

City of Edmonds Shoreline Master Program – Comment Summary

WA Department of Ecology public comment period: February 25 through March 27, 2015

Summary prepared by David Pater, April 13, 2015. City of Edmonds response to comments added June 11, 2015.

Comment # Topic and format	Commenter	Specific Comment	Edmonds Response
1. Edmonds Marsh buffer/setback (email)	Ken Reidy Edmonds WA	Clarify SMP Edmonds Marsh 100-foot buffer /setback combination.	<p>Chapter 11 of the SMP Handbook notes, "Shoreline setbacks are the distances separating two features such as a <i>structure and the water</i>, or a structure and the buffer." The SMP handbook also notes, "Some local governments with intensely developed shorelines have established only setbacks from the OHWM. Vegetation conservation is required, and planting new vegetation, replacing noxious weeds and invasive plants with native plants, and other habitat improvements are required for new or expanded development. These measures meet the requirements of the SMP Guidelines to protect ecological functions, as buffers do."</p> <p>In the City's SMP the definitions for buffer and shore setback are:</p> <p><i>24.90.010.P "Buffer" means the area adjacent to a critical area and/or shoreline that is required for the continued maintenance, function, and/or structural stability of the critical area and/or shoreline. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. Unlike zoning or shore setbacks, buffer areas are intended to be left undisturbed, or may need to be enhanced to support natural processes, functions and values.</i></p> <p><i>24.90.050.A. "Shore setback" means the minimum distance between a structure or use and the shoreline ordinary high water mark.</i></p> <p>By definition, the buffer is adjacent to the critical area or shoreline and the setback is measured from ordinary high water mark, so if there is both a buffer and setback, they will necessarily overlap.</p>

			<p>As mentioned above, the SMP handbook notes, “Some local governments with intensely developed shorelines have established only setbacks from the OHWM. Vegetation conservation is required, and planting new vegetation, replacing noxious weeds and invasive plants with native plants, and other habitat improvements are required for new or expanded development.” This is essentially the approach taken in the Urban Mixed Use IV Environment. The Shoreline Bulk and Dimensional Standards in 24.40.090 (pgs. 54 - 56) in the SMP list the shore setback for the Urban Mixed Use IV designation as 100/50 with a reference to footnote 18 which states, "Setback for new development within the Urban Mixed Use IV environment is 100 feet. New development activities with the Urban Mixed Use IV environment require the establishment of a 50-foot vegetative buffer adjacent to the Edmonds Marsh where the vegetative buffer is absent."</p> <p>Additional vegetation conservation measures are included in 24.40.050 Shoreline Vegetation Conservation as well as 24.40.020 - Critical Areas.</p>
2. Edmonds Marsh buffer/setback (email)	Ken Reidy Edmonds WA	Is the total of 150-foot buffer/setback supported by the following excerpt from a Memorandum to the Edmonds Planning Board dated October 22, 2014?	The total setback/buffer distance in for the Urban Mixed Use IV designation in the draft SMP is 100 feet. The excerpt referenced is from the Director’s update to the Planning Board describing the current (as of the drafting of the memo for the October 22, 2014 Planning Board meeting) status of the SMP before the City Council. At the October 21, 2014 Council meeting, the Council revised the SMP to the current 100/50 foot setback/buffer combination.
3. Shoreline buffers (email)	Ken Reidy Edmonds WA	A shoreline buffer is an area that is to be maintained in an undisturbed state yet allows some development in most situations. How can something be maintained in an undisturbed state, yet allow some development in most situations?	The referenced language and comment are regarding Frequently Asked Questions from the Department of Ecology’s website and is not language contained in the City of Edmond’s SMP.
4. Defining shoreline areas (email)	Ken Reidy Edmonds WA	Please provide a definition of shoreline area. Does the shoreline area include the buffer?	<p><i>Edmonds SMP 24.90.050.B “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.</i></p> <p><i>RCW 90.58.030 (d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a</i></p>

			<p><i>horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.</i></p> <p><i>(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.</i></p> <p><i>(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter;</i></p> <p><i>(g) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;</i></p> <p><i>(e) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;</i></p> <p><i>(f) "Shorelines of statewide significance" means the following shorelines of the state:</i></p> <p><i>(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;</i></p>
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			<p><i>(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:</i></p> <p><i>(A) Nisqually Delta -- from DeWolf Bight to Tatsolo Point,</i></p> <p><i>(B) Birch Bay -- from Point Whitehorn to Birch Point,</i></p> <p><i>(C) Hood Canal -- from Tala Point to Foulweather Bluff,</i></p> <p><i>(D) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and</i></p> <p><i>(E) Padilla Bay -- from March Point to William Point;</i></p> <p><i>(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;</i></p> <p><i>(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;</i></p> <p><i>(v) Those natural rivers or segments thereof as follows:</i></p> <p><i>(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,</i></p> <p><i>(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;</i></p> <p><i>(vi) Those shorelands associated with (f)(i), (ii), (iv), and (v) of this subsection (2);</i></p>
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			A buffer may be included within the shoreline area. An instance where a buffer would not be within the shoreline area is the buffer on an associated wetland where shoreline jurisdiction ends at the boundary of an associated wetland.
5. EPA and NMFS, Minimum Buffer Requirements for Surface Waters (email)	Ken Reidy Edmonds WA	Believes the Edmonds Marsh is classified as a category c wetland under table L-1 (EPA NMFS buffer requirements) because the water body is impeded by a man-made structure (e.g. culvert, dam, etc.) which prevents anadromous or ESA listed fish access.	According to the 2004 Best Available Science Report prepared for the City's 2004 Critical Area Ordinance update, the Edmonds Marsh is a Category 1 wetland. The mapping program associated with Appendix L identifies the two streams that run through the marsh in the Category C column.
6. EPA and NMFS, Minimum Buffer Requirements for Surface Waters. (email)	Ken Reidy Edmonds WA	Is a 100' setback the same thing as a 100' minimum riparian buffer?	In the City's SMP the definitions for buffer and shore setback are: <i>24.90.010.P "Buffer" means the area adjacent to a critical area and/or shoreline that is required for the continued maintenance, function, and/or structural stability of the critical area and/or shoreline. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. Unlike zoning or shore setbacks, buffer areas are intended to be left undisturbed, or may need to be enhanced to support natural processes, functions and values.</i> <i>24.90.050.A. "Shore setback" means the minimum distance between a structure or use and the shoreline ordinary high water mark.</i>
7. EPA and NMFS, Minimum Buffer Requirements for Surface Waters.	Ken Reidy Edmonds WA	Is a 50' riparian buffer within a 100' setback the same thing as a 100' minimum riparian buffer?	See responses to Comment #1 and Comment #6.

(email)			
8. Federal and state grant funding requirements (email)	Ken Reidy Edmonds WA	Edmonds Marsh: does there have to be a setback from the edge of the riparian buffer to meet federal and state funding guidelines?	The SMP was developed to be consistent with the SMA. There are many grant opportunities and each program has its own funding requirements. The buffer guidelines in Appendix L from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance are for three specific grant programs (Centennial Clean Water Program, Clean Water Act Section 319, and Washington State Water Pollution Control Revolving Fund Program). This specific funding guidance document does not mention a setback on buffers.
9. Best Available Science (email)	Ken Reidy Edmonds WA	Does Best Available Science require a setback from the edge of a riparian buffer?	Best Available Science is not a regulation that has specific requirements, rather BAS is used to inform decision making. One reason for including a setback from a buffer is the setback protects the buffer from the impacts related to uses outside of the buffer, such as maintenance on structure.
10. Grant funding guidelines and best available science. (email)	Ken Reidy Edmonds WA	Can the Edmonds SMP just require a 100 ft. riparian buffer with no setback from the buffer? Question applies to both funding guidelines and best available science.	The Edmonds SMP could establish a buffer without a setback requirement and be consistent with the SMA and best available science. The SMP was developed to be consistent with the SMA. There are many grant opportunities and each program has its own funding requirements. The buffer guidelines in Appendix L from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance are for three specific grant programs (Centennial Clean Water Program, Clean Water Act Section 319, and Washington State Water Pollution Control Revolving Fund Program). This specific funding guidance document does not mention a setback on buffers.
11. Buffer Setbacks (email)	Ken Reidy Edmonds WA	Does some law or other requirement also require a setback from the edge of the buffer?	The SMP was developed to be compliant with the Shoreline Management Act and the Shoreline Management Act does not require a setback from the edge of buffers.
12. US Army Corps of Engineers wetland permitting authority (email)	Ken Reidy Edmonds WA	Concerned about the authority the United States Army Corps of Engineers has to issue permits to applicants to work in and next to the valuable and fragile resources located along the shorelines of Edmonds covered under the Edmonds Shoreline Master Program.	While Ecology does administer the Sec. 401 Water Quality Certification, half of the federal Clean Water Act authorizations, the review and approval of the Sec. 404 authorization is administered by the Corps. There are circumstances, such as the Thuessen wetland, when the Corps can determine that a project also meets water quality standards and that no further coordination with Ecology is required. The Corps is administering federal law and does not have a regulatory role in SMA decisions; the Sec. 404 process is independent of shoreline permitting review by the local jurisdiction and Ecology.

