From: hwbranch@aol.com
To: Joyce Phillips
Subject: SMP review comments including my name
Date: Wednesday, August 19, 2020 10:25:44 AM

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The SMP is grossly lacking in four ways:

1. If we are concerned about a marine environment like Budd Inlet we should include the scientific discipline of oceanography, the study of the interrelationships between physical, chemical and biological parameters. Physical parameters would include things like depth, persistent mixing patterns and availability of sunlight. Chemical parameters would include things like dissolved oxygen and nutrients. Biological parameters would include things like phytoplankton and zooplankton up to apex predators like diving ducks.

2. Somewhere it would be nice to see some classical methodology, that is, observation, hypothesis, test, conclusion. Much of what we see here is shotgunned data and engineering reports leading us nowhere.

3. The report should include tributaries that drain directly to Budd Inlet including Ellis, Schneider and Moxlie Creeks. Of particular significance is the combined effect of these estuaries. These watersheds are simply named and as far as I can tell only in one sentence.

4. East Bay Waterfront Park is briefly given favorable mention. This Park, an invitation for children to go down and play in dioxin as high as 1100 ppt, has fortunately somewhat gone away. But we still have a problem. We conducted a Sediment Characterization of Budd Inlet at great expense. The next steps were to be identification of sources and source control. That never happened.

Harry Branch
239 Cushing St NW
Olympia WA 98502
360-943-8508

2.5 Aquatic Environment Management Policies

A. The *Aquatic* environment designation should apply to lands water-ward of the Ordinary High Water Mark.

B. Allow new or expanded overwater structures only for water-dependent uses, public access, or ecological restoration.

C. The size of new overwater structures should be the minimum necessary to support the structure's intended use.

D. In order to reduce the impacts of shoreline development on shoreline ecological functions ~~and increase effective use of water resources~~, multiple uses of overwater facilities should be encouraged.

E. All development and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly fish forage habitat and those species dependent on migration.

F. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.

G. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

~~G.~~H. Soft shore stabilization methods or habitat restoration approaches waterward of the OHWM should be encouraged when ecological functions can be improved, such as through restoration as envisioned in the West Bay Environmental Restoration Assessment Report for some reaches.

~~H. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.~~

2.6 Natural Environment Management Policies

A. The *Natural* environment designation should be assigned to shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
2. The shoreline is ~~considered to represent~~characterized by ecosystems and geologic types that are of particular scientific and educational interest; or
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

B. Priest Point Park is one of a few shorelines along Budd Inlet that is ecologically intact. Therefore, any use or modification that would substantially degrade the ecological functions or natural character of this shoreline area should not be allowed.

C. Scientific, historical, cultural, educational research uses, and water-oriented recreation access may be allowed provided that no significant ecological impacts on the area will result. Recreation uses should be limited to trails and viewing areas.

Commented [A6]: Per Gap Analysis Report – Appendix A, Item 7

Commented [A7]: Per Gap Analysis Report – Appendix A, Item 8

Commented [A8]: Per Gap Analysis Report – Appendix A, Item 9

1

Commented [A9]: Per City staff review team request.

Commented [A10]: Per Gap Analysis Report – Appendix A, Item 10

Text re-located to 2.4 (Shoreline Use and Development Policies).

Commented [A11]: Per Gap Analysis Report – Appendix A, Item 11

Summary of Comments on SMP-Revisions-Public-Draft-1-NS12.15.pdf

Page: 11

Number: 1 Author: steinnes Subject: Sticky Note Date: 11/23/2020 2:38:37 PM

Armoring above OHWM can also impact functions such as sediment recruitment, shade, and insect prey fallout. Restoration or replacement using soft approaches above OHWM can also be valuable. Would suggest removing the "waterward of the OHWM" if possible to encompass a wider range of projects and locations.

Fair market value: The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

Float: A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving or water skiing.

Floating home: A building on a float used in whole or in part for human habitation as a single-family dwelling that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating on water residence: Any floating structure other than a floating home that: (i) is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood hazard reduction measure: Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program (NFIP).

Floodway: The "floodway" area that has been established in Federal Emergency Management Agency rate maps not including those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Functional Disconnect: An existing, legally established public road or other substantially developed surface which effectively eliminates the capacity for upland areas to provide shoreline ecological functions, as defined in WAC 173-26-201(2)(c).

[1]

Commented [A36]: Per Gap Analysis Report – Table 8, Item 3 and Appendix A, Item 76

Gabions: Structures composed of masses of rocks, rubble, soil, masonry or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Groin: Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

Harbor Area: The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Height (of Structure): The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

Page: 31

Number: 1 Author: steinnes Subject: Sticky Note Date: 11/23/2020 2:31:43 PM

While some shoreline ecological functions may be reduced or eliminated by a shoreline-adjacent road or other infrastructure, many shoreline functions may remain including shade, habitat, and soil stabilization.

use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.

3. Trail shall be a commuter multi-use trail on a public easement no less than twelve (12) feet in width and providing no less than a 12-foot wide clear travel path, providing continuous public access across the site and shall be placed upland of the Ordinary High Water Mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
4. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function from unavoidable impacts associated with a development proposal. Plantings shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Restoration ratios shall begin at 2 square feet of restoration for every one (1) square foot reduction of the required setback area and demonstrate no net loss of environmental function.
5. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
6. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Water Dependent uses may encroach into the required setback and vegetation conservation area as described in Table 6.3 in accordance with the mitigation sequence in OMC 18.20.410. Reductions to less than a 20-foot setback shall only be allowed where the following two requirements have been met:

    a. Alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than twelve (12) feet as described in paragraph 3 above;

    b. The shoreline bulkhead removal or hardening replacement requirements of 5 or 6 above are met for each linear foot of shoreline impacted and the applicant demonstrates that a reduced setback would not result in the need for future shoreline stabilization.
8. No setback shall be required in the Port Marine Industrial shoreline environmental designation, however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.

Shoreline setbacks shall not apply to areas that are disconnected from the shoreline by an existing, legally established road which results in a functional disconnect from the shoreline. [1]

Commented [A54]: Per City staff review team request.

Page: 60

Number: 1 Author: steinnes Subject: Sticky Note Date: 12/15/2020 2:13:02 AM

It's important that any remaining shoreline functions aren't lost because of existing infrastructure exempting the site from shoreline setbacks. Would suggest adding language to better define a Functional Disconnect as a situation where all shoreline ecological functions have been lost. Any remaining functions should be protected with setbacks. Allowing shoreline setbacks to not apply in areas which may have lost some but not all shoreline functions may result in loss of the remaining functions and may impact the viability of restoration projects in these areas by increasing the scale and degree of restoration needed.

