Shoreline Mitigation Response Paper

This document contains a summary of proposals presented to the Citizens Advisory Committee (CAC) members, views expressed by CAC members, and DPD's responses to these comments in italics. A full description of the original proposal presented by DPD to the CAC can be found in the document entitled Shoreline Mitigation Policy Paper, dated December 2008.

Proposed changes to the existing Shoreline Master Program include:

1. **Adding new goals and policies, or revisions to existing goals and policies, to better meet the legislative intent and guidelines of the SMA. See original Mitigation Policy Paper, December 2008.**

   No comments were received from CAC.

2. **Updating the General Development Standards to include more specific information regarding potential impacts and required mitigation standards to assure no net loss of ecological functions. (See December 2008 Mitigation Policy Paper for specific proposal.)**

Pros	Cons
• DPD should regulate stormwater on smaller projects that fall below the stormwater code thresholds in the shoreline environment because of the cumulative stormwater effects that the combined smaller projects have on water quality.	• Regulate stormwater in stormwater code not in the SMP. Suggestions A and B of the December 2008 policy paper seem to duplicate stormwater regulations

3. **Using the Shoreline Mitigation Plan (SAMP) as a tool to help measure potential impacts from a development and to employ appropriate mitigation measures to achieve no net loss.**

The SAMP provides for two approaches to mitigation of shoreline impacts: on-site mitigation and for water dependent uses only, off-site mitigation. On-site mitigation is mitigation that occurs at the site of a project impact. Off-site mitigation is mitigation that occurs at a site other than the site of project impact.

Measuring Impacts/Mitigation

Pros	Cons
• There should be a way to take the proposed SAMP concepts and put them into regulations.	• Any mitigation that allows for one function to be replaced by another function does not seem to meet Ecology's

• The SAMP model seems like a good project for an urban area. Can't get pristine wilderness back so SAMP model seems like a good compromise and a practical way of fitting in our urban functions while emphasizing growth management. • The approach and ambitiousness is impressive	requirement of "no net loss" even though the City is trying to rehabilitate public land the best it can. Suggest a different term b/c it sends the wrong message to the general public. • This effort may not meet a strict interpretation of no net loss, if one looks at it function-by-function. • "No net loss" may not actually be achievable. • The timeline of five years for restoration is inappropriate. • If a mature habitat is being removed, no net loss needs to include more habitats, to compensate for the time that it will take for the habitat to mature and come back online. • All habitat impacts may not be as interchangeable as the SAMP suggests.

General Comments

- Update SAMP tables to make them more user friendly

DPD continues to support the use of a SAMP-like tool to measure impacts and to determine the appropriate mitigation to meet the "no net loss' requirement. Both impacts and mitigation in the past have not been measured so the amount of mitigation that a project needed to provide did not always match the impacts. DPD views this as a valuable tool in demonstrating that impacts are being mitigated in the appropriate amount.

Offsite Mitigation

Pros	Cons
	• The mitigation multiplier ratios may be insufficient • Costs do not seem sufficient enough to cover all the costs of restoration, such as monitoring, managing, and long-term maintenance. • Mitigation banking has a poor history in the State and nation. • Multiplier is not high enough and the cost of the restoration seems like a "black hole". • It appears that restoration under SAMP will only occur on public land, but it needs to

	happen on private land as well. • Habitat and industrial use is desired in the same location; it seems that SAMP is pushing away from this.

General Comments:

- The structure of the language needs to be revisited, since some of the tables are hard to follow.

- SAMP should be viewed as an experiment to see if the hypothesis about replacement ratios really works.

- There needs to be a monitoring program that demonstrates SAMP has achieved what it set out to do.

- Mitigation banking may be a good idea in term of selling credits and documenting the functions that are created, perhaps eliminating the need for the offsite multiplier.

- Unless SAMP includes a mechanism for providing advance mitigation credits such as through a memorandum of understanding with WDFW, the concept may not be helpful to project proponents, because of state and federal mitigation policies.

- When SAMP is developed and modified for other shoreline areas, be sure that the science and the tables are compatible with other agencies such as King County, the Army Corps of Engineers, and tribes, especially if these other entities are doing similar work under a federal review.

- The goals seem to be set at "how do we facilitate construction and development?" when they could be set as "how do we facilitate restoration of habitat and improvement of ecology of the lakes and waterways?" The latter is a higher goal that the Committee should address. The Committee needs to set a higher standard for restoring ecological functions on private property and not enter into a trading system.

- There is concern that the habitat of public lands will improve, which we have the capability to do, but that it will be seen as mitigation for people making the situation worse on private lands.

DPD supports the use of offsite mitigation for water dependent maritime businesses. For all projects the mitigation sequence listed below is required to occur through the project planning and implementation process:

1. *Avoid the impacts*
2. *Minimize the impacts*

3. *Apply best management practices (BMPs) for construction impacts and for known impacts (i.e. use of non-treated wood in pier material, use of grating for pier decks).*
4. *Mitigate remaining impacts*

Offsite mitigation for non-water dependent businesses need to be explored and possibly allowed for large projects such as the 520 bridge replacement project where all impacts will not be able to be mitigated on site.

For other projects where there is insufficient space available on site for mitigation such as in some areas of the Urban Stable/Urban Mixed Use shoreline environments all possible mitigation will need to be achieved on site prior to looking for the opportunity to mitigate offsite. DPD will also explore the possibility of having a larger offsite mitigation ratio for non-water dependent businesses.

DPD will also consider ways to monitor offsite mitigation so that it achieves the "no net loss requirement".