13. US Army Corps of Engineers wetland permitting authority (email)	Ken Reidy Edmonds WA	Concerned that public notification related to permit applications the United States Army Corps of Engineers receives, processes, and grants have not been provided in the past.	For projects that do not qualify for a nationwide permit the Corps does provide an opportunity for public comment. Concerns with the Corps' Sec. 404 review process would need to be discussed with the Corps.
14. US Army Corps of Engineers wetland permitting authority (email)	Ken Reidy Edmonds WA	Concerned that public comments have not been allowed to be made in the past related to permit applications the United States Army Corps of Engineers receives, processes, and grants.	All shoreline substantial development, conditional use, and variance permits will have a public comment period. All shoreline conditional use and variance permits will require a hearing before the City of Edmonds' Hearing Examiner as will those substantial development permits that trigger a public hearing in accordance with SMP 24.80.100. Shoreline exemptions do not require a public comment period.
15. US Army Corps of Engineers wetland permitting authority (email)	Ken Reidy Edmonds WA	Concerned that there appears to be no specific appeal process related to permits issued by the United States Army Corps of Engineers to work in and next to the valuable and fragile resources located along the shorelines of Edmonds covered under the Edmonds Shoreline Master Program.	The SMP does not establish an appeal procedure for Army Corps of Engineers permits. Appeal procedures for Army Corps of Engineers permits are detailed in 33 CFR Part 331. Appeal procedures for city issued shoreline permits are contained in SMP 24.80.110.C.
16. US Army Corps of Engineers Wetland permitting authority addressed within SMP update. (email)	Ken Reidy Edmonds WA	Based on the United States Army Corps of Engineers historic behavior in the City of Edmonds, I believe the role the U S Army Corps of Engineers can play related to the valuable and fragile resources located along the shorelines of Edmonds should be covered under the Edmonds Shoreline Master Program.	<p>The Washington State Shoreline Management Act and Edmonds Shoreline Master Program do not have the authority to direct the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers is governed by federal regulations.</p> <p><i>SMP 24.10.030.A Uses, developments and activities regulated by this Chapter may also be subject to the provisions of the city of Edmonds comprehensive Plan, the Washington State Environmental Policy Act, Edmonds City Code, and various other provisions of local, state, and federal law, as may be amended. Project proponents shall comply with all applicable laws prior to commencing any use, development or activity.</i></p>
17. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Finis Tupper Edmonds WA 98020	Concerned about how the setback and buffer requirements in the Urban IV area (Edmonds Marsh) were changed by the City Council on October 31, 2014, 864 days from the Planning staff original presentation and after public comment and participation with no scientific support of lesser amount of 50 ft. setback from the 50 ft. buffer.	<p>I believe the reference is to the October 21, 2014 Council meeting.</p> <p>The City concurs that the SMP update was a long process. It is within the City Council's authority to make appropriate changes to the SMP (or anything else within their legislative authority) prior to adopting the SMP. As noted in the response to number 20 below, the use of scientific information in the SMP is guided by WAC 173-26-201(2)(a). The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of</p>

			Ecology consistent with WAC 173-26-201.
18. Ecology SMP handbook (email)	Finis Tupper	The SMP handbook clearly defines setbacks and buffers as two separate requirements not one requirement that can be combined.	See response to Comment #1. Dept. of Ecology response: Concur with Edmonds response. In addition the SMP handbook Ch.11 (pg. 2-4) also explains the function of a structural setback from a buffer. A setback from a buffer protects the buffer from the impacts related to use of a structure. This is a very common approach other local SMP use to further protect the integrity of shoreline buffer ecological functions.
19. SMP process clarification for defining Edmonds Marsh buffers and setback (email)	Finis Tupper	The City staff presentation at the October 21, 2013 Council Meeting and proposed SMP update had a 150 ft. setback with 50 ft. buffer that equaled 200 feet. This was the dimension measurement after all the meetings and public comment. What is confusing, is this was the first time public was advised the two measures are not separate but combined measurement of both buffer/setback dimensional requirements. The setback measurement is from OHWM and not from the 50 ft. buffer line.	I believe the reference is to the October 21, 2014 Council meeting. Staff advised the Council of the difference between buffers, setbacks, and shoreline jurisdiction at several Council meetings (2/26/13, 3/26/13, 6/4/13, 12/17/13, 9/2/14, 9/16/14, and 10/21/14). How the vegetative buffer is located within the setback was specifically discussed at the December 17, 2013 Council meeting, which is the first time the setback/buffer combination was discussed. The images used to show the combination buffer/setback provision for the Urban Mixed Use IV environment clearly showed the buffer is to be contained within the setback.
20. Availability of marsh buffer related documents (email)	Finis Tupper	October 21, 2013 Council Meeting: Councilmember Buckshnis apologized to staff for her misunderstanding of the setback/buffer measurements calculation. She went on to say, she was member of WRIA-8 Board and all the Native Americans want is a 100 ft. setback. She claimed to have a NOAA grant document and offered to supply it to Councilmember Petso in support of the measurement change in the SMP update. City staff noted this document was not available on any of the SMP documents or to the public prior to closing comment.	I believe the reference is to the October 21, 2014 Council meeting. Appendix L from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance is a publicly available document. The funding guidelines are not one of the SMP documents, but was used as other available information in determining the size of buffers/setbacks for the Urban Mixed Use IV shoreline environment. The funding guidelines and Appendix L was emailed to the City Council on October 22, 2014.
20. Best Available Science (email)	Finis Tupper	I have always thought the Shoreline Management Plan updates are required to use "Best Available Science" and not Grant funding opportunities to determine the best measurements for setback/buffer that protect and preserve natural water/wetland	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.

		<p>features and habitats.</p>	<p>With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>21. Edmonds Marsh buffer/setback (email)</p>	<p>Finis Tupper</p>	<p>The Port of Edmonds, owners of Harbor Square Development that abuts the Edmonds Marsh, would be grandfathered and suffer no damages with a 50 ft. buffer and 150 ft. setback from the vegetation buffer.</p>	<p>The existing uses and structures at Harbor Square would be nonconforming uses subject to the requirements of SMP 24.70.000 – 24.70.050.</p> <p>The Port of Edmonds currently has no applications for constructing new</p>

		Although the Port has passed a Master Plan that if approved by the City Council would intensify use and development that could possibly affect the ecology of Marsh and proposed day lighting of Willow Creek.	buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
22. Edmonds Marsh buffer/setback (email)	Finis Tupper	I would hope that the Department of Ecology requires Edmonds to clear up this confusion and determine if a 50 ft. vegetation buffer and 150 ft. setback for any new development is and was appropriate measurement for Urban IV area. This is the setback/buffer measurement public believed to be necessary for compliance with the Shoreline Management Act, it is also the measurement used by many counties and cities in Washington.	Edmonds response: The interim designation for the Urban Mixed Use IV shoreline environment establishes a 100-foot buffer with the requirement to establish a 50-foot vegetative buffer within the setback. See the response to comment Number 1. Ecology response: As part of their final review of the Edmonds SMP the Dept. of Ecology will evaluate the Urban Mixed Use IV Environment buffer /setback for protection of Edmonds Marsh.
23. SMP Page 41 item #4: Restricting wetland intrusion and disturbance. 24.40.020 F.2.f. Wetland Buffer Width Averaging (email)	Finis Tupper	This section of the Edmonds SMP defeats the entire purpose of having a buffer requirement for wetlands and shorelines. The proposed process is not open and transparent to the public. In fact, the authority solely bestowed upon the Director constitutes an administrative variance without public notice, public hearing and impartial legal decision-making. Edmonds and the environment would be better served by requiring any deviation from the buffer requirement be heard and ruled on by the City Hearing Examiner with appeal to City Council.	Buffer width averaging is a common practice supported by the Department of Ecology. Department of Ecology's Wetlands & CAO Updates: Guidance for Small Cities (Publication No. 10-06-002) notes: <i>Buffer Averaging</i> Local governments often wish to allow buffer widths to be varied in certain circumstances. This may be reasonable if your standard buffers are adequate. The width of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel. We recommend that a request for buffer averaging include a wetland report. The report should be prepared by a qualified professional describing the current functions of the wetland and its buffer and the measures that will be taken to ensure that there is no loss of wetland function due to the buffer averaging. The width of the buffer at any given point after averaging should be no smaller than 75% of the standard buffer. The City of Edmonds, at the direction of Ecology, incorporated the wetland Guidance for Small Cities into the SMP and the provisions are consistent with the guidance from the Department of Ecology.
24. Edmonds	Finis Tupper	The Department of Ecology should require the City of	The Department of Ecology will conduct a thorough review of the

Marsh buffer/setback, Urban Mixed Use IV (email)		Edmonds Shoreline Master Plan require a 100' buffer and delete the word setback to satisfy the buffer requirement of Appendix L and Table L-1 of the Riparian Restoration Guidelines and adopted by your department, EPA and NOAA.	Urban Mixed Use IV buffer/setback for consistency with State SMP guidelines.
25. Edmonds Marsh (email)	Barbara Tipton Edmonds WA 98026	Friends of the Edmonds Marsh believe Edmonds Marsh represents a unique opportunity for the community to create a wildlife and recreational area that attracts visitors to our city.	The Edmonds SMP recognizes the importance of the Edmonds Marsh as evidenced by three specific policies in the SMP relating to the marsh and three marsh related projects being identified in the Restoration Plan.
26. Edmonds Marsh buffer /setback (email)	Barbara Tipton	The Port of Edmonds took issue with the proposed 100 foot setback from the shoreline of the Edmonds Marsh in the proposed in the SMP. The Port Commission firmly supports the current 25 foot setback. They view the setback as “an arbitrary taking of property rights.” Yet I haven’t seen any proposed development drawings or data that would substantiate the Port’s argument that they would suffer financial doom.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City’s SMP.
27. Edmonds Marsh buffer /setback (email)	Barbara Tipton	All of the hard work will be for naught if the 25-foot Port of Edmonds setback is upheld. State and Federal funding will be in jeopardy if we are not in compliance with the SMA. The Edmonds Marsh is subject to the jurisdiction of the SMA based on Washington State Code 173-22-040.	The SMP was developed to be consistent with the SMA. There are many grant opportunities and each program has its own funding requirements. The buffer guidelines in Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance are for three specific grant programs (Centennial Clean Water Program, Clean Water Act Section 319, and Washington State Water Pollution Control Revolving Fund Program).
28. SMP and Urban Mixed Use IV Interim designation (email)	Diane Buckshnis and Steve Tholl Edmonds WA 98020	We are in total support of the Shoreline Master Program for the City of Edmonds which includes the interim designation of a hundred foot setback/buffer in the Urban Mixed Use IV category.	Noted.
29. Port of Edmonds proposed Harbor Square Master Plan (email)	Phil Lovell P.E., MASCE Edmonds, WA 98026	The Port of Edmonds proposed Harbor Square Master Plan developed, vetted, and published in 2012 enjoyed <i>universal acceptance</i> and approval by all in terms of buffers, setbacks, etc. in conjunction with the Marsh, knowing full well that plans are in the works to restore the Marsh starting with the day lighting of Willow Creek.	Noted.
30. Edmonds	Phil Lovell	The current 25 foot 'border zone' and 50 ft. 'no-more-	WAC 173-26-201(2)(c) notes the SMP guidelines “ <i>are designed to assure, at</i>