From: hwbranch@aol.com
To: Joyce Phillips
Subject: Shoreline Master Program
Date: Monday, January 04, 2021 7:31:07 AM

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Regarding the Shoreline Master Program (SMP)

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't even exist. To contradict this edict represents a "collateral attack" on City Codes. If you appeal before the Hearing Examiner, you'll also be informed that you lack standing, unless you or your property will be damaged. Birds, fish and marine mammals have no standing.

The most substantive issue brought up by the State in the Shoreline Master Program Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.

Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.

The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin

contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

How about some real changes:

(1) Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.

(2) Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule to in such instances recognize the existence of streams.

(4) The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.

(5) We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made fo determine how physical parameters like structure impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.

(6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch
239 Cushing St NW
Olympia WA 98502
360-943-8508

From: jacobsoly@aol.com
To: Joyce Phillips
Date: Monday, January 04, 2021 11:58:06 AM

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Joyce -- For the record, I agree with Harry Branch's comments below.

Bob Jacobs
720 Governor Stevens Ave. SE
Olympia 98501

360-352-1346

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

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Harry Branch

From:	Walt Jorgensen
To:	Joyce Phillips
Cc:	tye.menser@co.thurston.wa.us
Subject:	Fwd: Re: [growthtalkolywa] shoreline master program
Date:	Monday, January 04, 2021 8:16:11 PM

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Joyce Phillips, AICP, Senior Planner
City of Olympia | Community Planning and Development
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967
360.570.3722 | olympiawa.gov
cc: Tye Menser, Thurston County Commissioner
Dear Ms. Phillips,
I agree with the comments submitted by Harry Branch below.

Walter R. Jorgensen
823 North St SE
Tumwater, WA 98501-3526
waltjorgensen@comcast.net
360-819-0678 (cell)

"We are what we repeatedly do. Excellence, then, is not an act, but a habit."—Aristotle

---------- Original Message ----------

From: jacobsoly <growthtalkolywa@lists.riseup.net>
To: growthtalkolywa@lists.riseup.net, envirotalkolywa@lists.riseup.net
Date: 01/04/2021 11:59 AM
Subject: Re: [growthtalkolywa] shoreline master program
I have notified the city of Olympia (Joyce Phillips) for the record that I agree with Harry's comments here.
I hope others will do the same.
BobJ
In a message dated 1/4/2021 7:28:52 AM Pacific Standard Time, growthtalkolywa@lists.riseup.net writes:
Comments submitted today to the City and the County
Regarding the Shoreline Master Program (SMP)
City of Olympia:
The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and t he number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew. Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no

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Harry Branch
Comments can be submitted to the City at:
jphillip@ci.olympia.wa.us,
Comment to the County at:
https://www.thurstoncountywa.gov/planning/Pages/shorelines.aspx
Unsubscribing is a two step process. First send an email from the email address that you want unsubscribed to growthtalkolympia-unsubscribe@lists.riseup.net

You should then receive an email notifying you that the request has been received, but it is not executed until you hit reply to that email and send that email.

So, two steps to be removed. If you have trouble, you are welcome to simply ask to be unsubscribed or to receive the digest, etc.

To unsubscribe: <mailto:growthtalkolympia-unsubscribe@lists.riseup.net>
List help: <https://riseup.net/lists>

From: Glen Anderson
To: tye.menser@co.thurston.wa.us; Joyce Phillips
Subject: I AGREE with Harry Branch"s message to you about the Shoreline Master Plan
Date: Tuesday, January 05, 2021 9:11:11 AM

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Harry Branch is one of the most knowledgeable people around on this topic.
I am always impressed with his knowledge and insights.
Recently he sent you information about the Shoreline Master Program.
I VERY STRONGLY encourage you to take his comments seriously – and act upon them.

Comments submitted today to the City and the County

Regarding the Shoreline Master Program (SMP)

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The most substantive issue brought up by the State in the Shoreline Master Program

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(6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch

Recently I had an e-mail conversation with someone who is always angry that nonviolent people are not angry enough at right-wingers, racists, and other opponents of human rights. He keeps angrily denouncing the nonviolent people for not being angry enough or strong enough in opposing them.

Martin Luther King, Jr., said something relevant to the kind of contentiousness in that e-mail exchange. Contentiousness that fails to practice honest understanding and real compassion is actually a form of violence. MLK wrote:

> "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. … Returning violence for violence multiples violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that."

King's insight is fully consistent with the point that I make in the workshops I conduct to help people organize nonviolent grassroots movements for social and political change. I explain that conflict has always existed, and conflict always will exist. What nonviolence does is **change the dynamics** of the conflict – **rewrite the script** about how the conflict will play out. **Nonviolence is courageous and proactive and powerful**.

Don't let anyone mislead you into thinking that Martin Luther King was a wimp, or that he was soft on racism. He was very boldly courageous in fighting racism with the only strategy that can succeed: strategic nonviolence.

The real remedy for right-wing cruelty – and anger of some left-wing people who are "triggered by it – is profound nonviolence, and understanding, and compassion.

Glen Anderson (360) 491-9093 **glenanderson@integra.net**
See insights and resources in my blog's categories for "Nonviolence" and "Organizing" at **www.parallaxperspectives.org**


Virus-free. www.avast.com

From:	CityCouncil
To:	Zena Hartung
Cc:	Councilmembers; Jay Burney; Keith Stahley; Debbie Sullivan; Kellie Braseth; Leonard Bauer; Joyce Phillips
Subject:	RE: SMP
Date:	Tuesday, January 05, 2021 9:20:21 AM

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff.

Susan Grisham, Executive Assistant & Legislative Liaison
City of Olympia |P.O. Box 1967 | Olympia WA 98507
360-753-8244 sgrisham@ci.olympia.wa.us

Sign up for a City of Olympia Newsletter
Please note all correspondence is subject to public disclosure.

From: Zena Hartung <zhartung@gmail.com>
Sent: Monday, January 04, 2021 2:09 PM
To: CityCouncil <citycouncil@ci.olympia.wa.us>; county.commissioners@co.thurston.wa.us
Subject: SMP

External Email Alert!
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Hi,

I've read and agree with Harry Branch, who has advised both the City of Olympia and BoCC re: the Shoreline Master Program.

Please heed his warning and remedy!

Zena Hartung
360-951-8445

From: northbeachcomm@cs.com
To: Joyce Phillips; tye.menser@co.thurston.wa.us
Cc: CityCouncil
Subject: Shoreline master program, and Comments on Development on Budd Inlet
Date: Tuesday, January 05, 2021 10:21:03 AM

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Subject: City of Olympia Shoreline master program

Hello;

The City of Olympia, Shoreline Master Program (SMP) Periodic Review is on-going. I want to address this plan. The review made the statement "The City's wetland buffers are not current with **the State's most recent guidance**". This means that the City of Olympia needs to have updated wetland buffer language in their review. This is very important. We must update to meet the Wa State language. We cannot allow our shorelines to deteriorate further.

