

Testimony of Bob Benze to the Kitsap Co. Planning Commission – December 7, 2010

Good evening.

For the record my name is Bob Benze. I reside in Silverdale. I am representing the Kitsap Alliance of Property Owners.

This evening I would like to discuss the scientific basis underlying the Shoreline Inventory and Characterization Report. The Washington Administrative Code requires that research used as a basis for master program provisions shall use accepted scientific methods, research procedures and review protocols. These typically require that the science be based on a peer reviewed, generally accepted, testable theory – with known error rates and standards.

We contend that the science underlying the county's planning does not meet this standard nor any other recognized standard for acceptable science.

The Characterization Report is largely based on the Battelle Marine Science Laboratory Nearshore Assessments. These are not science in the traditional sense, but instead employ models built on conventional wisdom, based on largely unsupported assumptions and conjecture, and defended as "professional judgment"

They assume that docks, floats, stairways to the beach, bulkheads, outfalls, and pavement near the shore have been shown to have clear negative effects on nearshore ecology. But rather than direct ecological measurements to characterize the shoreline, they rely on surrogates or proxies to represent the impacts on the nearshore ecological functions.

These proxies are derived from strangely transformed data. From various combinations and weights of stressors data, Battelle manufactured nine supposed "controlling factors" for each reach. Most are conditional sums such as, "if less than a third of a reach is bulkheaded assign a negative score of 1; take off another 1 if it's mostly concrete and another 1 if more than a third of the bulkhead encroaches". The sum is a "controlling factor" called Wave Energy. Battelle acknowledged that these conditional, contrived elements have negligible basis in quantitative studies.

In fact, the actual data sets from these and other studies of Puget Sound lend virtually no support to the idea that the proposed stressors pose any measurable risk of harm to the nearshore environment.

In support of this, I have provided you with a copy of a report by Donald Flora, PhD, that summarizes three Puget Sound region studies of the relationship of shore protection to nearshore habitat. None of these show any significant effects on habitat from bulkheads.

I have also provided you with copies of Dr. Flora's review of available shoreline science related to Puget Sound, which reinforces our assertion that the draft report lacks credible science.

The SMP process is a serious business – defining the rules and controls that will prohibit thousands of shoreline homeowners from certain uses and enjoyment of their properties. The Shoreline Management Act allows local governments significant latitude in these rules. The county has a responsibility to its citizens to ensure these controls are not more stringent than

required by law and that any restrictions placed on private property to protect the environment are based on defensible science. This is not presently the case.

I lack the time to orally address the report's incorrect approach to shoreline restoration. But my comments on this issue are provided in my written testimony (as follows).

The Washington Administrative Code unequivocally states that states "...Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions". Restoration is only *required* where needed to insure no net loss of ecological functions from current conditions. Yet the characterization report defines "restore" as: "to restore structure and functions of the sites to historical conditions". Furthermore, in Section 3, the Prioritization Recommendations in the right-hand column for the thousand or so NAUs (nearshore assessment units) shows that the vast majority are still recommended for restoration. Although "voluntary" restoration is encouraged where impaired ecological functions are identified, the listing of most of the shoreline for restoration seems very much at odds with the above mentioned intent of the SMA and WAC. In last evenings Commissioner's meeting, Commissioner Bauer said that DCD staff has assured him that they will adhere to the intent of the WAC. I responded to him in an email that the devil is in the details and that this staff commitment to him will require changes to documents including the characterization report