



October 7, 2010

Margaret Norton-Arnold, Facilitator
Shoreline Master Program Task Force
Kitsap County Department of Community Development
619 Division Street M/S 36
Port Orchard, WA 98366

Dear Ms. Norton-Arnold:

Purpose: This letter provides Kitsap Alliance of Property Owners comments on the draft Scientific and Technical Information Policy for the Shoreline Master Program Update that was forwarded in your email dated September 30, 2010, and on the draft "Resolution" which accompanied the policy document.

Regarding the draft Scientific and Technical Information Policy:

KAPO is in general agreement with the proposed policy, but requests the following changes/additions:

Add a new Paragraph 1.3 that states: "Kitsap County will identify the data gaps in the scientific and technical information utilized to support the SMP update."

Rationale: This is a requirement of WAC 173-26-201(2)(a)(i). The lack of monitoring data and other scientific assessments needed to support environmental decision-making related to Puget Sound has long been recognized by the scientific community, including the Puget Sound Partnership's Science Panel. Kitsap County itself acknowledged there were gaps in the science when they established shoreline buffers under the Critical Areas Ordinance. These gaps need to be formally identified so that planning and funding of the needed scientific studies can be accomplished to support the next round of SMP updates.

Change the last sentence of Paragraph 3.1 from: "...will be consulted to ensure the identification and inclusion of the best available science." To read: "will be consulted to ensure the identification and inclusion of the most current, accurate, and complete scientific information available."

"The small landholders are the most precious part of a state." - Thomas Jefferson

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Rationale: The term “best available science” is specific to the Growth Management Act where it has a defined meaning that is incompatible with the scientific requirements of the Shoreline Management Act and WAC 173-26.

Add a new Paragraph 3.4 that states: “When it is not possible for the government’s subject matter experts to demonstrate whether the technical information in question does or does not meet these standards, the question shall be referred to an independent technical referee panel comprised of nationally-recognized subject matter experts.

Rationale: Traditionally, peer review and the resolution of technical disputes have been tasks assigned to experts who do not have a stake in the outcome. To ensure against institutional or personal bias, this is typically done in a fashion where the reviewers do not know who the author of the technical information is, and the author is not informed of who the reviewers are.

Add a new Paragraph following 3.2 as follows: “The County shall identify which scientific information is original scientific research, and which are reports that are not original science, but are synthesized from a review of original science reports. In the latter case, the County shall ensure that the underlying basic scientific reports and the methods that were used in synthesizing the results used to support the SMP update are clearly identified.

Rationale: The majority of the “science” utilized to support the SMP update is not original science, but it is information synthesized from a number of sources. In some cases the original science that underlies the models, and how it was manipulated to produce the final reports, is not visible.

Add the following to paragraph 3.1: Qualified scientific experts are not limited to those with credentials in shoreline ecosystem biology, but may include related fields such as marine chemistry, geomorphology, geology, hydrology, forestry, ecological risk assessment, ecotoxicology, statistics, data quality, economics, sociology and other scientific/technical disciplines. Experts, with interdisciplinary experience across multiple scientific disciplines are often more qualified to assess shoreline ecosystems than subject matter experts with a narrow field of expertise.

Rationale: The study of complex environmental systems such as the Puget Sound, of which shorelines are a part, of necessity involves a multidisciplinary scientific approach. Such studies also typically require extensive, well-designed, long-term monitoring programs and data collection to properly assess the health of aquatic ecosystems and to determine corrective actions where ecological functions are determined to be at risk. Such interdisciplinary programs are often led by a PhD level scientist who is credentialed in a narrow field of expertise, but who has acquired a broad range of knowledge and experience across multiple disciplines, allowing him/her to understand and speak with authority on how various scientific aspects of complex ecological systems interrelate and contribute to the overall function of the system. These are

typically program managers or heads of laboratories who are, in fact, the type scientists found to be most qualified to assess the scientific information used to ensure the identification and inclusion of the most current, accurate, and complete scientific information available

Regarding the draft Resolution:

The portion of the last sentence of the second paragraph which states “The SMP update will result in revised policies and standards that ... plans for the *restoration* of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.” does not appear to have a basis in WAC 173-26 requirements and should be changed to read “The SMP update will result in revised policies and standards that ... plans for *sustaining* the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

The proposed “restoration” language appears to be a clear misrepresentation of WAC 173-26-201 (2)(c) which states:

As established in WAC 173-26-186(8) these guidelines are designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Managing shorelines for protection of their natural resources depends on *sustaining* the functions provided by:

- Ecosystem-wide processes such as those associated with the flow and movement of water, sediment and organic materials; the presence and movement of fish and wildlife and the maintenance of water quality.
- Individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface and the composition and configuration of the beds and banks of water bodies

WAC 173-26-201 (2) (c) states that the Inventory of Shoreline Conditions shall collect information that includes “Degraded areas and sites with potential for ecological restoration.” It is a stretch to interpret this as requiring all bulkheaded residential properties be considered as restoration candidates.

Indeed, Mr. Geoff Tallent’s SMP Update presentation, representing the Department of Ecology’s SMP policies, unequivocally states that: Restoration “*is not required for existing shoreline development; it may be required to offset impacts from new development*,” and that the Guidelines (WAC 173-26) require the Shoreline Program to have a restoration plan to guide restoration work.”

Thus, the clear intent of the WAC SMP update guidance is to “sustain” these ecosystem wide processes and not to “restore” them as denoted in the Resolution.

It is noted that in previous comments KAPO has pointed out that the county has also misrepresented the WAC’s guidance for “restoration” in its draft Shoreline Inventory and Characterization Report where they identify a majority of the county shoreline as having restoration potential and define restoration as “restore structures and functions of the sites to historical conditions” This is not supported by the WAC, thus it is also requested that this document be changed to be in agreement with the above stated Department of Ecology guidance on restoration of shorelines.

Your attention to these comments would be greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Bob Benze". The letters are cursive and fluid, with the first 'B' being particularly large and stylized.

Bob Benze