The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. We need setbacks!

Currently the setback for buildings built next to Budd Inlet, is 30 feet. This is crazy.

The City Response to a demand for a legitimate set back, continues to “recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss”. This statement, “compensating for the loss” is problematic! We cannot have loss. The loss of habitat for the eel grass, loss of habitat for the salmon, the food stock of the Endangered Orca whale, are in the balance at Budd Inlet, Puget Sound.

How about some real changes:

(1) In the Shoreline Master Plan, “Restoration potential” should be part of every equation. The potential inherent in a location should never be ignored. For example, we cannot have the loss of eel grass. Eel grass is seaweed. Many aquatic animals need eel grass to live. Putting rocks into the water, along Budd Inlet is not sufficient for rectifying loss. We need WA State language, the recent guidance, that deals with wetland and buffers.

(2) Under City Code the “Green Cove Creek” work done by the City in the 1980’s was

replaced by the “Low Impact Standards”. This work deals with Critical areas, and wetlands, wetland buffers. We need to keep the original language of that Green Cove Creek Study. Substituting “Low Impact Standards” language, is unacceptable. We need to have Critical areas safe-guarded, the “Low Impact Standards” put into effect by the City does not do that. The Shoreline Master Plan deals with Critical Areas. We need the full weigh of the wonderful work of the City in the 1980’s, the Green Cove Creek Study, to be used to protect Budd Inlet, for the Shoreline Master Plan. We need Wa State language in the SMP.

(4) The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusion can be buried in the data. In the Shoreline Master plan, it says, that development sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols. Without sampling, we have little proof of what is currently at the site. We have old studies, but they are insufficient. We need any developer to conduct a site study on past contamination. Public health and safety demand this for any development on past polluted sites. This should be mentioned in the SMP.

Thank you,
Lisa Riner
2103 Harrison AVE
OLY., WA 9850
360-338-5237

From:	Parallel University Radio Show
To:	Joyce Phillips; tye.menser@co.thurston.wa.us
Subject:	Regarding the Shoreline Master Program (SMP
Date:	Tuesday, January 05, 2021 10:58:21 AM

External Email Alert!
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Good Morning , Dear Joyce and Tye , Regarding the Shoreline Master Program (SMP) I agree wholeheartedly with Maine Biologist Harry Branch's analysis of the plight of our degraded and damaged marine environment here in Thurston county specifically South Puget Sound and Budd Inlet . Please note the 6 suggested changes to current body of the Shorelines Master plan that would greatly improve the biological heath of South Puget Sound (Salish Sea) environment . Yours , Kim Dobson 60yr resident , PCO Frye Cove 094 , member Steering Committee Fellowship of Reconciliation ,Radio Host Public Affairs KAOS 89.3 for 20 yrs ,Graduate Evergreen Sustainable Agriculture Program 1982
County of Thurston :
City of Olympia:

The public has become keenly aware of the plight of the Southern Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't even exist. To contradict this edict represents a "collateral attack" on City Codes. If you appeal before the Hearing Examiner, you'll also be informed that you lack standing, unless you or your property will be damaged. Birds, fish and marine mammals have no standing.

The most substantive issue brought up by the State in the Shoreline Master Program Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.

Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point

Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.

The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

How about some real changes:

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(2) Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule to in such instances recognize the existence of streams.

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(6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch

Opinions expressed in this email do not represent the Staff ,Management or Underwriters of KAOS 89.3 fm or the Evergreen State College ,Opinions are those of the Host or Guests.
PARALLEL UNIVERSITY radio show on KAOS 89.3FM Olympia Community Radio http://www.kaosradio.org (Air Studio (360) 867-5267) Thursdays 12 to 1pm (pacific time) mailto:parralleluniversity@yahoo.com THE TRUTH IS VERY NEAR

From: Deb J
To: Joyce Phillips
Cc: tye.menser@co.thurston.wa.us
Subject: FW: Comments on Shoreline Master Program
Date: Tuesday, January 05, 2021 3:43:59 PM

External Email Alert!
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Hello Ms. Phillips,

For my comments regarding the Shoreline Master Program, I ask that you accept the comments submitted by Harry Branch about the SMP because I agree completely with what he has said.

We cannot continue to kick the can down the road because that will become a burden for our children. Decisions continue to be made that appear to be in the best interest of moneyed special-interest developers who are more concerned with their profits rather than in the best interest of our citizens who depend on a healthy shoreline environment. We all need a healthy environment in which to live.

I believe the City of Olympia can and must do better.

Respectfully,

Debra Jaqua
3104 59th CT SE
Olympia, WA 98501

From Harry Branch:

Comments submitted to the City and the County Regarding the Shoreline Master Program (SMP)

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and t he number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

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The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

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Harry Branch

From: Esther Grace Kronenberg
To: Joyce Phillips; Tye Menser
Subject: Shoreline Master Program
Date: Tuesday, January 05, 2021 5:12:07 PM

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Dear Joyce Phillips and Commissioner Menser,

I am very concerned about the precipitous decline in our natural ecosystems. There has been a 95% decline in shorebirds in just the last 20 years. Obviously what we are doing is not working as despite our good intentions and public pronouncements, the situation continues to grow more and more dire.

That is why I ask you to seriously consider the suggestions of Harry Branch, a respected scientist, when reviewing the Shoreline Master Program.

Now is the time to switch gears and actually work to save what we can before our life systems break down completely.

Thank you for your diligence.

Esther Kronenberg

From: jhawk@gglbbs.com
To: CityCouncil; Joyce Phillips; Thurston County Commission
Subject: Important support for realities on the ground....and in the water.
Date: Tuesday, January 05, 2021 6:15:17 PM

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To all it should concern,

I find Harry Branch's comprehensive and wise commentary here, to be something we should all be considering and acting upon.
I support it, I echo it, and I ask you to address it.

For an interesting example of local action on restoring estuary, please turn your attention to the work on the Shelton harbor waterfront--with the collaboration of multiple partners such as the South Puget Sound Salmon Enhancement Group, Mason Conservation District, Capitol Land Trust and the Squaxin Island Tribe.
Funding has been provided by the Washington Department of Ecology National Coastal Wetlands Conservation Grant Program (information here) and the Salmon Recovery Funding Board (SRFB, information here). All of the Lead Entities present in South Puget Sound contributed to the project enabling the SRFB to increase the amount of money available.

Take a look here:
https://squaxin-nr.org/2016/06/shelton-harbor-restoration/

Why can't we have this kind of vision, intention, action and follow through in Olympia??
Is it time we stopped ignoring our buried estuary, freeing the creeks which have been stuffed into pipes?

JJ Lindsey
Olympia, WA

PS....I include his letter below, and since Harry is a scientist--it can take a few readings to really absorb. I recommend y'all do that, please.

