

From: Karen Walter [mailto:KWalter@muckleshoot.nsn.us]

Sent: Tuesday, May 31, 2011 5:24 PM

To: Glowacki, Margaret

Subject: Seattle Draft Shoreline Master Program regulations and proposed amendments to the City's Comprehensive Plan

Margaret,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the draft Shoreline Master Program Regulations for the City of Seattle. We have some preliminary comments as noted below:

1. We request that the Muckleshoot Indian Tribe Fisheries Division requests review of all shoreline applications proposed within the City of Seattle when deemed complete by the City regardless if they qualify for shoreline exemptions, variances, or substantial development permits. The MITFD needs to receive notification of shoreline projects that could affect the Tribe's treaty protected fisheries resources regardless of shoreline permit type prior to permit approval.
2. Trees that are cleared and are at least 4 inches in diameter and within 200 feet of the shoreline of areas regulated under Seattle's Shoreline Master Program should be placed back into the affected waterbodies or at least made available for City restoration projects. Otherwise, there will be an unmitigated temporal loss of future wood recruitment necessary to create and maintain salmon habitat.
3. The SMP regulations should have a maximum amount of overwater coverage in square feet for piers and docks. We recommend using the standards provided in the U.S. Army Corps of Engineers regulations in the Regional General Permit 3 (see [http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05 .pdf](http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05.pdf))
4. Regulation Sections 23.60.226; 23.60.246; 23.60.284; 23.60.324; 23.60.384; 23.60.404; 23.60.444; 23.60.484; 23.60.504; 23.60.542 should all be modified to restrict in-water heat exchangers from the various shoreline designations. In-water heat exchangers have the potential to increase water temperatures to the detriment of salmon. The Ship Canal, Lake Union, Portage Bay, and Lake Washington already demonstrate increases in water temperature at times that can cause lethal and sublethal impacts to adult salmon. Warmer water temperatures may also adversely affect juvenile salmon by creating conditions that improve habitats for warm water predators such as bass.
5. Underground utilities that cannot maintain native trees in a natural condition should be required to provide compensatory mitigation either on or off site.

We appreciate the opportunity to review this proposal and look forward to the City's responses. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

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