Marsh buffer/setback (email)		build' buffer contained within those plans and upheld within the original Planning Board-approved version of the City SMP <i>are just fine</i> 'marsh-preservation wise', both currently and for the future.	<p><i>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."</i></p> <p>While the City's SMP has been developed to assure no net loss of shoreline ecological functions, nothing the SMA or the SMP guidelines contained in WAC 173-26 prohibit the City of Edmonds from exceeding the minimum standard of no net loss. The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Policies (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP 24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.</p> <p>Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.</p>
31. Edmonds Marsh buffer/setback (email)	Phil Lovell	The temporary and/or permanent 100 ft. Edmonds Marsh buffer/setback passed by the City Council is totally unnecessary, unwarranted, and insults the Port's expressed desires and intentions to fully participate in the well-being of the Marsh.	See response to comment number 45.
32. Edmonds Marsh buffer/setback (email)	A Dexter Chapin Edmonds , WA 98020	The Port of Edmond Commission argues against the SMP buffer zones and setbacks. When the SMP was being developed there was a great deal of research, thought, and discussion put into it. The result is based on science and popular will.	Noted.
33. Port profits vs. marsh impacts (email)	A Dexter Chapin	The Port's position seems to be based on a short-term profit motive. They cannot contract with builders to make a huge profit in six-story condos that once sold will generate little income. Short-term income vs. long-term damage; which will it be?	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.

34. Edmonds Marsh buffer/setback (Letter and attachments)	Robert McChesney Executive Director Port of Edmonds	Objects to imposition of expanded buffers and setbacks on Edmonds Marsh and encroachment upon Port's Harbor Square property.	Noted.
35. Edmonds Marsh buffer /setback (letter and attachments)	Port of Edmonds	Record shows existing 25 ft. buffer meets SMA no net loss criteria, no science to support larger buffers.	<p>WAC 173-26-201(2)(c) notes the SMP guidelines “<i>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.</i>”</p> <p>While the City's SMP has been developed to assure no net loss of shoreline ecological functions, nothing the SMA or the SMP guidelines contained in WAC 173-26 prohibit the City of Edmonds from exceeding the minimum standard of no net loss. The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Policies (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP 24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.</p> <p>Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.</p>
36. Edmonds Marsh buffer /setback (letter and attachments)	Port of Edmonds	SMP proposed 100-foot marsh buffer/setback would diminish the value of the Port's Harbor Square property for future redevelopment and lost marsh restoration opportunities.	<p>Establishing the 100-foot setback/buffer requirement as an interim designation will ensure restoration opportunities are maintained while a permanent designation and regulations are studied. As the SMP notes:</p> <p><i>Establishing the Urban Mixed-Use IV designation as an interim designation will allow the City, in cooperation with property owners, Ecology, scientists, interested agencies/organizations, and members of the public, to carefully review effects of establishing a new shoreline jurisdiction for the area around the marsh on existing and planned development as well as the ecological role</i></p>

			<i>the Edmonds Marsh plays in the City of Edmonds.</i>
37. Edmonds Marsh buffer /setback (letter and attachments)	Port of Edmonds	SMP proposed 100-foot marsh buffer/setback would foreclose Edmonds Marsh restoration (buffer enhancement, storm water mgt. upgrades) for lack of Harbor Square redevelopment economic feasibility.	See response to 36.
38. Edmonds Marsh buffer /setback justification (Letter and attachments)	Port of Edmonds	SMP record demonstrates flaws in City’s justification for proposed 100-foot marsh buffer/setback and critical gaps in its determination. The Port believes the expanded buffers/setbacks as presented in their SMP is arbitrary, capricious and completely unnecessary.	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.</p> <p>With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-</p>

			26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.
39. Edmonds Marsh buffer/setback Justification (Letter and attachments)	Port of Edmonds	The Port requests that DOE consider all the facts and issues as required by law, and that DOE overrule the City in this particular instance to maintain the existing marsh buffer and/or setback to a total of 25 feet.	The Department of Ecology will conduct a thorough review of the Urban Mixed Use IV buffer/setback for consistency with State SMP guidelines.
40. Edmonds Marsh buffer/setback Justification (Letter and attachments)	Port of Edmonds (K & L Gates)	The SMP proposes a 50-foot buffer and overlapping 100-foot setback, without the City substantiating this buffer/setback area with any valid applicable scientific information required by the WA State Shoreline Management Act, 90.58 RCW (SMA) and applicable SMA implementing regulations.	A careful review of the city’s SMP reveals that the buffer and setback serve different purposes. WAC 173-26-201(2)(a) does not require that only scientifically purposes be served by the SMP. While there is some underlying scientific justification behind the 100-foot setback, its primary purpose is to put the city in a better position to receive grant funding to restore the marsh. The Department of Ecology “has increased the minimum requirements for riparian buffers to protect and restore salmon fisheries and achieve water quality standards. These new requirements apply to funding for projects that address nonpoint pollution problems, including Section 319 grants, Centennial Clean Water Fund grants or loans, and the Water Pollution Control State Revolving Fund loans.” Department of Ecology Funding Guidelines, Appendix L. In Western Washington, these funding guidelines require a 100-foot minimum buffer for Perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species. It was proper for the city to take these funding guidelines into account as economic and other pertinent data under WAC 173-26-201(2)(a) and RCW 90.58.100 .
41. Edmonds Marsh buffer / setback Justification (Letter and attachments)	Port of Edmonds (K & L Gates)	Because the 100-foot buffer/setback is unlawful and invalid under applicable SMA standards, The Port requests that Ecology identify a 25-foot buffer as necessary to comply with the relevant provisions of the SMA (with no additional setback).	The Department of Ecology will conduct a thorough review of the Urban Mixed Use IV buffer/setback for consistency with State SMP guidelines.

42. Summary of SMP violations of the SMA and applicable Ecology SMA Regulations (Letter and attachments)	Port of Edmonds (K & L Gates)	The 100-foot buffer/setback is unsupported by the most current accurate and complete scientific information available.	<p>RCW 90.58.100(1) states: "In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible: ... (e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data..."</p> <p>Further elaborating on the statutory requirement, WAC 173-26-201(2)(a) states: "The requirement to use scientific and technical information in these guidelines does not limit a local jurisdiction's authority to solicit and incorporate information, experience, and anecdotal evidence provided by interested parties as part of the master program amendment process. Such information should be solicited through the public participation process described in WAC 173-26-201 (3)(b). Where information collected by or provided to local governments conflicts or is inconsistent, the local government shall base master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data."</p> <p>Read together, these provisions allow the city to solicit and incorporate not only scientific and technical information but also economic information and other pertinent data. The city has some discretion to balance these various sources of information in crafting its program. So, the latest scientific data is not the sole factor to be considered by the City.</p>
43. Summary of SMP Violations of the SMA and Applicable Ecology SMA Regulations (Letter and attachments)	Port of Edmonds (K & L Gates)	The 100-foot buffer/setback is not supported by scientific or biological information and fails to meet the SMP regulatory requirement that it be based on "most current, accurate, and complete scientific or technical information available." WAC 173-26-201(2)(a).	See response to Number 42.
44. Summary of SMP Violations of the SMA and Applicable Ecology SMA Regulations (Letter and	Port of Edmonds (K & L Gates)	The 100-foot figure was derived from a grant funding guidance document (known as Appendix L) that applies to different types of water bodies and different ecological functions and values, inapplicable to the ecological conditions present at Marsh. (See Ex. A.) Appendix L is applicable to streams, not wetlands, and does not contemplate	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.</p> <p>With regard to the use of scientific information WAC 173-26-201(2) notes: (a) <i>Use of scientific and technical information. To satisfy the requirements</i></p>

<p>attachments)</p>		<p>the ecological functions and values at issue here.</p>	<p><i>for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>45. The SMP prevents improvements to the Ecology of the Marsh (Letter and attachments)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>The current SMP hinders redevelopment of Harbor Square (<i>see Ex. B</i>), and therefore inhibits and interferes with the "unique opportunity," (Stockdale DOE letter to Mayor Earling 3/11/2014)</p>	<p>WAC 173-26-186(8)(c) states: “For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. ... These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development</p>