Regarding the Shoreline Master Program (SMP)

City of Olympia:

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Harry Branch

From: jacobsoly@aol.com
To: Joyce Phillips
Cc: jacobsoly@aol.com
Subject: SMP Comments 3
Date: Saturday, January 09, 2021 11:39:30 AM

External Email Alert!
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Hi Joyce --

Please provide these comments to the Olympia Planning Commission and the Department of Ecology for Monday's public hearing.

Thank you,

Bob Jacobs

==========

To: Olympia Planning Commission
Department of Ecology

Please accept these comments as my official submission regarding the proposed SMP update. I will be unable to attend your hearing due to the Council of Neighborhood Associations meeting at the same time.

1. My biggest concern about our precious downtown waterfront area is public access. Unlike the goals of environmental restoration/preservation and various business uses, public access has no natural advocacy group. This is the main reason I helped establish Friends of the Waterfront, a nonprofit advocacy organization, about 20 years ago.

Shoreline access is a high priority public value. It should not surprise us that humans love to spend time next to water bodies. For thousands of years, our ancestors needed to live next to the water, so this is in our genes.

In the current context, public access areas, especially walking paths, are the place where environmental and business interests intersect. As I see it, the purpose of the SMP is to find the optimal balance among these uses.

Proposed amendments on pages 16, 50, and 51 attempt to define situations where public access requirements in the current law could be waived. Considering the importance of public access, I think this approach to these situations would be unfortunate. It seems to me that developments in the shoreline area should be expected to contribute to public access facilities.

It strikes me that the city's approach to trees in development plans could serve as a model for shoreline public access. Developments that cannot accommodate trees on-site are required to contribute to a tree fund that is used for street trees elsewhere in the city as needed. Waterfront developments which have no on-site waterfront access possibilities could, it seems to me, be required to contribute to a fund that would be used to establish or improve public access elsewhere. I hope you will consider this idea.

In addition, I believe it would beneficial to have a better definition of adequate visual access. Visual access is required where physical access is not possible. I believe that visual access should be defined as providing clear views to the water. An example of this is the proposal for Larida Passage (designed but never built) on the isthmus several years ago, where a public viewing platform on an upper level was included. By contrast, consider the current State and Water project, where an extra couple of feet of sidewalk was allowed as visual access, even though the view was across a busy street (the Water Street S-curve) and Percival Landing traffic barriers and vegetation. I do not consider that acceptable.

2. Proposed amendments on pages 92 and 93 deal with the situation where buildings are or become nonconforming. They replace the word "restored" with the word "reconstructed". It seems questionable whether nonconforming buildings should be allowed to be essentially replaced because this perpetuates a non-conformity, which by definition is not desirable. Elsewhere in city codes this is not allowed.

3. New language on page 41 (18.21.300) is confusing. The first two sentences appear to contradict each other as regards structures.

Bob Jacobs

360-352-1346

720 Governor Stevens Ave. SE
Olympia 98501

jacobsoly@aol.com

Helen Wheatley, Olympia
January 11, 2021

Public Comment, Olympia Shoreline Master Program (SMP) Revisions

Thank you for the opportunity to comment on the SMP. The best public comment is short. This public comment is very long. The SMP is a long document, and the revisions are peppered throughout it. The SMP is also a very old document, based on environmental policies that have been in place for half a century now. It is fair to say we have reached a point where improving the SMP must be accompanied by rethinking the SMP. Bottom line: right now, the SMP isn't good enough. We have easy and inexpensive access to ample data that tells us so. For this reason, I have taken the time to try to fully contextualize my comments on the revisions, and I hope that you have the patience to read them. If you do, then I sincerely thank you for the gift of your time.

My comment has two parts. The first part addresses the need to make the SMP genuinely protective of the shoreline, the particular burden that Olympia carries in this respect, and general aspects of the SMP and its revisions that call out, not only modification or acceptance/rejection, but for rethinking at the decision-maker level. The second part is deeper comment on specific proposed revisions.

Comment Section One: We Need an Olympia SMP that works.

Budd Inlet is one of the very worst of our South Sound inlets by water quality measures such as low dissolved oxygen. Historically, the Olympia shoreline has been an area of tremendous biological productivity, especially of plankton that form the base of the food chain in the Pacific Northwest lowlands. But the poor quality of Olympia's waters has compromised the ability of the shoreline to support life. Climate change will make the problem progressively worse, as our experience with the 2016 warm water "blob" has demonstrated.

Olympia has many places where the most functionally important shoreline ecosystems, both freshwater and saltwater, are severely compromised. Many of the factors known to contribute to the ecological collapse of Puget Sound can be attributable to urban shorelines or include a shoreline component. There is no question that the continuing effects of past poor management of the Olympia shoreline are leading causes of degradation in Budd Inlet.

We need policies that substantially enhance shoreline ecological functions in "urban intensity" zones where much ecological harm to natural shorelines occurs. Instead of writing off urban shorelines as already lost, the status of Puget Sound as a national estuary of concern as well as a regional treasure and economic engine, means that we need to double down on protection and restoration of function at the critical interface between land and water.

By way of analogy, just as we are learning that the complex web of fungal and bacterial life at a plant's point of contact with the soil is key to crop and forest health, so the interface between the water and the land – the shoreline -- is critical to the resilience of maritime life. For Puget Sound, fixing the urban zone spells the difference between rebuilding resilience, or else taking a dying patient off of life support and having nothing left to admire but the outward surface of a very beautiful corpse.

There is still hope. Despite Olympia's disproportionately large contribution to the degradation of South Puget Sound, its shorelines are nevertheless diligently mapped by the Washington Department of Fish and Wildlife as priority habitats. Shoreline priority habitat species (PHS) specifically listed within Olympia city limits include: Fall Chinook, Fall Chum, Resident Coastal Cutthroat, Coho, Surf Smelt, the Purple Martin, Big Brown Bat, Little Brown Bat, Yuma myotis, and depending on how the City defines is shorelines, could or should include wood ducks and the Olympia Mudminnow as well. Shorebird concentrations including sandpipers and greater yellowlegs; overwintering waterfowl include wigeons, gadwalls, mallards, scaups, buffleheads, ruddy ducks, ring neck ducks and goldeneyes. Remnant wooded shoreline supports osprey, bald eagles and great blue herons, including Olympia's treasured resident herons.

There are also many priority species that are listed by WDFW for Thurston County in general, which can be related to Olympia shorelines, especially historically. These include Pacific Herring, and even Orcas, which commonly

followed salmon to the waters of Budd Inlet as the salmon followed the herring. The hunting of Orca families from our local waters for sale to marine parks was a traumatizing horror for the orca families and human residents alike, and a low point in the history of local stewardship. But we must not forget that this is also an important part of the cultural heritage of Olympia, as were the Fish-Ins that reminded the people of this City of their true obligations to the First Nations, and especially to members of the Squaxin Island, Nisqually and Chehalis tribes.

