require bulkheads to conduct daily business operations. Barges, ships and other watercraft require bulkheads to load and unload raw materials, products and other materials. The City of Bellingham SMP has no buffer (0 feet) for vertical features including sheet piling for water-oriented uses. The City of Seattle should include the option for vertical features since the Bellingham SMP has been approved by Ecology, setting a state-wide precedent.

Habitat Credits & Mitigation Alternative Selection using Disproportionate Cost Analysis

The City should evaluate the economic incentives of the purchase and sale of habitat credits for mitigation banking. Mitigation credits for projects conducted in Salmon Bay and the Ship Canal may be better suited for mitigation in other parts of the city. Cost should be an important consideration for the determination of mitigation projects. We request that DPD consider using Disproportionate Cost Analysis (DCA) when considering mitigation alternatives, where costs are disproportionate to benefits if the incremental costs of an alternative exceed the incremental degree of benefit achieved.

Previous Planning Efforts

We are concerned that the proposed SMP has direct conflict with the City of Seattle Comprehensive Plan to preserve industrial uses, especially those that rely on the shoreline and are water-dependent. Furthermore, there is no discussion of the Ballard Interbay Northend Manufacturing and Industrial Center

Plan (BINMIC Plan), which was completed as a requirement of the Growth Management Act (GMA) and the City of Seattle Neighborhood Planning to retain and attract employment in Seattle. The BINMIC Plan is available on the City of Seattle Department of Neighborhood webpage.

Industrial Advisory Committee

In conclusion, we have identified a number of concerns regarding the SMP, and although we do appreciate the responsiveness of Ms. Glowacki to attend meetings to discuss the SMP, a serious consideration should be made by DPD to include representatives of maritime industrial property owners and maritime industry to provide input into the SMP provisions on a more consistent basis. We recommend formation of an industry advisory committee that meets on a regular basis with DPD staff to work through in detail the SMP, to ensure that protection of the environment does not lead to economic loss.

Thank you for the opportunity to comment on the SMP update.

Sincerely,
SALMON BAY SAND & GRAVEL



Paul Nerdrum
Vice President

cc: email Diane Sugimura, Director DPD
cc: email Marshall Foster, Planning Director DPD