			<p>regulations and mitigation standards.”</p> <p>This comment from the Port may be mooted in large part by the Port’s recent improvements to the existing Harbor Square improvements. On April 7, 2015, Port Commissioner Fred Gauge provided an update to the City Council regarding Harbor Square, noting the Master Plan has been shelved by the Port Commission. Commissioner Gauge recounted that in the last year, the Port spent nearly \$1 million for roofs and new HVAC systems in buildings 1, 2 and 5. In 2015 the Port plans to replace the roofs and HVAC on buildings 3 and 4 at a cost of approximately \$750,000. Commissioner Gauge suggested that the Port made these 20-year improvements believing that the current zoning would not make redevelopment feasible. Harbor Square includes approximately 102,000 square feet of office space and is currently about 83% occupied.</p> <p>Considering that the Port has mothballed its redevelopment plans, it would appear that the most effective policies and programs to restore ecological functions are the ones that involve grant funding, which makes the inclusion of the 100-foot setback entirely appropriate. The approach to restoration planning may vary significantly among local jurisdictions, depending on, among other things, the availability of grants. WAC 173-26-201(f).</p>
<p>46. The SMP prevents improvements to the Ecology of the Marsh (Letter and attachments)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>As Ecology acknowledged in its March 2014 Letter on the SMP, "redevelopment activities in urban environments can be a 'friend of the environment' and can generate some of the funding necessary to improve the ecological functions of wetlands and the critical areas they border."</p>	<p>See response to number 45.</p>
<p>47. The SMP prevents improvements to the Ecology of the Marsh (letter and attachments)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>The SMP and the City’s process failed to analyze the negative impact of the 100-foot buffer/setback on redevelopment of Harbor Square, and the resulting improvements to the Marsh which would flow from redevelopment in the form of funded mitigation, as required by WAC 173-26-186(8)(c). Such redevelopment would include upgrading the property's storm water runoff controls, thereby improving the conditions at the Marsh.</p>	<p>See response to number 45.</p>

48. The SMP prevents improvements to the Ecology of the Marsh (letter and attachments)	Port of Edmonds (K & L Gates)	The SMP fails to consider indirect restoration effects that may flow from a 25-foot buffer; WAC 173-26-186(8)(c) requires SMPs to consider "restoration effects that may flow indirectly from shoreline development regulations." In addition, imposing buffers on developed property is inconsistent with the Shoreline Guidelines.	See response to number 45.
49. The setback is a buffer in disguise (letter and attachments)	Port of Edmonds (K & L Gates)	This additional 50-ft. setback area functions as no more than a "buffer in disguise". The concept of a "setback" arose in the City's deliberations only after it became clear that scientific information did not support the City's prior proposal.	See response to number 40.
50. The setback is a buffer in disguise (letter and attachments)	Port of Edmonds (K & L Gates)	The City has not articulated a substantive difference between the functions of the buffer and the setback area in its SMP, and the record shows that the City seeks to comply with only the letter of Ecology's 50-foot buffer recommendation. This result violates the SMA requirement that SMPs be based on the most current, accurate, and complete scientific or technical information available.	See response to number 40.

<p>51. The buffer/setback is invalid as an interim measure under the SMA (letter and attachments)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>The City has not complied with the SMA's statutory requirements regarding interim controls. SMA interim controls are limited to six-month intervals (RCW 90.58.590), but the City proposes an interim buffer/setback control for a two-year duration. The current SMP is legally defective and will be void for failure to comply with RCW 90.58.590.</p>	<p>With an interim official control adopted under RCW 90.58.590, it is contemplated that such an interim measure would sunset automatically after six months if not replaced with a permanent regulation or renewed for another six month period. By default, such expiration would ordinarily leave the preexisting shoreline regulation in place. With the Interim Urban Mixed Use IV environment, there is no preexisting shoreline regulation because the area is new to the shoreline jurisdiction. Note the absence of any language about expiration in the regulation. So, the city's use of "interim" in this context should not be construed as an interim official control under RCW 90.58.590. Rather, it should be construed as an expression of legislative intent to revisit this environment within the two-year period and adopt some kind of amendment, either by removing the "interim" descriptor if no substantive changes are desired or by adopting a substantive amendment to the regulations for this environment. By using this language, the city is signaling its intent to update this environment six-years sooner than the normal eight-year update cycle. RCW 90.58.590 is not applicable here.</p>
<p>52. Edmonds Marsh buffer/setback redevelopment impacts (letter and attachments item II)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>An economic analysis of the impacts on Harbor Square redevelopment concludes a 100-foot Marsh buffer/setback would significantly impede if not preclude redevelopment of the property, preventing mitigation and wetlands improvement measures that would be funded by redevelopment.</p>	<p>See response to Number 45.</p>
<p>53. Interim Urban Mixed Use IV designation ((letter and attachments Item II)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>The City has styled the 100-foot buffer/setback as an interim measure applicable for two years. However, minutes of Council meetings reveal that a full amendment to the SMP would be required to modify the buffer/setback.</p>	<p>See response to Number 51.</p>
<p>54. Incorporation of most current information (letter and attachments) (Item III)</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>The City is required to "base master program provisions on an analysis incorporating the most <i>current, accurate, and complete scientific or technical information available.</i>" WAC 173-26-201 (2)(a)</p>	<p>See response to Number 42.</p>
<p>55. Incorporation of most current information (letter</p>	<p>Port of Edmonds (K & L Gates)</p>	<p>RCW 90.58.020 requires local governments to comply with RCW 90.88.100, which requires use of all available information regarding hydrology,</p>	<p>See response to Number 42.</p>

and attachments) (Item III)		geography, topography, ecology, economics and other pertinent data. If conflicting data is encountered, or the public participation process reveals experience or anecdotal evidence that is contrary to the scientific information, the City is required to "base master program provisions on a <i>Reasoned, objective evaluation</i> of the relative merits of the conflicting data." WAC 173-26-201 (2)(a)(iii)	
56. No net loss of ecological functions (letter and attachments) (Item III)	Port of Edmonds (K & L Gates)	Master programs "shall include policies and regulations designed to achieve <i>no net loss</i> of ... [shoreline] ecological functions." WAC 173-26-186(8)(b)	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.
57. Buffer and Setback distinctions (letter and attachments) (Item IV)	Port of Edmonds (K & L Gates)	The City is not making a meaningful distinction between "buffers" and "setbacks"— the only source cited is Appendix L (funding guidance for water quality grant programs), which does not recommend setbacks, only buffers.	See response to Number 40.
58. Appendix L (funding guidance for water quality grant programs) (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	The Appendix L information relied on by the City was prepared not for purposes of protecting shoreline-related ecological functions and values of wetlands, but for streams in another context (i.e., grant funding eligibility). The City has inappropriately applied Appendix L to the SMP.	See responses to Number 40 and 44.
59. Appendix L (funding guidance for water quality grant programs) (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	The City has misapplied the Appendix L guidelines even to the stream that is mapped within the Marsh. Ecology maps reveal streams that do pass through certain portions of the southern and eastern areas of the Marsh—Willow and Shellabarger Creeks. But the closest mapped stream passes more than 100' from Harbor Square.	See response to Number 44.

60. Proposed 100-ft. buffer/setback not based on the "most current, accurate and complete scientific ... information". WAC 173-26-201 (2)(a) (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	The City has failed to meet its scientific burden with respect to the Edmonds Marsh buffer/setback, and the SMP lacks a scientific basis on which to base a 100-foot buffer/setback from the Marsh.	See response to Number 42.
61. Imposition of development regulations (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	Imposition of development regulations (i.e., buffers and setbacks) on developed property is inconsistent with the Shoreline Guidelines. Master Programs must include "regulations to achieve no-net-loss of functions". WAC 173-26-186(8)(b)	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.
62. Restoration (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	SMP uses regulations to try to achieve restoration in a manner inconsistent with the SMP Guiding Principles, which omit shoreline regulations as a tool for forcing restoration under WAC 173-26-186(8) (c).	<p>Because one of the city's main restoration strategies is to qualify for grant funding, the city's SMP must be consistent with the funding guidelines in Appendix L. Hence, the 100-foot setback cannot be looked at merely as a regulation designed to restore ecological function. It must also be viewed through its indirect effect on the city's ability to obtain grant funding to restore the marsh.</p> <p>It should be noted that the 100-foot setback regulation only has direct effect if and when redevelopment occurs near the marsh. And, as noted above, the Port's recent actions and statements suggest that redevelopment could be twenty years away.</p>
63. Buffer justification (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	City Council minutes fail to reveal why 50 feet should be justified as a setback, and not a buffer.	See response to Number 40.
64. Marsh setback	Port of Edmonds	Ecology should view the entire 100 feet for what it	The Department of Ecology will conduct a thorough review of the

role (letter and attachments) (Item V)	(K & L Gates)	is, an attempt to establish a buffer by another name. Allowing regulation by relabeling would set a dangerous precedent and undermine the purpose of the SMA.	Urban Mixed Use IV buffer/setback for consistency with State SMP guidelines.
65. Buffer expansion justification (letter and attachments) (Item V)	Port of Edmonds (K & L Gates)	Landau Associates has concluded that the existing buffer width at Harbor Square of 25 feet meets the "no net loss" criteria. (Ex. A at 4.) The City has failed to establish any scientific basis to support expanding the buffer/setback area beyond that limit.	See responses to comment Numbers 35, 42, and 44.
66. SMP precludes beneficial marsh mitigation and failed to consider restorative effects (letter and attachments) (Item VI)	Port of Edmonds (K & L Gates)	The City was required to "appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any <i>restoration effects that may flow indirectly from shoreline development regulations and mitigation standards</i> ". WAC 173-26-186(8)(c)	See response to Number 52.
67. SMP precludes beneficial marsh mitigation and failed to consider restorative effects (letter and attachments) (Item VI)	Port of Edmonds (K & L Gates)	The City should have considered that a 100-foot buffer/setback would impede Harbor Square redevelopment as an indirect effect of its regulation, while a 25-foot buffer would allow restoration.	See response to Number 52.
68. A two-year interim designation is prohibited by the SMA (letter and attachments) (Item VII)	Port of Edmonds (K & L Gates)	The SMP is required to limit interim controls to six-month durations, and further requires compliance with the procedures and standards set forth in RCW 90.58.590. The City has not complied with this statutory provision, and accordingly, the two-year "interim" buffer/setback designation is invalid as a matter of law.	See response to Number 51.
69. Conclusion (letter and attachments) (Item VII)	Port of Edmonds (K & L Gates)	The Port respectfully requests that Ecology specify a modification to the SMP requiring a 25-foot buffer, and no additional setback, surrounding the Edmonds Marsh.	The Department of Ecology will conduct a thorough review of the Urban Mixed Use IV buffer/setback for consistency with State SMP guidelines.