In their current forms, decades' worth of SMA's for the shorelines of Puget Sound, including Olympia's, are simply not getting the job done. In 2019 the Puget Sound Partnership issued its most recent "State of the Sound" report. It pronounced the Sound to be "in grave trouble." The "no net loss" approach is a failure. Habitat degradation continues to outpace restoration. Executive Director Laura Blackmore stated that "The primary barriers between us and more food for orcas, clean and sufficient water for people and fish, sustainable working lands, and harvestable shellfish, are funding and political fortitude."

Olympia's Shoreline Master Program should serve as the tip of the spear in providing political fortitude at the local level. Political fortitude in an SMA translates into an ability to define clear, consistent (rather than muddled or crossed) goals. It should set meaningful limits based on best available science, not based primarily on past practices and political expedience.

According to Blackmore, the regional priorities for Puget Sound must be habitat protection and restoration, water quality protection, and salmon recovery. The first priority for revisions to the SMA should be to make it more protective of these priorities based on what have learned about what works, and what does not. In other words, it should be based on principles of adaptive management. It should strive towards goals we set because we are truly listening to science, because we are truly dedicated to social and environmental justice, and because we want to make our waters whole again for all our communities, including the finned and the winged.

Olympia's SMA confuses local interests with the intent of the Shoreline Management Act.

The Shoreline Management Act was enacted in 1971 in order to assert the paramount interest of the state and all its peoples in how shorelines are managed, regardless of jurisdiction. The legislature defined that interest as ensuring that reasonable and appropriate use protects against "adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life." The findings of the Puget Sound Partnership and numerous scientific studies show us clearly that the public's "paramount interests" are not protected sufficiently against the adverse results of permitted uses. We simply are not there yet. We need to do better.

One approach to improving the effectiveness of the SMA, so that degraded shoreline is not one of the factors contributing to the especially poor quality of Olympia waters, is to revise the SMP according to the criteria and requirements of the Shoreline Management Act itself.

Prioritization

The Draft SMA helpfully provides the language of Section 2.1(A) of the Shoreline Management Act. The Act provides an "order of preference" prioritized as follows:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Long term over short term benefit.
4. Protect resources and ecology.
5. Increase public access to publicly owned areas.
6. Increase recreational opportunities for the public.
7. Anything else defined by the Act as "appropriate or necessary."

Following this "order of preference" could go a long way toward improving the health of Puget Sound. But the Olympia SMA is not written to recognize these priorities holistically, event though it contains many useful elements in a somewhat scattershot rule-by-rule way. Nor are the current proposed revisions intended to correct the SMA's course so that it moves toward prioritization of natural shoreline. Indeed, the SMA's description of the City of Olympia's role in implementing the Act does not even identify goals #1 through #3 listed above, as elements of the SMA's "purpose and intent." The emphasis, instead, is on looking inward to city priorities and doing just enough to get by in the current regulatory environment. This makes Olympia no different to most other cities, but ultimately it trends toward piecemeal regulation when the whole point of the 1971 Act is to avoid piecemealing the shoreline to functional death.

The Olympia SMA muddles city interest with the statewide public interest, and largely fails to place the SMP in the urgent context of the 21st century. To build an SMP that works, revisions should contribute to the wellbeing of Puget Sound in the face of population growth, pollution, urbanization of the nearshore environment, species decline, and all of the challenges of climate change that affect our waters and shorelines.

Proposed revisions to accommodate the Port of Olympia's interest in building an RV park provides an example of the potential hazards of piecemealing. The state has set high and specific standards for the kinds of recreational use that can be permitted on a shoreline. The City has already indicated that it is aware that the state may reject the proposed revisions to the SMA aimed at allowing the Port to build an RV park, on those very grounds. Can the Port show that it is meeting a "demonstrated significant local, state, or national need" for the new proposed use? Is this a use that should be permitted because it cannot be met elsewhere, per Section IV of WAC 127-26-360 (Ocean Management)? Does a tourist RV park, closing off the area to local public use, meet or at least not detract from priorities #5 and #6 listed above? Conversely, could revising the acting definition of shoreline recreational use in order to allow an RV park, have potentially adverse impacts if it is subsequently applied to other shoreline areas in the city once it becomes part of the SMA?

The city may have good answers to all of these questions, and decision makers and the public deserve to hear them. On the other hand, it may not be able to demonstrate that the suggested project-oriented revisions are ultimately the most beneficial. If there is compelling reason to change the SMP in a way that allows a particular project, it should be framed with general principles. Any particular project, such as an RV Park for the Port or a large scale real estate development on the West Side, should be forced to stand on its own merits and either meet the optimal regulatory criteria, or prove itself to be sufficiently beneficial to earn a variance.

Another example is the set of proposed changes to buffer areas. Shoreline contribution to ecological health must be the top priority of the 2020s. There are no jobs on a dead planet, as the saying goes. There is ample documentation of both the economic costs of loss of ecological function, and the economic advantages provided by the ecological services of a healthy and robust shoreline. It is far from clear that the proposed buffer changes would serve to demonstrably and substantially improve how the SMP meets the priorities of the Shoreline Management Act to protect natural shoreline, or how they would work to lift Puget Sound out of its current crisis rather than drive it deeper. Do the changes increase protection, or reduce it? Is it truly sufficient that they (perhaps) meet the standard of "no net loss"?

If we take the Puget Sound Partnership at its word, habitat degradation is the greatest threat, and restoration is the most important way to realize the "full potential of Olympia's shoreline" at this time.

Listening to Science

As described above, many proposed revisions appear to be based on an insular, city-centered approach to SMA revision. It would be preferable to propose revisions that encourage making the most of the data and science-based guidance available to the city from a wide range of state agencies.
In particular, the Priority Habitat approach of the Washington Department of Fish and Wildlife should be reflected in the SMA. Indeed, it should provide a starting point for the revision process, as WDFW has called for the

utilization of PHS as an adaptive management tool: "Using PHS to trigger local regulations is recommended by WDFW and the Departments of Commerce and Ecology." According to the WDFW, "The Washington Administrative Code refers to PHS in sections dealing with Critical Area Ordinances, Shoreline Master Programs and the Essential Facilities Siting Evaluation Council. The state Supreme Court has held that PHS is a valid source of best available science for the Growth Management Act."

A Priority Habitat approach would provide a robust antidote to the greatest immediate failure of the SMA: its approach to Critical Areas. As will be discussed below, the SMA should not simply adopt the Olympia Critical Areas Ordinance by reference, even where the city code addresses priority species and habitats for streams and shorelines. If the priorities of the Shoreline Management Act are treated as paramount, rather than the priorities of the City of Olympia, then priority species step (or swim) forward to stand in strong relief.

