

**From:** [hwbranch@aol.com](mailto: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](mailto:jphillip@ci.olympia.wa.us) <[jphillip@ci.olympia.wa.us](mailto: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 to 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



**Nisqually Indian Tribe**  
**4820 She-Nah-Num Dr. S.E.**  
**Olympia, WA 98513**  
**(360) 456-5221**

January 26, 2021

Joyce Phillips, AICP  
Senior Planner  
City of Olympia  
Community Planning and Development  
601 4th Avenue  
Olympia WA 98507

Dear Ms. Phillips,

The Nisqually Indian Tribe thanks you for the opportunity to comment on:

**Re: 20-4936**

The Nisqually Indian Tribe's THPO has reviewed the notice of application and accompanying documents that were provided for the above named project and has no further comments or concerns. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Sincerely,

Brad Beach  
THPO Department  
360-456-5221 ext 1277  
[beach.brad@nisqually-nsn.gov](mailto:beach.brad@nisqually-nsn.gov)

Annette "Nettsie" Bullchild  
THPO Department  
360-456-5221 ext 1106  
[bullchild.annette@nisqually-nsn.gov](mailto:bullchild.annette@nisqually-nsn.gov)

**From:** [Joyce Phillips](#)  
**To:** [Esther Grace Kronenberg](#)  
**Cc:** [Kenneth Haner](#); [Anastasia Everett](#); [Cari Hornbein](#)  
**Subject:** RE: Public comment on SMP  
**Date:** Monday, February 08, 2021 2:33:00 PM

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Hi, Ms. Kronenberg.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review is closed. The comments you sent to me on January 5, 2021 were provided to the Planning Commission. Any new written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.  
Joyce

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

**Note: Emails are public records, and are potentially eligible for release.**

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**From:** Cari Hornbein <chornbei@ci.olympia.wa.us>  
**Sent:** Monday, February 08, 2021 9:56 AM  
**To:** Joyce Phillips <jphillip@ci.olympia.wa.us>  
**Cc:** Kenneth Haner <khaner@ci.olympia.wa.us>; Anastasia Everett <aeverett@ci.olympia.wa.us>  
**Subject:** FW: Public comment on SMP

Good morning Joyce,

Anastasia forwarded this e-mail to me. Technically Esther can't comment on the SMP tonight since the hearing is closed and the Planning Commission is in deliberations. Do you want to

forward her request to the Commissioners so they're aware of the request?

Thanks,

**Cari Hornbein, AICP, Senior Planner**

City of Olympia  
Community Planning and Development Department  
360-753-8048 | [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)

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**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Sent:** Monday, February 08, 2021 7:41 AM

**To:** Cari Hornbein <[chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us)>

**Subject:** Fw: Public comment on SMP

Hi Cari, I received this email and am forwarding to you. She would like to provide comment tonight as well, I'll fill Ken in. Thank you!!

Anastasia

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**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Sent:** Monday, February 8, 2021 7:39 AM

**To:** Esther Grace Kronenberg <[wekrone@gmail.com](mailto:wekrone@gmail.com)>

**Subject:** Re: Public comment on SMP

Hi Esther,

I've forwarded your request and comment to the Planning Commission liaison. I will also communicate with the staff hosting the meeting tonight you'd like to make comment. Thank you.

Best,

Anastasia Everett

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**From:** Esther Grace Kronenberg <[wekrone@gmail.com](mailto:wekrone@gmail.com)>

**Sent:** Saturday, February 6, 2021 10:35 PM

**To:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>

**Subject:** Public comment on SMP

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Hi,

My understanding is that there's been a public hearing January 11 and that public comment has been closed. I would like to suggest the public comment period be kept open longer since many people's attention was on national matters last month and were not aware of the discussions on the SMP. The SMP deserves a more transparent process and more citizen input. The June 30 deadline should allow for this with no problems.

I would like to make a comment to the Commission at the meeting, though I said no on my registration. Please make that change.

Thank you.

Esther Kronenberg

Sent from cyberheaven

**From:** [Joyce Phillips](mailto:Joyce.Phillips@ci.olympia.wa.us)  
**To:** [silverman.shari@gmail.com](mailto:silverman.shari@gmail.com)  
**Cc:** [Anastasia Everett](mailto:Anastasia.Everett@ci.olympia.wa.us); [Kenneth Haner](mailto:Kenneth.Haner@ci.olympia.wa.us); [Cari Hornbein](mailto:Cari.Hornbein@ci.olympia.wa.us)  
**Subject:** FW: SMP Public Comment  
**Date:** Monday, February 08, 2021 2:27:00 PM

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Hello, Ms. Silverman.