<p>70. Edmonds Marsh buffer/setback inconsistent with Ecology SMP handbook (letter and attachments) (Item A)</p>	<p>Port of Edmonds (Landau Associates)</p>	<p>Based on a review of available information from the City and the Ecology chapter 11 SMP Handbook, no scientific or technical information or logical process is available that supports the City Council’s application of a 100-ft setback for the Edmonds Marsh.</p>	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.</p> <p>With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>71. Edmonds</p>	<p>Port of Edmonds</p>	<p>The recommended 100-ft buffer/setback is</p>	<p>The SMP handbook notes, “Some local governments with intensely developed</p>

Marsh buffer/ setback inconsistent with Ecology SMP handbook (letter and attachments) (Item A)	(Landau Associates)	inconsistent with Ecology recommendations within chapter 11 of the SMP Handbook for areas with similar highly developed conditions.	shorelines have established only setbacks from the OHWM. Vegetation conservation is required, and planting new vegetation, replacing noxious weeds and invasive plants with native plants, and other habitat improvements are required for new or expanded development.” This is essentially the approach taken in the Urban Mixed Use IV Environment. The Shoreline Bulk and Dimensional Standards in 24.40.090 (pgs. 54 - 56) in the SMP list the shore setback for the Urban Mixed Use IV designation as 100/50 with a reference to footnote 18 which states, "Setback for new development within the Urban Mixed Use IV environment is 100 feet. New development activities with the Urban Mixed Use IV environment require the establishment of a 50-foot vegetative buffer adjacent to the Edmonds Marsh where the vegetative buffer is absent." Additional vegetation conservation measures are included in 24.40.050 Shoreline Vegetation Conservation as well as 24.40.020 - Critical Areas.
72. The 100-ft setback proposed by the City Council is inconsistent with the requirements of WAC 173-26- 201(2)(a) (letter and attachments) (Item A)	Port of Edmonds (Landau Associates)	Justification for the proposed setback does not follow a logical process outlined by Ecology guidance (chapter 11 SMP Handbook).	Edmonds Response: See response to Comment #70. Ecology Response: Concur with Edmonds response. In addition the Urban Mixed Use IV Environment buffer/setback will be evaluated within Ecology’s final SMP review, this will include review of the referenced supporting scientific and technical information outlined in WAC 173-26-201 (2) (a).
73. The 100-ft setback proposed by the City Council is inconsistent with the requirements of WAC 173-26- 201(2)(a) (letter and attachments) (Item A)	Port of Edmonds (Landau Associates)	Appendix L of the Funding Guidelines is associated with grant funding for water pollution control projects and specific to riparian buffers. It is not applicable scientific or technical information for development of the City's SMP as referenced in Ecology SMP technical assistance documentation. Furthermore, it is not applicable to the Edmonds Marsh, which is a wetland.	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i>

			<p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>74. Current 25-ft. buffer meets no net loss of ecological functions (letter and attachments) (Item A)</p>	<p>Port of Edmonds (Landau Associates)</p>	<p>Based on the Port’s knowledge of the physical characteristics of the Edmonds Marsh and the adjacent Harbor Square properties, and review of the available documentation and testimony from the Port of Edmonds, City staff, and Ecology correspondence, it is our opinion that the existing 25-ft buffer meets the state “no net loss” criteria.</p>	<p>WAC 173-26-201(2)(c) notes the SMP guidelines “<i>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.</i>”</p> <p>While the City’s SMP has been developed to assure no net loss of shoreline ecological functions, nothing the SMA or the SMP guidelines contained in WAC 173-26 prohibit the City of Edmonds from exceeding the minimum standard of no net loss. The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Polices (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP</p>

			<p>24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.</p> <p>Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.</p>
75. Land Value and Ground Rent (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	An additional 75 feet of buffer /setback applied to Harbor Square reduces the developable footprint by 2.2± acres, the reduction in land value to the Port of Edmonds is over \$3.1 million. The cost to the Port in ground rent due to this proposal is approximately \$250,000 per year.	<p>“The policy goals for the management of shorelines harbor potential for conflict.” WAC 173-26-176. One of these policy goals is to “Protection and restoration of the ecological functions of shoreline natural resources.” WAC 173-26-176(3)(c). Another one of these policy goals is to “Recognizing and protecting private property rights.” WAC 173-26-176(3)(h). There is obvious tension between these two policy goals because it is not likely that former can be achieved on a voluntary basis without any regulation. Assuming for the sake of argument that the port’s property interests should be viewed the same way as private property rights, concern for these rights must be balanced with the city’s desire to restore the ecological functions of the marsh. The city believes that these regulations achieve that balance.</p>
76. Development Potential (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	Harbor Square is constrained by rezoning limitations, building height, parking and high water table, the proposed 100 ft. buffer/setback adds further constraints to development flexibility, which impacts the ability of the Port to attract a development partner.	See response to Number 75.
77. Development Potential (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	The prevailing trend in this area has been for developers to construct as much building as physically possible while staying within zoning code requirements. Structural parking costs are ten times more expensive than surface parking which means the 50 outer setback would be used for parking if Harbor Square is redeveloped.	See response to Number 75.

78. Effect on Tax Base (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	The reduced building area from the 100-ft. buffer/setback would cost \$930,000 to \$1,460,000 million in non-recurring revenues to affected governments and public agencies, and the estimated cost to the City of Edmonds is \$121,000 to \$167,000. For recurring revenues, the annual costs are \$261,000 to \$314,000 overall, and \$56,000 to \$64,000 to the city.	See response to Number 75.
79. Effect on the Economy (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	Not including jobs from new construction and multiplier effects, a new 50,800 SF commercial building would directly add at least 135± jobs to the local economy. At a state-level multiplier of 1.9, the total economic impact is 257 jobs to the city.	Job creation is not a policy goal of the Shoreline Management Act.
80. Effect on the Environment (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	With the existing 25-foot buffer, the property is more marketable and enhancements like upgraded storm water treatment would occur sooner than otherwise.	See response to Number 75.
81. Effect on the Environment (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	With the proposed 100-ft. buffer/setback, the time horizon is indefinitely lengthened for attracting a developer to improve storm water detention and make other ecological enhancements as part of redevelopment.	See response to Number 75.
82. Overall impact of delaying Harbor Square redevelopment (letter and attachments) (Item B)	Port of Edmonds (Macaulay & Associates)	The public is less served by buildings that are nearing the ends of their economic lives at a prime gateway location that is poised for new and improved uses, and these uses would be more aligned with the Edmonds community and better serve its commercial needs.	See response to Number 75.
83. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Kojo Fordjour, AICP Environmental and Permitting Manager Washington State Ferries	A Record of Decision (ROD) for the proposed Edmonds Crossing ferry terminal project dated July 2005 was issued with a 100 feet buffer zone for the Edmonds Marsh. However, the proposed 100 foot setback for the marsh in the SMP will limit WSF's	The 100-foot setback/buffer in the Edmonds SMP from the Edmonds Marsh is consistent with the ROD for the Edmonds Crossing Project as depicted on Figure 2-3 Modified Alternative 2. 100-foot setbacks associated with Willow Creek would impact the Edmonds Crossing Project. It should be noted that the existing critical area regulations (proposed to be incorporated in the SMP) also

	Seattle, WA 98121	ability to implement the mitigation and buffer enhancements proposed in the ROD.	<p>require a 100 buffer from the ordinary high water mark of Willow Creek. The SMA and Edmonds SMP allow for a variance from the SMP provisions which is ultimately decided by the Department of Ecology. The ROD could be used as support for a variance application.</p> <p>Transportation facilities such as ferry terminals are permitted consistent with the requirements outlined in SMP 24.60.080</p>
84. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Kojo Fordjour WSF	The City's proposed 100 foot setbacks would increase the Edmonds Crossing project impacts to Edmonds Marsh, and create a need for additional mitigation or project redesign. Requiring a National Environmental Policy Act (NEPA) re-evaluation and possible supplemental Environmental Impact Statement, in addition to updates to other required State, Federal and local permits.	It has been more than 10 years since the FEIS for the Edmonds Crossing was issued. Once development permits are submitted for an actual project, SEPA/NEPA documents should be reviewed for changed circumstances and updated as needed.
85. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Kojo Fordjour WSF	Creating a setback of 100 feet around Edmonds Marsh and Willow Creek would jeopardize WSF's ability to develop the new ferry terminal on the Unocal site. This has the potential to preclude the siting of the Edmonds Ferry Terminal, an essential water dependent public facility on the Unocal Site.	<p>The 100-foot setback/buffer in the Edmonds SMP from the Edmonds Marsh is consistent with the ROD for the Edmonds Crossing Project as depicted on Figure 2-3 Modified Alternative 2. 100-foot setbacks associated with Willow Creek would impact the Edmonds Crossing Project. It should be noted that the existing critical area regulations (proposed to be incorporated in the SMP) also require a 100 buffer from the ordinary high water mark of Willow Creek. The SMA and Edmonds SMP allow for a variance from the SMP provisions which is ultimately decided by the Department of Ecology. The ROD could be used as support for a variance application.</p> <p>Transportation facilities such as ferry terminals are permitted consistent with the requirements outlined in SMP 24.60.080</p>
86. Edmonds Marsh Urban Mixed Use IV	Kojo Fordjour WSF	WSF therefore asks the City to either grandfather the Edmonds Crossing Project or only keep the existing 100 foot- buffer dimension for the Edmonds	Washington State vesting laws specifically vest land use control ordinances at the time a complete building permit is filed (RCW 19.27.095). The 100-foot buffer/setback associated with the Edmonds Marsh is consistent with the