The SMP should have its own Critical Area language based on shoreline ecology and guided by the needs of priority species, especially salmonids. It should not be subordinate to the Growth Management Act. The legislature has made this very clear. "The legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act." (RCW 90.58.030)

Protection of productive habitats for salmonids, feeder fish and zooplankton should float to the top of permitting concerns. So too should protection of shoreline vegetation complexes, including remaining forests and wetlands, that support species such as bat and wood ducks, which require trees and snags near water, as well as herons, ospreys and eagles. An independent, science- and species-based approach to identifying priority and critical habitat areas would immediately transform the current SMA's stream listings in Table 19.200.107(A) ("Streams Subject to the SMP"). The current list does not even identify major streams (and, significantly, their estuary/outflows) such as Indian/Moxlie and Percival Creeks. The SMA should also highlight other kinds of priority shoreline habitats already identified and mapped by the State, including small shoreline streams of importance to chum, for example, or estuary shorelines that are known to be of outsized significance to salmonids and feeder fish, and/or that may be known sources of degrading pollution.

Such an approach, including prioritization of long term over short term benefit, would demand protections from climate change impacts that would go far beyond sea level rise and the city's extremely geographically limited SLR plan. Again, conservation and restoration of natural shoreline and shoreline vegetation complexes is the best approach we have to assure protection of Puget Sound and the interests of Washington and Olympia residents in the face of climate change. To the degree that both the State and the City of Olympia may seek to incorporate standards of environmental justice and heritage protection, those standards also point toward prioritization of conservation and restoration.

A science-based approach would prioritize stormwater impacts and protection of shorelines from pollution. This would lead in an opposite direction to many of the currently proposed revisions, which seek to embrace an indefensible concept of "functional disconnect" that essentially removes certain areas from protection just because they are urban and developed and literally on the wrong side of the tracks (or road). Prioritization of public access and water-based recreational use under the Shoreline Management Act should also call this ill-defined concept of "functional disconnect" into question.

Looking to the Future

The City is well aware of many potential projects that could have a profound impact on the shoreline during the near-future timeframe covered under this proposed set of revisions. There are potential dredges. There is the always-looming question of dam removal, and a persistent need to complete and implement a plan for WRIA-13

that would include all streams connected to the Deschutes, including its estuary (Budd Inlet). There are proposals for large scale waterfront development/redevelopment. There are important decisions to be made about climate mitigation policies. There is the question of how citizens will have access to the decision-making process, especially as part of proposed revisions to the role of the public hearing examiner. We are now living through an unforeseen and sharply punctuated moment of demographic and economic shifts that may well have implications for how shoreline recreation and access issues in Olympia should be addressed fairly and for greatest long term public benefit.

In light of all this flux even in the near-term, the regulatory gap analysis approach which appears to have largely framed the revision of the SMA seems timid and almost beside the point. The handful of mandatory revisions highlighted by the study, coupled with a few revisions to bring the SMA in line with other city regulations and policies, will not lead Olympia to substantial and measurable improvements in any of the metrics for the shoreline that truly matter. With the inordinate emphasis on meshing the SMA with other city planning, to a point where the SMA becomes subordinate, the proposed revisions in some instances seem to have the potential to lead the charge in the opposite direction from bracing up the "political fortitude" of our city's regulators.

We are near the end of this revision process and it is too late to say, "go back to the drawing board." Unfortunately, it appears that the scope of the task given to the main consultant, The Watershed Company, did not lay out a primary task of highlighting the areas of the current SMP that are insufficiently protective, or suggesting revisions that could best optimize protectiveness. It appears that where the contractor provided helpful advice anyway, the analysis may have been minimized or ignored.

However, it is not too late to say that every proposed revision should be examined through the lens of whether it brings the city closer to successfully decreasing urbanized Olympia's role as a significant source of stress on South Puget Sound. The fundamental question for decision makers is: does this proposed revision help to turn the degradation around?

There should certainly be no revisions that actually carry the SMA further away from the Shoreline Management Act or that stymie the accelerating evolution of state policy in the face of the environmental crisis.

There should be reference to environmental justice and recognition of the shoreline's cultural heritage as a home beyond a century's legacies of built environment. There should be at least a gesture toward the need to prepare for a significant revamping of the SMP, in the next go-round, in order to adopt science-based adaptive management policies. For the present round of revision, the need to look forward might be addressed by calling specifically for more robust inclusion of state-based scientific expertise on a regular basis to assure that the permitting process is truly protective. It would help to outline a sound program of data collection and management in order to establish metrics that can support successful adoption of adaptive shoreline management going forward. The SMA succeeds when it protects the natural shoreline and optimizes its public enjoyment over the long term, with due consideration of priority habitats and environmental justice.

Comment Section Two: Do the Revisions Enhance Shoreline Protection?

While some marginal commentary is made available, the intent of specific revisions to the SMP can be a challenge for the public to parse. Some revisions, such as incorporation of Sea Level Rise, are easy to interpret and are often quite sensible on their face. Others, such as revisions to processes related to permitting authority and the role of the hearing examiner, are harder to understand.

If comments about specific revisions are off base due to misinterpretation of their scope, effects or intent, then please apply the fundamental criterion upon which these comments are based: the proposed revision should provide better real outcomes in protecting Olympia's shoreline than leaving the original language in place.

Section 1, Purpose and Intent

Critical areas: 1.6 Regulation by Reference. The implications of this revision are not easy for the public or decision-makers to assess based on the revision language alone, but the City has compiled helpful information on the relationship between the shoreline and the Olympia CAO here. There appear to be areas where the recently revised language of the Olympia CAO weakens shoreline protection, meaning that this revision should not be adopted.

For example, the Olympia CAO appears to remove a prohibition on combining wetland buffer averaging and administrative wetland buffer reductions in shoreline areas. The report by The Watershed Company makes note of this and other issues. The impacts of changes to the OMC and its inadequacies for shoreline protection should be clearly stated for decision makers as they consider adopting this revision. The Watershed Company states that the OMC itself needs to be updated in many areas to follow state guidance. The SMA is powerless to effect such changes to the Olympia code. This is precisely why the legislature finds that there should be a separation between the SMA, and the GMA and city ordinances.

The tables provided by The Watershed Company in its section on "Consistency with the Critical Areas Ordinance" may provide a useful starting point for revision of Critical Area language that brings actual improvement, as discussed above in regard to WDFW priority habitats. This also includes the listing /mapping of critical areas. Again, critical areas under the SMA should look first and foremost to state standards.

Table, Section 1.2: This arguably adds further confusion rather than enlightenment and should be removed. It is pure interpretation, it is immensely oversimplified, and may cause members of the public to miss useful elements of other tools and policies by implying that they are absent or not applicable to a particular situation when they may indeed be applicable. There is no case to be made that this table improves shoreline protection.

