

ShoreScore Update

Mar. 24, 2012



Next Planning Commission Meeting - Wed. Mar. 28th. Topic – [Phantom & Meydenbauer](#)

It's the eleventh hour; do you know where your waterline is?

Lake Water Level – How does it affect you and your property?

In the last issue of ShoreScore we provided summary information about government's rights to your property. (See the article on our website – [Click here.](#)) In this issue we review the Ordinary High Water Mark, or OHWM, and how changes to it can affect you.



The OHWM is legally defined in WA code ([RCW 90.58.030](#)). Succinctly, it is the line between aquatic plants that can tolerate water and those that can't. **It's your fourth property line** and the line from which government agencies would measure setbacks for improvements (and allowed repairs) you would like to make on your property. So, it's critical that you defend a proper OHWM or you're giving your property away!

Two of Bellevue's three lakes have witnessed higher and higher water levels. (Lake WA, whose waters are controlled by the Chittenden Locks near Ballard, has a relatively stable water level and OHWM).

There are basically three ways water levels can rise – (A) increasing inflow (opening the spigot), (B) lowered outflow (obstructing/closing the drain), and/or (C) increased precipitation and the rate it arrives at these lakes (enlarging the spigot). Government agencies are primarily responsible for managing A and B. While Mother Nature controls precipitation patterns (and some believe these may be increasing), government plays an important part in C, as well¹.

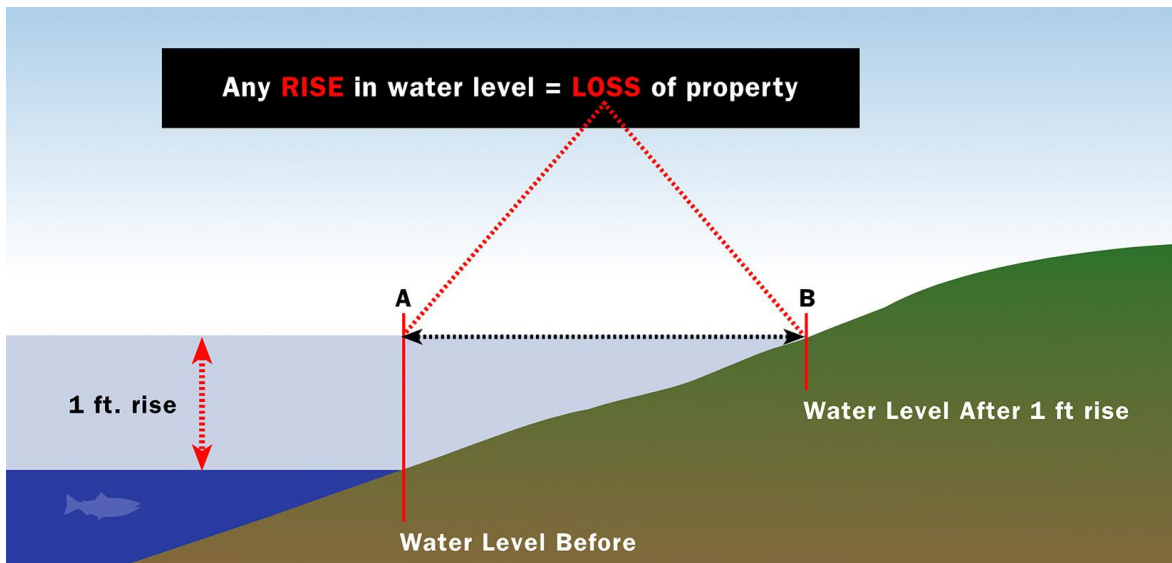


¹ Government development regulations and municipal projects influence the rate of runoff of storm water. Allowing new buildings, say in Eastgate, can result in drainage arriving more rapidly (and in greater quantities), say, to Phantom Lake, thus resulting in more quickly rising water levels. Detention pond systems are one means to manage this, but regulations and responsible project design is required.

Whatever the cause, the consequences of high water levels to property owners include:

- Loss of land through erosion and “benching” action of high waters²
- Loss of access to the shoreline and shoreline structures
- Destruction of docks through recurrent submersion and wave impacts
- Destruction of shoreline improvements, such as structures and landscaping
- Increased risk incurred by destabilization of shoreline trees and structures
- Costs to replace/maintain the shoreline and improvements

And, of course, the OHWM may move higher onto your property, depriving you of its use, as well as lands above it that you thought were yours!



Community Efforts - Residents on Phantom Lake have reported an upward trend of water levels on that lake since the 1980's. Several years ago Lake Sammamish residents began investigating similar circumstances on that lake. Both found government actions culpable.

Phantom Lake Homeowner's Association (PLHOA) board continues to press the City and its departments to assume a responsible, continuous role in managing lake levels and water quality. Among the additional consequences to Phantom Lake is the declaration by the City that **Phantom shorelines are now wetlands**. This designation subjects development and repair permits to harsher Critical Area regulations.