I wanted to follow up and let you know that the public comment period on the SMP Periodic Review has closed. Any written comments received now will not be forwarded to the Planning Commission. However, any written comments received between the close of the public comment period and the date of the City Council's consideration will be forwarded to City Council. I have already received a couple of comments that came in after the public comment period closed but that will be shared with Councilmembers. You can send any comments in writing to me at this email address and I will gladly include them in the packet that goes to the Council.

If you do wish to comment to the Planning Commission, you will be able to do so during the public comment portion of the Planning Commission meeting as long as it is at least 45 days after the public hearing, which was held on January 11, 2021. The first meeting the OPC will hold after the 45-day period will be on Monday, March 1, 2021. This is consistent with both the Planning Commission and City Council policy on public testimony at public meetings.

I hope that helps.

Joyce

Joyce Phillips, AICP, Senior Planner  
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**From:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>  
**Sent:** Monday, February 08, 2021 12:29 PM  
**To:** Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
**Subject:** Fw: SMP Public Comment

Hi Joyce, I received this email from someone regarding the SMP. I'll reply to her and let her know I forwarded her message. Thank you!

Anastasia

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**From:** Shari Silverman <[silverman.shari@gmail.com](mailto:silverman.shari@gmail.com)>  
**Sent:** Monday, February 8, 2021 12:22 PM  
**To:** Anastasia Everett <[aeverett@ci.olympia.wa.us](mailto:aeverett@ci.olympia.wa.us)>  
**Subject:** SMP Public Comment

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Hi,

I saw that the public comments on the SMP have been closed. Is there any way to get the comments re-opened for a few more weeks?

Thanks,  
Shari Silverman

[Silverman.shari@gmail.com](mailto:Silverman.shari@gmail.com)



**From:** [Joe Hiss](#)  
**To:** [Joyce Phillips](#)  
**Subject:** Re: your e-mail of today  
**Date:** Monday, April 12, 2021 10:11:01 AM

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Dear Ms. Phillips:

Thanks for the map! It answered my questions completely. Speaking as a retired fishery biologist from this area, but also out of love for the Olympia area this area and its people, based on 43 years of residence here, I propose the following:

1. The 150' setback is good insurance against sea rise that is likely to occur, and should probably be extended to the whole Budd Bay "recreational shoreline," with appropriate "grandfathering" of existing development as needed. If you can forward my opinion to the Planning Commission and the City Council, please do so!
2. I am particularly concerned about the proposed West Bay Yards, which would add more fill to the Inlet, and would likely require more protection from king tides as they increase over the next 50 yr or so.
3. I am also concerned about the confusion surrounding the permit for this, and other shoreline actions that may follow. It seems to me that no project should be given any form of advance approval before the City receives a detailed project description. Giving a developer any form of advance permission sends the message that the city is ready to accept whatever they may eventually propose. This seems to me a very dangerous precedent!

Please keep this line of communication open, as I may have more to say about this in the future.

Thanks for reading this!

Sincerely,  
Joe Hiss

On 6/04/2021, at 11:36 AM, Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)> wrote:

Hi, Mr. Hiss.

The current setback and Vegetation Conservation Area (VCA) for a portion of the Waterfront Recreation shoreline environment (basically the area from Seven Oars Park northward to West Bay Park) is currently 150 feet in width. The rest of the Waterfront Recreation shoreline environment (basically around the east and south side of the main part of Capitol Lake) currently has a setback and VCA width of 30 feet. The staff recommendation was to make

the setback and VCA for the Waterfront Recreation shoreline environment 30 feet for the entirety of the Waterfront Recreation shoreline environment.

The Planning Commission considered this proposal but is recommending that the setback and VCA width be a minimum of 50 feet in width for the portion of the Waterfront Recreation shoreline environment that is adjacent to Budd Bay.

This screenshot below shows the general area where this change would apply, if adopted by Council:  
<image001.png>

I hope that answers your question. Please let me know if you have any follow up questions or would like additional information.  
Thank you!  
Joyce

Joyce Phillips, AICP, Principal Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
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-----Original Message-----

From: Joe Hiss <[joe.hiss.biologist@gmail.com](mailto:joe.hiss.biologist@gmail.com)>  
Sent: Tuesday, April 06, 2021 11:16 AM  
To: Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>  
Subject: your e-mail of today

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Hello Ms. Phillip:

I am confused: If the staff recommended enlargement of the setback from 30' to 50', why does the sama paragraph say the existing setback is 159'? Please un-confuse me!

Thanks—Joe Hiss