Section 1.3(C) and no net loss: From the way it is worded, Section 1.3 (C) implies that RCW 90.58.020 calls for, or at least accedes to a policy of "no net loss of shoreline ecological functions". This is not true. It should be made clear that the concept of "no net loss" is a City policy formulation at this point. A better revision would call for a net *gain* of shoreline ecological functions in order to "foster the policy contained in RCW 90.58.020."

More generally, the statement of "purpose and intent" in Section One should set a tone appropriate to the challenges of achieving good shoreline policy in the context of climate change and the documented ecological collapse of Puget Sound. It should incorporate environmental justice and meeting the city's obligations to and honoring the cultural heritage of the tribes. It should bolster the regional context of shoreline protection by making specific reference to Olympia's role as guardian of the shoreline under the Shoreline Management Act.

Section 2, Goals and Policies

Garbling the Shoreline Management Act's priorities: In Section 2.1, Section A, it is unclear why #7 is added when it does not appear to be part of the list in the current RCW. This seems to change Section A from a straightforward enumeration of priorities under the Shoreline Management Act, to a hybrid presentation of state legislative and city priorities.

Sea Level Rise (SLR): Incorporate more fully the revisions recommended by The Watershed Company, including "Expand SLR Plan Scope." Current SLR planning does not incorporate all six miles of Olympia marine shoreline, or even address impacts of SLR to groundwater (this was out of the scope of the last study but strongly recommended as a necessary next step in SLR planning). There is no reason for shoreline planning to wait for the city and its SLR plan to catch up with the urgent need to regulate the shoreline for SLR and other climate change impacts (long term benefit). Much of this can probably be developed in subsection G.

Incorporate more of the goals and policies of the Shoreline Management Act. For example, it calls for protection "against adverse effects." It states that there is "a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an

uncoordinated and piecemeal development of the state's shorelines." It calls for public enjoyment of "the physical and aesthetic qualities of natural shorelines of the state" to be "preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally." It calls for permitted uses to minimize, "insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

Prioritizing shoreline protection: For subsection F, it would be appropriate to add a qualifier, give the state's preference that shoreline management be conducted according to what is optimal for long term and natural shoreline protection over the long term first and foremost. The policies and regulations should be integrated and coordinated, ***to the extent practicable,*** with the other goals, etc.

Definitions and 2.1C & D: One reason why we need more robust conversation between the City of Olympia and state scientists, is that the Shoreline Management Act is showing its age in the inadequacy of its definitions. What is the best way to identify a "shoreline of the state"? How does climate change challenge definitions based on tidelines, high and low water marks, 100 year floodplains, and the like? Is the concept of an "urban Intensity" shoreline consistent with what science now tells us about where shoreline should be preserved or even restored? Based on better understanding of salmonid ecology, how should a "segment" of a "natural river" be defined? (Suggestion: include "stems" that flow into a river's estuary.) This revision period is a good time to present ideas on how to make science happen as policy.

Public Access Policies, 2.15 K: Do not accept revision of public access policies that permit new development or redevelopment without on-site public access. Use public input to define "adequate public access" and "immediate vicinity".

Agriculture 2.20 B: There is no reason to assume that well managed land use for agriculture is worse than other land uses. In fact, good conservation practices can make it a better use than others under certain circumstances, including the potential impacts of climate change. The prohibition against agricultural uses should be revised.

Dredging 2.31 F: If it enhances shoreline protection and provides additional environmental safeguards, then revisions to dredging policy are welcome and urgently necessary during this revision period.

West Bay Environmental Assessment Report 2.34 M and throughout: As previously discussed, Restoration and Enhancement Policies and other parts of the SMA should not specifically cite the West Bay Environmental Restoration Assessment Report. Its appearance throughout the SMA has all the appearance of an effort to gain backdoor approval of a specific project. All reference should be removed. If nothing else, consider the current age of the SMA and the assumption that it will carry on into the distant future. Don't put future revisors in the position of having to remove references to an old report or project. The same goes for the Sea Level Response Plan. If there are general policies that can be derived from a referenced report or study (such as the considering the SLR to "determine the minimum necessary size of shoreline stabilization structures,") then apply the principle, and apply it across the board (for example, to *all* shorelines affected by SLR). If it doesn't fit across the board (soft shorelines are preferable to shoreline stabilization structures) then maybe it doesn't belong at all.

Other sections

Camping Facilities 3.3 17.20.120: May not be necessary if a Port RV park is not deemed an improvement to shoreline policy.

Functional Disconnect (various): As previously discussed, this is not a scientifically or socially sound concept. It should be removed throughout.

What is not scientific about it: it ignores the existence of groundwater, stormwater or anything else, possibly including pollutants, that may move across the named structural elements.

What is not socially sound: The concept appears to be applied largely in terms of public access and impacts. But it is not clear that the concept works even in a limited context. For example, the existence of a road does not functionally disconnect a viewer's ability to see the shoreline from the upland side of a road or across a public space. A person or other mobile thing can move across space and not subjectively experience it as a "disconnect."

The concept also appears to be applied in regard to setbacks, where again it should not be assumed that the existence of a physical structure will somehow remove the rationale for a setback requirement. In the absence of a persuasive argument that this can or should be implemented as a universal policy without doing potential harm to achieving the optimal protection of the shoreline in all its aspects, the notion of "functional disconnect" should be eliminated, and each permitting situation should be addressed on its merits.

On the topic of public access, lines of sight, etc: shorelines under the Act, and therefore under the SMA, are not limited to saltwater, but include lakes and streams. It is not clear that the City of Olympia has given due consideration to optimizing public access along non-marine shorelines.

Environmental Excellence under Exceptions to Local Review 3.6 (A): Whatever its specific meaning here (which is unclear), "environmental excellence" clearly does not necessarily equate to "most protective of the shoreline." This language probably goes against the priorities of the Shoreline Management Act. The same applies to the Energy Facility Site Evaluation Council process listed elsewhere. Other items in Section A apply to facilities that that already exist, and are therefore probably not objectionable.

Shoreline Permit Procedures 3.13 18.20.280 (C): This appears to revise the exemption process in order to liberalize permitting in ways that provide no apparent enhanced benefit to the shoreline compared to the original language. It may actually broaden the range of permit exemptions. It appears to remove some criteria for exemption, such as: already being exempt from SEPA *and* being "entirely upland of the Ordinary High Water Mark." It appears to remove the criterion that an exemption application can't be decided by an Administrator if a public hearing is requested by an interested party. It appears to broaden the scope of permits and applications that can be decided by a Hearing Examiner. Such proposed revisions do not forward the cause of shoreline protection, and should not be included.

Expansion of nonconforming structures, 3.81 18.20.900: What is the benefit to the shoreline or to the public in revising the SMA to allow expansion of nonconforming structures? The city should consider whether it wants to encourage redevelopment and expansion of shoreline structures in the face of climate change and sea level rise. This revision seems to push an issue that has yet to be fully discussed by the community in terms of climate/SLR strategy.