² Erosive action will unnecessarily pull sediment and pollutants into lake waters, impacting fish, wildlife, and humans.



Further, Phantom also faces development pressures. A special City committee has been developing plans to expand Eastgate, **adding up to 2 million more square feet** of development. Residents have asked the City to ensure Eastgate plans not only avoid added runoff to the lake, but that existing runoff is routed away from it. The City has yet to respond to this common-sense solution to a problem that's destroying one of the City's natural resources.

Lake Sammamish residents noted in 2010 persistent high waters, shoreline erosion and damages. Investigating further, they discovered that greatly reduced maintenance and accumulated debris at the head of the Sammamish River were at fault.



A key factor, The Corps of Engineers flood control project at the head of the Sammamish River, now under control of the County, called the weir and transition zone (TZ) was designed to carry storm flow from the lake. Critical to maintaining lake levels, the group dug deeper.

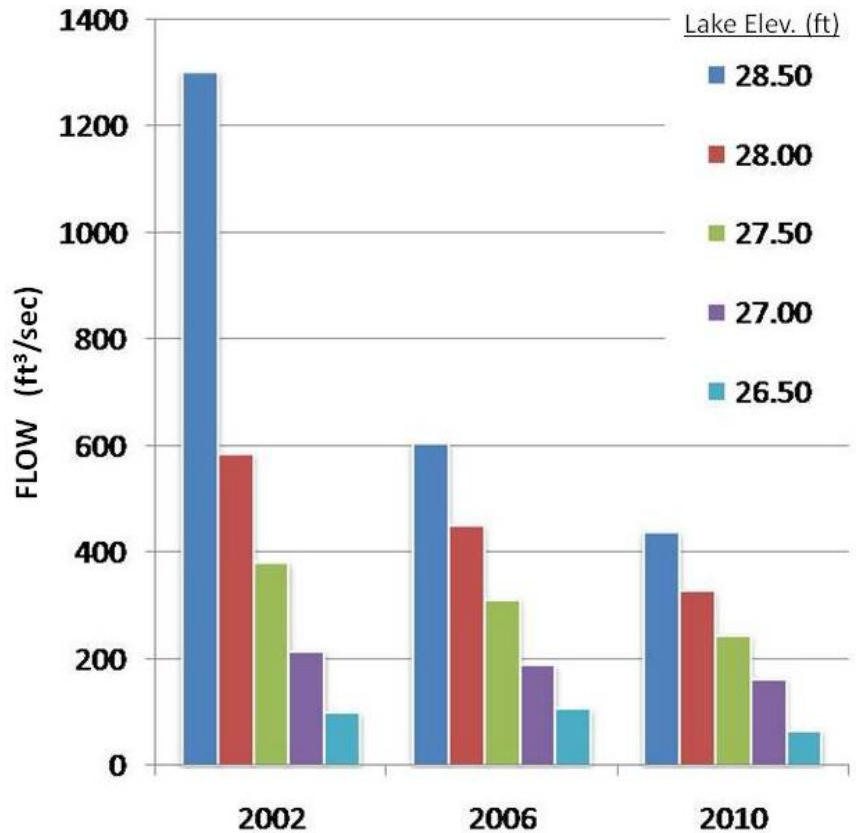


Residents, including WSSA Board members, utilized County data to prove that flow levels have **decreased nearly 50%** in less than a decade.

As lake waters rise, the weir should pass greater and greater amounts of water. IT'S PASSING LESS AND LESS!

To provide flood protection, the Corps designed the project to pass a flow of 1,500 cfs if the lake rises to 29 ft. As you see here, in 2002 it could have, but it no longer does!

Presentation of this information impressed the County of the need for change.



As a result, the County has agreed to a series of corrective actions, only a few of which can be accomplished soon given environmental and fiscal constraints. The actions the County agreed to include 6 items. The following 3 were undertaken last fall (and should continue each year).

- Return to annual trimming of brush in the transition zone (rather than once every two)
- Removal of these cuttings (as opposed to leaving them to create added debris)
- Trimming of center channel “willows” (shrubs) to a 10 ft. width to open the navigation channel

Actions which have not occurred, which are being “studied”, include:

- Removal of sediment (which acts as a dam) that has built-up in the channels
- Removal of downstream weeds clogging the river (and, hopefully, an illegal dam)
- Replacement of the weir and TZ with a new, redesigned (but expensive) facility

WSSA and PLHOA have collaborated in efforts to correct these issues. However, the draft SMP does not recognize this situation. WSSA NEEDS YOUR HELP TO ENCOURAGE CITY AND COUNTY ACTION.

Please attend upcoming Planning Commission meetings and urge the Commission to provide us protection within the Shoreline Management Program!

Please consider contributing to WSSA. Visit our website or mail a check to WSSA, PO Box 6773, Bellevue 98008