

**Department of Ecology responses to select Waterfront Construction comments on City of Redmond 2008 Shoreline Master Program update. These comments were directed at Ecology and not the City. April 7, 2009**

Comment 8: Pier Redevelopment. There is no alternative process for the redevelopment of existing piers. DOE and the City of Redmond should promote a pier redevelopment process which encourages property owners to improve ecological functions to the greatest extent possible. I am requesting that DOE, as a result of their own fall 2008 department memo, (which supports this position on both piers and bulkheads) combined with design guidelines from other agencies, thoroughly review and consider recommending changes to the City of Redmond SMP and that it not be approved as drafted.

Response: The Redmond 2008 SMP update was adopted in August 2008, before the Ecology Fall guidance memo was developed. As stated in the referenced DOE guidance, “existing Pier/Dock redevelopment strategies will need to be jurisdiction specific”, and need to be considered based on the jurisdiction-wide no net loss analysis. Page 3 of the memo recommends a couple of alternatives for pier and dock standards for the City to consider. Use of the US Army Corps of Engineer’s regional general permit standards are one opportunity for local Lake Washington/Sammamish jurisdictions to incorporate science based standards that have been accepted by federal and state resource agencies as protective of essential fish habitat as defined in Section 7 of the Endangered Species Act. Redmond has incorporated elements of these standards into their SMP piers, docks & floats regulations (20D.150.70.050). The City has chosen to apply these standards to both redevelopment and new structures to ensure no net loss of shoreline ecological functions as required by the SMP Guidelines (WAC173-26). You’re correct that there are no separate Pier/Dock redevelopment standards in the updated SMP. If the City did decide to propose Pier/Dock specific redevelopment standards, they would need to first analyze if the redevelopment standards meet no net loss of ecological functions which would have to be documented in the SMP’s cumulative impacts analysis. This will be discussed with the City before the SMP is finalized, but ultimately it is the City decision to expand their piers & docks standards.

Comment 21: It appears Redmond and DOE have made the SMP update more complicated and costly for property owners, when one of the goals was to simplify the process. DOE has an obligation to address these issues.

Response: I’m not sure what goals are referenced, the State SMP guidelines? Both the purpose statement (WAC 173-26-171) and the governing principles (WAC 173-26-186) of the guidelines do not discuss simplifying the process. Making a land use regulatory process simpler for property owners to understand is a worthy goal. There were minimal State SMP standards/ guidance before the State SMP Guidelines become law in 2003. The guidelines have many new requirements of local SMP’s within the overarching goal

of assuring no net loss of ecological functions. This makes the SMP update process much more complex which translates into more complex shoreline standards. This requires more analysis of shoreline projects so that no net loss goals are being achieved. One source of opportunities for simplifying the shoreline management process for landowners comes from having clear and understandable regulations that are implemented consistently.

Comment 22: DOE should not approve the current SMP update. DOE should scrutinize the update and evaluate public comments, while consulting with shoreline permitting and marine design professionals.

Evaluating and responding to all public comments is an important part of the process that has taken seriously by Redmond and Ecology staff as evident by these comment responses. The Redmond SMP update has been scrutinized by Ecology planning and legal staff and has gone through multiple rounds of review. The detailed SMP comments provided by Waterfront Construction have provided additional insight on the SMP. Ecology has been also responsive to Waterfront Construction's overall concerns with some of the elements of the SMP update process through meetings and developing the fall 2008 Guidance memo. The challenge of any SMP update is to balance consistency with the State SMP guidelines and Shoreline Management Act, while also integrating input from the public, commercial property owners, businesses directly impacted by shoreline regulations, recreation and environmental interest groups. I believe Redmond has been very cognizant of this challenge in developing their SMP update.