buffer/setback (letter)		Marsh.	Edmonds Crossing FEIS. As noted in response to Comments Nos. 83 and 85, transportation are permitted consistent with SMP 24.60.080 and there is a process available to WSDOT to achieve the preferred alternative discussed in the Edmonds Crossing FEIS.
87. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Kojo Fordjour, WSF	WSF recommends that the baseline for the "no-net-loss" of ecological functions of the marsh and its environs at the Unocal site be based on the 2005 ROD and associated environmental studies, documents, mitigation agreements, plans, and design.	In accordance with the SMA, the baseline for no-net-loss is the Shoreline Inventory and Characterization. Also as noted in a number of comments, no net is a minimum standard for SMPs.
88. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Kojo Fordjour, WSF	WSF believes that the proposed project is consistent with the regulatory requirements of the Shoreline Master Program, ECDC 24.40.020.F.2.c, which addresses required measures to minimize impacts to wetlands.	The City concurs. As noted in the comments above, the 100-foot buffer/setback from the Edmonds Marsh is consistent with the 100-foot buffer from the marsh associated with the Edmonds Crossing project.
89. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Chris Koser Edmonds, WA 98020	Please do not allow The Port of Edmonds to proceed with their request to permit any new buildings closer to the Edmonds Marsh than the 100 feet that the City of Edmonds Council approved in the past few years.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
90. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Sheri and Dave Buelow Edmonds, WA 98020	Urge you to please establish the setbacks/buffers at the Edmonds Marsh at the maximum amount possible for the following reasons: -The Marsh is a local and regional treasure. -The Port proposed 60 ft. buildings next to the Marsh in order to have setbacks along Dayton Street -Harbor Square proposal did not provide study of potential of bird strikes nor reflective heat associated with 55' walls of southern exposure reflective glass on the Marsh and animal inhabitants.	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement. The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
91. Marsh no net loss issues (email)	Sheri and Dave Buelow	The Port's no-net-loss concerns about the 100 ft. buffer/setback are largely unfounded.	The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.

92. Marsh buffer/setback impacts on the Port of Edmonds (email)	Sheri and Dave Buelow	The Port is not going to suffer real negative financial impact with larger setbacks/buffer, rather it is a reduction from valuations contrived by their own calculations which are based on past problems of their own making, and wishful valuations based on zoning changes no one else in the City could get, or likely would even ask for.	Noted.
93. Edmonds Marsh (email)	Sheri and Dave Buelow	The Marsh is being made a pawn in a quest for enhanced development rights. While the Port's words portray a love for the Marsh, their actions are the opposite.	Noted.
94. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Donald E. Mohs Edmonds, WA	As you review proposals to restore the Edmonds Marsh, please consider that, at a minimum, a setback of 100 feet is needed. Anything less will cause great harm to the marsh. I ask for your support in restoring this wonderful natural resource.	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.
95. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Tere Ryder Edmonds WA 98020	This is an exciting time for our community to have a chance on moving forward in restoring this beautiful environment here at our marsh. We have an opportunity to put best science and statutory and rule requirements first with all that our science shows us now and we can fully protect this very special and fragile environment for our children and future generations.	Noted.
96. Edmonds Marsh impacts (email)	Stephen A. Bernheim Edmonds WA 98020	I'm not sure what you can do about the 40 trains that blare their way right through the middle of the marsh every day: I hope something.	The City's SMP has an Urban Railroad shoreline environment that provides regulations for the railroad right-of-way within the City of Edmonds shoreline jurisdiction.
97. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Stephen A. Bernheim	Supports the 100 foot setback. Please support the 100 foot setback from the marsh to ensure the cleansing marsh remains intact and is no longer encroached upon. We have lost acres of wetlands in Edmonds, even away from the shoreline, over the past decades.	Noted.

98. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	John Reed Edmonds, WA 98020	I urge you to approve the City recommended changes related to the Marsh 100 ft. buffer/setback and deny the request by the Port of Edmonds.	Noted.
99. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Randy Hayden Edmonds WA 98020	Not enforcing a 100' setback from the marsh would be very harmful and a step backwards. The loss of Federal funds to help with the cleanup of the area and to bring the creek back to ground level would be put on the Edmonds taxpayers' shoulders, and this project would be put on the back burner and most likely never addressed. Preserve the marsh for future generations.	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.</p> <p>There are many grant opportunities and each program has its own funding requirements. The buffer guidelines in Appendix L from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance are for three specific grant programs (Centennial Clean Water Program, Clean Water Act Section 319, and Washington State Water Pollution Control Revolving Fund Program).</p>
100. Edmonds Marsh Urban Mixed Use IV buffer/setback and restoration (email)	Natalia Fior Edmonds, WA	I wish to see the Edmonds Marsh restored and salmon return to spawn which will bring back other wild life and help our suffering orca population. Please hold the line and maintain a 100 foot setback from the marsh to ensure this vital resource, which cleans our water before entering the Puget Sound, remains intact and is no longer encroached upon. Please save the marsh. We have already lost too many acres of wetlands in Edmonds over the past decades.	<p>Edmonds Marsh studies have been identified as high priority in the Edmonds SMP and the marsh is also identified for restoration projects in the Restoration Plan submitted with the Edmonds SMP.</p> <p>One of the requirements for the SMP is that it result in no net loss of shoreline ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.</p>
101. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Anne- Marie Sykes Edmonds WA 98020	I'm hoping that you have the power and legislation to stop the Port of Edmonds from violating their original plan of the last few years, not to build closer than 100 feet from the wetlands.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.

102. SMP Aquatic Shoreline Environment (email)	Hugo Flores Aquatic Resources Division WA Dept. of Natural Resources PO Box 47027 Olympia, WA 98504	The Department of Natural Resources strongly supports the City of Edmonds inclusion of the Aquatic Environment (Aquatic I and Aquatic II) shoreline designation into its SMP. DNR believes that this action recognizes the existence of state-owned aquatic lands. This will increase better coordination managing these areas between DNR and the City of Edmonds.	Noted.
103. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)	Brian J. Kelley Chevron USA Business & Real Estate Services Brea, CA 92821	Objects to the City's proposed 100-foot setback from the Edmonds Marsh, combined with an interior 50-foot vegetative buffer. Also recognizes Port of Edmonds and WADOT objections.	Noted.
104. Proposed marsh buffer/setback inconsistent with WAC 173-26-201 (2) (email)	Brian J. Kelley Chevron USA	The City of Edmonds has not satisfied legal requirements cities must meet when adopting regulations under the Shoreline Management Act. Under these requirements, a city must base proposed regulations on "the most current, accurate and complete scientific or technical information available". WAC 173-26-201 (2) (a). References Port of Edmonds applicable comments.	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.</p> <p>With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an</i></p>

			<p><i>element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>105. Edmonds Marsh Urban Mixed Use IV buffer/setback (letter)</p>	<p>Brian J. Kelley Chevron USA</p>	<p>The Port has submitted analysis of scientific information that concludes a 25-foot setback is sufficient to ensure no net loss of shoreline ecological functions. Ecology has recommended (3/11/2014 letter) to the City that it adopt a "50-foot enhanced buffer" in lieu of the 100-foot setback.</p>	<p>Ecology and City response</p> <p>WAC 173-26-201(2)(c) notes the SMP guidelines “<i>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.</i>”</p> <p>While the City’s SMP has been developed to assure no net loss of shoreline ecological functions, nothing the SMA or the SMP guidelines contained in WAC 173-26 prohibit the City of Edmonds from exceeding the minimum standard of no net loss. The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Policies (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP 24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.</p> <p>Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development</p>

			around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.
106. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Brian J. Kelley Chevron USA	Chevron is asking the Department of Ecology to condition approval of the Edmonds Shoreline Master Program on reduction of the setback requirement to 25 feet, with the ability for enhanced buffer requirements up to 50 feet in width if found to be required to avoid net loss of shoreline ecological functions in the context of review of specific redevelopment plans. Believes this approach is consistent with current scientific and technical information.	Ecology Response: The Urban Mixed Use IV Environment buffer/setback will be evaluated within Ecology's final SMP review, this will include review of the supporting scientific and technical information outlined in WAC 173-26-201 (2) (a).
107. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Doug Swartz Kathleen Rapp Edmonds WA 98020	A 100-foot setback/buffer combination is the minimum acceptable for the Edmonds marsh. The Edmonds Port Commission wanting a 25-foot setback and spending our money to lobby for it is an example of a government agency using taxpayer funds to promote an idea that the citizens of Edmonds strongly don't want (i.e., the 25-foot setback so they can do development right next to the marsh).	One of the requirements for the SMP is that it result in no net loss of shoreline ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.
108. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Evie Jenner Edmonds, WA 98026	Please do not permit the Port of Edmonds to move forward with their request to permit any new buildings closer to the Edmonds Marsh than the 100 feet allowance that the City of Edmonds Council approved over the last few years. Allowing any changes to this setback will severely impact the wildlife of this extremely sensitive area.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
109. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Gary Bloom Edmonds WA	Strongly backs a minimum of 100 feet of a setback /buffer zone for the Edmonds marsh. As I understand it, it is the minimum in order to receive State funding to restore the marsh. The Port Commission's desire to minimize this setback is not in the interests of current and future Edmonds residents.	Noted. The SMP was developed to be consistent with the SMA. There are many grant opportunities and each program has its own funding requirements. The buffer guidelines in Appendix L from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance are for three specific grant programs (Centennial Clean Water Program, Clean Water Act Section 319, and Washington State Water Pollution Control Revolving Fund Program).
110. Edmonds	Gayle Ketzal	I would like to see the Edmonds Shoreline Master	The standards for local government development of Shoreline Management