The same consideration applies to the revision allowing for reconstruction of nonconforming structures damaged or destroyed by acts of nature. This revision appears counterproductive to encouraging the most protective outcomes.

From:	CityCouncil
To:	sammerrill3@comcast.net
Cc:	Councilmembers; Jay Burney; Keith Stahley; Debbie Sullivan; Kellie Braseth; Leonard Bauer; Joyce Phillips
Subject:	FW: Shoreline Master Program
Date:	Tuesday, January 12, 2021 8:02:26 AM
Attachments:	Harry Branch - Re Shoreline Master Program.docx

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff.

Susan Grisham, Executive Assistant & Legislative Liaison
City of Olympia |P.O. Box 1967 | Olympia WA 98507
360-753-8244 sgrisham@ci.olympia.wa.us

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-----Original Message-----
From: Samuel Merrill <sammerrill3@comcast.net>
Sent: Monday, January 11, 2021 8:17 PM
To: CityCouncil <citycouncil@ci.olympia.wa.us>
Cc: Conservation Cmte BHAS <bhas-conservation-committee@googlegroups.com>
Subject: Shoreline Master Program

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Dear Members of the Olympia City Council,

Black Hills Audubon endorses the attached Comments, originally submitted to you by Harry Branch concerning the Shoreline Master Program. We agree with his arguments that an ecosystem, science-based approach is needed protect the flora and fauna of Budd Inlet and other waterways in the Olympia area.

Sincerely,

Sam Merrill, Chair
Conservation Committee
Black Hills Audubon

From: hwbranch@aol.com
To: Joyce Phillips
Subject: Re: Shoreline Master Program
Date: Wednesday, January 13, 2021 6:44:43 PM

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Dear Olympia planning commission

In followup to monday night's meeting by the Planning Commission...

Percival Creek was mentioned as having great ecological value because it flows more than 20 cubic feet per second. I inquired as to why no other streams are mentioned. Today I read that Moxlie Creek exceeds that number and near the confluence with Indian Creek can run, on a day like today, as high as 97 cubic feet per second. I find no data on Schneider or Ellis Creeks but my guess is that all these streams would qualify.

Once again, why are these streams considered to have no value? We have numerous opportunities for restoration in these watersheds, long sections of culvert and other armoring that could easily be removed.

The problem for these watersheds is that they are in areas where we want to direct development. The driving wheel is entirely development. If a stream exists in such an area we simply pretend that it doesn't exist.

Harry Branch

To: jphillip@ci.olympia.wa.us <jphillip@ci.olympia.wa.us>
Sent: Mon, Jan 4, 2021 7:31 am
Subject: Shoreline Master Program

Regarding the Shoreline Master Program (SMP)

City of Olympia:

The public has become keenly aware of the plight of the Souther Resident Killer Whale and their principal prey Chinook salmon. We're slowly learning about the plight of Walleye Pollock, Pacific Herring, Pacific Cod, 15 species of rockfish, chum and sockeye salmon, steelhead, various mollusks and birds, insects and invertebrates. As of December 1, 2015, there were 125 species at risk in the Salish Sea and the number continues to grow. Much of the loss has occurred over the past two decades, under current rules, the status quo, the cauldron of 'mitigation banking' 'no net loss,' and the rest of the regulatory stew.

Allowing a water body to remain physically damaged results in degraded water quality which impacts species composition which degrades water quality which impacts species composition and so on spiraling downward. There is an ongoing net loss caused by existing modifications. A stream in a pipe has no phytoplankton. This is why nitrates travel 18 times farther in a buried pipe than one that sees daylight. And why buried streams are low in dissolved oxygen.

The most critical part of any local watershed is its estuary. Estuaries are those places where fresh water coming from land meets the marine environment. Fresh water being lighter flows out on top of salt water creating persistent circulation patterns. In a pipe circulation is restricted. If we have sunlight we have a mix of phytoplankton and zooplankton and the birth of the food web. Without sunlight we have a septic tank. In the SMP, potential is never a consideration. Restoration potential should be part of every equation. The baseline should be that which existed historically.

The high water mark is the point from which setbacks are measured. The high water mark for the two major streams draining into Budd Inlet lies inside long culverts. The tide flows up a long pipe in both Moxlie and Schneider Creeks. In fact, there are 160 miles of stream-in-a-pipe in Olympia. In regulatory terms they don't even exist. To contradict this edict represents a "collateral attack" on City Codes. If you appeal before the Hearing Examiner, you'll also be informed that you lack standing, unless you or your property will be damaged. Birds, fish and marine mammals have no standing.

The most substantive issue brought up by the State in the Shoreline Master Program Periodic Review is the statement "The City's wetland buffers are not current with the State's most recent guidance." The City's response is that recommendations would result in "little change in the City's current buffer widths" and amendments would be made to chapter 18:32 of the Olympia Municipal Code (Critical Areas) rather than the SMP itself. But revisions to Olympia code 18:32 make no substantive changes to setbacks. It continues to recommend protecting critical areas, aiming at no net loss and providing mitigation for unavoidable impacts through minimizing, rectifying, reducing and compensating for loss.

Priority Riparian Areas are listed as the eastern shore of Budd Inlet, including and north from Priest Point Park, long stretches of western shore of Budd Inlet including West Bay Waterfront Park and the Port Lagoon and much of the shore of Capitol Lake. The priority areas are essentially parks. The prevailing assumption seems to be that humans must destroy any place we reside.

The most glaring unspoken conclusion is that we should simply give up on East Bay, the half-mile long embayment south of Priest Point Park. It's been severely modified and has the worst benthic dioxin contamination and the poorest water quality in Budd Inlet. Although this way of thinking is in some cases justified, in this instance it represents a clear violation of the Clean Water Act, the Endangered Species Act and numerous other State and Federal laws and regulations.

How about some real changes:

(1) Restoration potential should be part of every equation. The potential inherent in a location should never be ignored.

(2) Under City Code once a stream goes into a pipe in Olympia it no longer exists. Likewise if it's ever day-lighted rules don't apply. This makes sense where there's currently a structure but not as justification for new construction. We should change the rule to in such instances recognize the existence of streams.

(4) The best available science should be employed in every study including a clearly stated observation, hypothesis, test and conclusion otherwise the effort can be incomplete, misdirected and conclusions can be buried in data. Sites should be sampled for any contaminants suspected of possibly being at the site, according to established protocols.

(5) We need to take a holistic, ecosystem based approach to our critical areas. The baseline should be that which existed historically. Every effort should be made fo determine how physical parameters like structure impact chemical parameters such as dissolved oxygen and biological parameters such as phytoplankton.

(6) We should provide SRKW orcas with legal standing, consistent with the global Rights of Nature movement.

Harry Branch
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