

**RE: Shoreline Master Program Update**

I provide the following comments to the Council as a supplement to information previously provided for your meeting this evening. Information submitted to you since I provided my earlier submission prompts this addition, I request that this supplement be added to the record.

Representatives of Save Lake Sammamish recently submitted statements to you dealing with view restrictions, the Ordinary High Water Mark, setbacks, and a demand for property restrictions to protect endangered fish along Bellevue lake shorelines. We believe there is misinformation and mis- understanding as basis for their remarks and demands.

In summary, WSSA believes the City shoreline properties which are not critical areas (i.e., do not contain wetlands, streams, steep slope areas, etc.) and which have been legally developed should not, until sufficient, definitive science and factual information show otherwise, be unduly burdened by costly, dangerous, overly restrictive regulation.

**OHWB** - SLS objects to use of the historic Corps of Engineers OHWM, recommending instead an elevation even higher than that established by a City study.

That study was conducted at a time when lake water levels had been artificially raised. There is no expectation that the OHWM will remain at that elevated level with return to appropriate maintenance. However, it will take a number of years for normative levels to re-establish the true OHWM. It would be punitive to penalize property owners for artificially raised water levels. (See further discussion under Raised Water Levels, below)

**SETBACKS** - SLS requests a 35 ft. setback.

The draft SMP begins with a greater restriction - a 50 ft. setback and, like other jurisdictions, it can be reduced when accompanied by mitigating actions. Similar to other jurisdictions a reduction to 25 ft. is possible when accompanied by mitigating actions.

**NATIVE VEGETATION BUFFER** - SLS also requests that actions within 50 ft. (not 35 ft.) of shore require a restrictive buffer of native vegetation across 75% of the applicant's shorefront to an unspecified distance from shore.

No citations are provided that justify this requirement and the suggestion fails to recognize there will be no loss of vegetation. The draft SMP's Greenscape proposal would result in approximately the same outcome but employ traditional landscaping, thus avoiding a legally questionable restriction on use of these properties.

**LOSS OF VIEWS** - It's hypothesized by SLS that there will be an unbridled demand for re-development to the 25 ft. distance from shore.

This becomes practically impossible if one examines the proposed Greenscape requirements. Further, as explained by WSSA elsewhere, lakeside homeowners desire to maximize their "yard-space" or active use area along the shore, not to have it occupied by their dwelling.

Further, one must consider the alternative situation - a new home would be required to stay back 50 ft. Since most homes have been developed under the 25 ft. historic setback, the new dwelling will be "in a tunnel."

**WRIA 8 RECOVERY PLAN** - SLS representatives cite the regional salmon recovery effort statement that the "... *greatest restoration potential exists on Lake Sammamish.*"

This statement fails to reflect that restoration is not required as part of the regulatory section of the SMP. Restoration can be part of the non-regulatory program.

**SHORELINE STABILIZATION** - SLS also suggests that angled rip-rap, a proposed alternative to vertical bulkheads, is unacceptable.

This recommendation fails to acknowledge rip-rap is an acceptable form of shoreline protection which Ecology recognizes as less impacting than vertical bulkheads. SLS fails to recognize that bulkheads were typically placed for a purpose and casual removal would be imprudent. Further, no consideration seems to have been given by SLS to the reality that soft stabilization will not adequately protect against erosive or more serious damages to both property and the shoreline environment.

**RAISING WATER LEVELS** - Also suggested by SLS is a return to water-level fluctuation patterns that have not been present on our lakes for nearly a century. They argue that allowing fluctuations of 2 feet or more is needed to increase the "... *shoreline habitat complexity by (encouraging) seasonal wetland formation and other habitat-forming interactions at the water-land interface.*"

This idea fails to recognize the developed nature of these shorelines and the associated consequences.

**NEED FOR HABITAT FOR JUVENILE SALMON** - SLS notes juvenile salmon lack "... *high-quality, shallow water habitat with small substrates, in-water wood, overhanging vegetation, and variable edges at the land-water interface.*"

These characteristics are associated with streams and their embankments (commonly known as riparian area), but are not associated with developed shorelines on urban lakes.

**PREDATION** - SLS cites predatory fish as a threat, possibly thriving among invasive, in-water plants.

But, government agencies have introduced these predators and it has not been established that they are a significant threat along Bellevue lake shorelines.

**CONSERVATION** - WSSA agrees with SLS' proposal to "... *conserve the best remaining habitat that supports Chinook salmon spawning.*"

This habitat will be found along lake tributary streams. Not on lake shores.

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**CONCLUSION** - Save Lake Sammamish representatives have proposed a series of actions that, while well intentioned: (a) are not supported by facts, (b) fail to understand the proposed code and the SMA, and (c) deny the realities of shoreline dynamics.



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