<p>Marsh Urban Mixed Use IV buffer/setback (email)</p>	<p>Edmonds, WA 98020</p>	<p>Plan updated to incorporate best science, statutory and rule requirements for a full setback and buffer along the perimeter of the marsh. Supports protection of the Edmonds Marsh.</p>	<p>Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology.</p> <p>With regard to the use of scientific information WAC 173-26-201(2) notes: <i>(a) Use of scientific and technical information. To satisfy the requirements for the use of scientific and technical information in RCW 90.58.100(1), local governments shall incorporate the following two steps into their master program development and amendment process.</i></p> <p><i>First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science... Local governments should consult the technical assistance materials produced by the department. When relevant information is available and unless there is more current or specific information available, those technical assistance materials shall constitute an element of scientific and technical information as defined in these guidelines and the use of which is required by the act.</i></p> <p><i>Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available...</i></p> <p>The City of Edmonds assembled the most current information in the Shoreline Inventory and Characterization document and relied on technical assistance materials provided by the Department of Ecology consistent with WAC 173-26-201. The use of Appendix L from Department of Ecology’s Funding Guidelines for Water Quality Financial Assistance constitutes the use of other available information in determining appropriate setbacks and buffers within the City’s SMP.</p>
<p>111. Edmonds Marsh Urban</p>	<p>George Murray Edmonds WA</p>	<p>Edmonds needs the 100-foot setback for the long term eco-friendly future of Edmonds itself.</p>	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was</p>

Mixed Use IV buffer/setback			developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.
112. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Jacqueline Williams Edmonds, WA 98020	I think it is dreadful that there is a new possibility of buildings within 100 feet of our Edmonds Marsh. We the electorate have said NO on this already. <u>Please do not allow this to happen</u> to our marshes, and the wildlife that will be disturbed.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
113. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Jenny Anttila Edmonds, WA 98020	Please do not allow The Port of Edmonds to proceed with their request to permit any new buildings closer to the Edmonds Marsh than the 100 feet that the City of Edmonds Council approved in the past few years.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
114. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Joan Bloom Edmonds, WA 98020	Supports the proposed Edmonds Shoreline Master Program (SMP), interim 50-foot riparian buffer, and 100-foot setback, measured from the ordinary high water mark (OHWM). A total of 100 feet of separation from the Marsh, for any development.	Noted.
115. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Joan Bloom	Originally, City Council was considering a total of a 150-foot marsh buffer/setback. I believe this was meant to include a 100-foot riparian buffer, and a 50-foot development setback from this buffer. It appears that the proposed 100-ft. marsh buffer/setback was meant to be a compromise to the Port's position that the city maintains the current 25-foot setback from the Marsh.	The SMP recommended to the City Council from the Planning Board included a 50-foot setback from the marsh. As noted in the response to Comment No. 19, various buffer and setback options were considered by the City Council. Ultimately, the Council settled on the 100-foot setback/buffer that is contained within the SMP. The primary intent of the setbacks and buffers established in the SMP is to ensure no net loss of shoreline ecological functions and values.
116. Port of Edmonds funding in support of retaining the Marsh 25-ft. existing buffer (email)	Joan Bloom	The Port of Edmonds commissioners allocated \$25,000 of taxpayer money to support retaining the existing 25-ft. marsh, without openly informing the taxpayers of the Port district that they were doing so. I am both an Edmonds resident, and a resident of the Port of Edmonds. I find this lack of transparency of serious concern.	Noted.

<p>117. SMP Page 41, Wetland Buffer Averaging (20.40 .020 (2) (f). (email)</p>	<p>Joan Bloom</p>	<p>Strongly opposes this passage of our SMP which allows discretionary authority to "the director" and keeps the Council, and thus the public, completely out of the decision making loop. In Edmonds, many highly disturbing abuses of the environment have occurred, even WITH a significant amount of public involvement.</p>	<p>Buffer width averaging is a common practice supported by the Department of Ecology. Department of Ecology's Wetlands & CAO Updates: Guidance for Small Cities (Publication No. 10-06-002) notes:</p> <p><i>Buffer Averaging</i> Local governments often wish to allow buffer widths to be varied in certain circumstances. This may be reasonable if your standard buffers are adequate. The width of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel.</p> <p>We recommend that a request for buffer averaging include a wetland report. The report should be prepared by a qualified professional describing the current functions of the wetland and its buffer and the measures that will be taken to ensure that there is no loss of wetland function due to the buffer averaging. The width of the buffer at any given point after averaging should be no smaller than 75% of the standard buffer.</p> <p>The City of Edmonds, at the direction of Ecology, incorporated the wetland Guidance for Small Cities into the SMP and the provisions are consistent with the guidance from the Department of Ecology.</p>
<p>118. US Army Corps of Engineers wetland permitting authority (email)</p>	<p>Joan Bloom</p>	<p>Disturbing damage that has been done to an isolated wetland by the developer. The city of Edmonds and the Army Corps of Engineers allowed this abuse, of one of our few remaining isolated wetlands, to occur.</p>	<p>While Ecology does administer the Sec. 401 Water Quality Certification, half of the federal Clean Water Act authorizations, the review and approval of the Sec. 404 authorization are administered by the Corps. There are circumstances, such as the Thuessen wetland, when the Corps can determine that a project also meets water quality standards and that no further coordination with Ecology is required. The Corps is administering federal law and does not have a regulatory role in SMA decisions; the Sec. 404 process is independent of shoreline permitting review by the local jurisdiction and Ecology.</p>
<p>119. SMP approval support (email)</p>	<p>Joe Scordino Edmonds, WA 98020</p>	<p>Approve the Edmonds Shoreline Master Program Update that the Edmonds City Council unanimously approved in November 2014. The most important aspect of the SMP is the 50 ft buffer and 100 ft setback for the shoreline area of the Edmonds Marsh.</p>	<p>Noted.</p>

120. Opposition to Port of Edmonds 25 ft. Edmonds Marsh buffer proposal (email)	Joe Scordino	The Port of Edmonds stated interest is to redevelop the Harbor Square area as close to the edge of the Marsh as possible, which I believe is in contravention to the intent of the Shoreline Management Act (SMA). It is NOT in the best interest of the State or the citizens of Edmonds to only have a 25 foot buffer as suggested by the Port of Edmonds.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
121. Edmonds Marsh restoration (email)	Joe Scordino	It would be tragic to have the Edmonds Marsh subjected to additional shoreline development while the City is in the midst of restoring for salmon habitat through such efforts as the Willow Creek day lighting project.	There currently are no applications for constructing new buildings at Harbor Square or on the south side of the marsh. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
122. Edmonds Marsh building setback (email)	Judy Gutton Edmonds WA 98020	Please do not allow the Port of Edmonds to proceed with their plan permitting buildings even closer to the Edmonds Marsh than the 100' that the Edmonds City Council has already allowed. The Marsh is precious to the birds' habitat, and to the people and City of Edmonds.	The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.
123. Edmonds Marsh building setback (email)	Karen Wiggins Edmonds WA 98020	The Edmonds Shoreline Master Plan should set the setback from the Edmonds Marsh to 100 ft away from development, but should not have to remove any buildings and parking areas that are currently within that setback, just do not allow anything else to be built that would be within that 100 ft. setback.	The SMP would not require the removal of existing development within the shoreline setback. Existing development within the shoreline setbacks will be subject to the Nonconforming Development provisions in the Part VII of the SMP (24.70.000 – 24.70.050).
124. Edmonds Marsh Urban Mixed Use IV buffer/setback (email)	Val Stewart Edmonds WA	Supports the proposed Edmonds Shoreline Master Program including the two-year interim-Urban Mixed Use IV designation for the Edmonds Marsh which includes the provision of a 50-ft buffer and 100-ft setback.	Noted.
125. Edmonds Marsh buffer /setback (email)	Val Stewart	If the proposed full setback were treated as a buffer it would not only trap pollutants and sediments entering the Marsh but could also accommodate passive recreation such as a walking path or boardwalk. This would be a great asset that would compliment any development in Harbor Square. It would increase public access to the marsh; an important goal of the	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss

		Shoreline Management Act. This combined with educational opportunities would enable us to showcase the Marsh and its overall benefits to the greater community; a model for the region.	requirement.
126. Tribal Treaty Rights (email)	Val Stewart	Continued development and lack of enforcement protecting habitat is continuing to take away natural resources that are guaranteed in the treaties with Tribes. This “taking” of resources by destroying the habitat that is necessary for the salmon to be sustainable is essentially a breach of the treaty.	There currently are no applications for constructing new buildings at Harbor Square or on the south side of the marsh. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City’s SMP.
127. Edmonds Marsh Building setback (email)	Val Stewart	Edmonds Marsh is a category I wetland and is classified by the State as a priority habitat. Promoting intense development too close to an already compromised estuarine marsh ecosystem is not going to improve conditions enough for anadromous fish to complete their lifecycle.	The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City’s Cumulative Impacts Analysis submitted in support of the SMP documents how the City’s SMP meets the no net loss requirement.
128. Edmonds Marsh Restoration (email)	Val Stewart	With ready funding available and appropriate policies and regulations in place, the City should take seriously this stewardship opportunity to preserve and restore salmon habitat and ecological functions in Edmonds Marsh.	The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Polices (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP 24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan. Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.
129. SMP Approval (email)	Val Stewart	Requests Ecology approval of the Edmonds SMP update with the two-year interim Urban Mixed Use IV designation which includes a 50-ft buffer and 100-ft setback. I do not believe we should depend on redevelopment for appropriate restoration.	Noted.

130. Edmonds Marsh policies and regulations (email)	Val Stewart	Our City needs to impose strong policies and regulations for development along our sensitive estuarine marsh shoreline in order to secure the natural benefits consistent with the general welfare of our citizens and the environment.	See response to Comment No. 128. As noted in SMP 24.10.000, one of the purposes of the SMP is to: <i>To promote the public health, safety, and general welfare by providing a guide and regulation for future development of the shoreline resources of the City of Edmonds.</i>
131. Edmonds Marsh buffer /setback; going beyond no net loss of ecological functions (email)	Val Stewart	Edmonds City Council voted for an expanded Marsh buffer/setback which goes beyond “no net loss” and restores the Marsh to where it will once again be viable. My understanding is that jurisdictions can go beyond state mandates to address conditions in their unique environments.	WAC 173-26-201(2)(c) notes the SMP guidelines “ <i>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.</i> ” While the City’s SMP has been developed to assure no net loss of shoreline ecological functions, nothing the SMA or the SMP guidelines contained in WAC 173-26 prohibit the City of Edmonds from exceeding the minimum standard of no net loss.
132. Edmonds Marsh Restoration (email)	Rebecca J. Wolfe Edmonds, WA	Strongly supports the restoration of the Edmonds Marsh with the interim 100-foot buffer and setback.	Noted.
133. Edmonds Marsh Restoration (email)	Rebecca J. Wolfe	The Edmonds salt marsh has a high regional and local significance for wildlife, fisheries, recreational, aesthetic, and educational values that have been seriously compromised along our Washington state seashore. With a restored Edmonds Marsh, our city would have a more dynamic waterway system and a higher quality of life for our residents.	The Edmonds SMP recognizes the importance of the Edmonds Marsh as evidenced by three specific policies in the SMP relating to the marsh and three marsh related projects being identified in the Restoration Plan.
134. SMP approval support (email)	Richard I. Senderoff, Ph.D. Commissioner-Edmonds Citizens Economic Development	Supports the proposed Edmonds Shoreline Master Program (SMP), interim 50-foot riparian buffer, and 100-foot setback, measured from the ordinary high water mark (OHWM) for the Edmonds Marsh.	Noted.

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135. Edmonds Marsh Restoration (email)	Richard I. Senderoff, Ph.D.	All the Edmonds City Council has done in establishing the interim buffer/setback is to secure the possibility of future grants. I presume the 100 foot setback recommendation is based on the best available environmental science? Supports day lighting Willow Creek, salmon recovery and improving marsh ecological functions. . Presumes the Department of Ecology is interested in such goals?	Edmonds Response: See responses to Comments Nos. 62 and 72. Ecology Response: The Urban Mixed Use IV Environment buffer/setback will be evaluated within Ecology's final SMP review, this will include review of the supporting scientific and technical information outline in WAC 173-26-201 (2) (a). Ecology does support salmon recovery goals and protection and improvement of the Edmonds Marsh Ecological functions. These factors will be taken into consideration during the SMP final review.
136. Edmonds Marsh Restoration (email)	Richard I. Senderoff, Ph.D.	Any support for day lighting Willow Creek and other Edmonds Marsh restoration activities would be considered additional (or unnecessary) costs that developers would resist. There is no developer that currently has plans to redevelop Harbor Square under current zoning.	There are no current development plans to redevelop the Harbor Square property.
137. Shoreline regulatory risks. (email)	Richard I. Senderoff, Ph.D.	The Port of Edmonds purchased the Harbor Square property with full knowledge of its proximity to the Edmonds Marsh Wildlife Preserve. As such, they assume those responsibilities and regulatory risks.	Noted.
138. Edmonds Marsh setback	'Dawna Lahti Edmonds, WA	Supports the 100' setback for the Edmonds Marsh, but I have read enough and been aware of disaster preparedness to know that the more marsh we have preserved, the better off we are in event of the tsunami we will one day surely have, as well as to absorb rising sea level (which "hardscape" cannot do).	Noted.
139. Shoreline assessment, use of	Todd Zackey Tulalip Tribes	The proposed Edmonds SMP didn't utilize the best available information when generating their maps for	The Shoreline Inventory and Characterization did identify the presence of eel grass and kelp beds along the Edmonds shoreline noting:

<p>best available science</p>	<p>Tulalip, WA 98271</p>	<p>assessing shoreline sediment and substrate and Kelp and eel grass resources. A Snohomish County Surface Water Mgt. intertidal shoreline survey should have been incorporated into the SMP analysis for physical and ecological conditions assessments.</p>	<p><i>The Puget Sound shoreline in the City does retain large areas of functioning eelgrass and kelp beds in the littoral zone (lower intertidal to shallow subtidal elevations). Eelgrass is distributed in patchy narrow bands along the City waterfront south of the marina to Point Wells, and north of Shell Creek to Picnic Point (KC DNR WTD 2003) (Figure 1). Dense patches are present in some areas, including north and south of the Lynnwood outfall (near Meadowdale Creek), and north and south of Laebugten’s Wharf.</i></p> <p>Proposed projects within the OWHM of the Puget Sound will be required to conduct eelgrass and kelp habitat surveys thus provide up-to-date site specific information on eelgrass and kelp habitat and projects are required to avoid or minimize and mitigate impacts to ecologically functions including critical resources such as eelgrass and kelp beds.</p> <p>A sampling of policies addressing eelgrass and kelp beds from the SMP included SMP Sections 24.50.030.B.4, 24.50.060.D.2.b, 24.60.010.B.4 24.60.010.C.3, and 24.60.010.D.1.b.xi.</p>
<p>140. Edmonds Marsh Urban Mixed Use IV interim designation</p>	<p>Todd Zackey Tulalip Tribes</p>	<p>The Edmonds Marsh Urban Mixed Use IV interim designation determination is ambiguous and the designation process is not well defined. Will the final designation go though the same approval process as the current SMP? The process needs to be clearly defined.</p>	<p>Approval of a final designation for the Urban Mixed Use IV will follow the state mandated approval process for amendments to a SMP as provided in the Shoreline Management Act (RCW 90.58) and Ecology’s procedural rules (WAC 173-26, Part II) .</p>
<p>141. Edmonds Marsh Urban Mixed Use IV interim designation (email)</p>	<p>Todd Zackey Tulalip Tribes</p>	<p>Use of the Urban Mixed Use IV interim designation still allows development despite the fact that the final designation may not allow development. A moratorium on development until the final designation is determined makes sense to unsure that Edmonds Marsh restoration is not undermined</p>	<p>One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City’s Cumulative Impacts Analysis submitted in support of the SMP documents how the City’s SMP meets the no net loss requirement.</p> <p>The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP for Shoreline Use Polices (SMP 24.20.050.C.12; high priority for studies); Conservation Element (SMP 24.20.060.C.1; should work to maintain); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (Channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.</p>

			<p>Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City of Edmonds has chosen to adopt interim standards for development around the marsh the will ensure its protection and preserve opportunities for restoration and enhanced ecological functions.</p> <p>The interim Urban Mixed Use IV designation is consistent with the requirement of the SMP and preserves restoration opportunities with the marsh.</p>
<p>142. SMP estuarine jurisdiction (email)</p>	<p>Todd Zackey Tulalip Tribes</p>	<p>Edmonds staff should revisit SMP jurisdiction boundaries to determine if all estuarine areas near stream mouths have been included. Particular concerns with Lund Creek.</p>	<p>Lund Creek is not within the City of Edmonds jurisdictional boundaries.</p> <p>The SMP has provisions for the discovery of shoreline areas that are not identified on the shoreline environment maps in Appendix A of the SMP.</p> <p>Specifically SMP 23.40.020 notes:</p> <p><i>B. The purpose of the official shoreline maps in Appendix A is to identify Shoreline area designations. The map does not necessarily identify or depict the lateral extent of shoreline jurisdiction. Where uncertainty or conflict may occur in the exact location of jurisdictional or shoreline designation boundary line, the shoreline Administrator shall rely up the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.</i></p> <p><i>C. In the event that new shoreline areas are discovered (e.g. associated wetlands) that are not mapped and/designated on the official shoreline map, these areas will be designated in the following manner.</i></p> <p><i>1. If a newly discovered shoreline area is adjacent to a single shoreline area environment, then the newly discovered shoreline area will be assigned the same shoreline designation as the adjacent shoreline area.</i></p> <p><i>2. If a newly discovered shoreline area abuts more than one shoreline area environment, the shoreline area environment that is most restrictive shall be assigned to the newly discovered shoreline area.</i></p>

<p>143. Edmonds Marsh buffer /setback (email)</p>	<p>Susan Paine Edmonds, WA</p>	<p>Urges review of the environmental concerns for the plan with an eye to preserving as much Marsh buffer as possible, at least 100 feet. The marsh has been impacted by petroleum, railroad and construction activities, it needs stronger protections than what are requested by the Port of Edmonds.</p>	<p>The standards for local government development of Shoreline Management Programs are detailed in WAC 173-26. The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.</p>