



February 18, 2009

Molly Harris
Stephen Atkinson
City of Tacoma Planning Division
747 Market St. Rm# 1036
Tacoma, WA 98402

Sent by email to:
satkinson@ci.tacoma.wa.us

Re: Tacoma SMP Restoration Plan

Dear Ms. Harris and Mr. Atkinson:

Thank you for the opportunity to review the Draft Restoration Plan for the Tacoma Shoreline Master Program update. It appears to be thorough in its assessment of shoreline conditions and opportunities for future restoration projects. Such an assessment can be used by future restoration project proponents in targeting locations and improving conditions that have been degraded in those locations.

One of the important functions of the shoreline master program restoration plan is to determine how the city will accomplish the restoration of ecological functions over time in the face of historic and future degradation. This is indicated in the Restoration Planning requirements of WAC 173-26-186 (8)(c), which states [emphasis added]:

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 provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. 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 regulations and mitigation standards.**

As indicated in the WAC above, the restoration plan needs to focus both on opportunities for restoration projects and on the regulatory programs. The draft Restoration Plan does well at addressing opportunities for restoration, but it also needs to focus on restoration to address past and continuing impacts in the course of redeveloping land, expanding existing uses, infill development, and undeveloped urbanizing land on a project-by-project basis. Such development will continue to cause degradation on a scale that is hundreds of times larger and more common than normal restoration

projects. To be clear, requirements for restoration should not be applied retroactively to the continued operation, maintenance, and repair of existing development - just to new development. *In short, the SMP is largely a development review document, and restoration needs to be incorporated into development review.*

No-Net-Loss & Restoration Strategy

The restoration plan and strategy is intimately tied to the shoreline requirement for "no-net-loss of ecological functions, and the growth management requirement to protect the functions and values of critical areas. No-net-loss is typically thought of in terms of mitigating impacts of permitted uses and activities. However, not all impacts can be mitigated, given that the creep of continual human development gradually converts wildlife areas into human use areas and converts land into more intensive uses. Without explicit attention, shoreline wildlife will get displaced or driven off, and shoreline waters will get slowly degraded with or without mitigation. Restoration offsets this creeping degradation caused by new development to maintain the condition of no-net-loss of ecological functions.

Local jurisdictions tend to think of restoration only in terms of large stand-alone restoration projects. However, it has links to shoreline permitting as well. The commonly understood first priority of shoreline permitting is "protect what you have". This is traditionally done during the permit review process. We recommend that restoration be incorporated into the permit process so that the priority becomes "protect what you have and restore what you can." Such a no-net-loss and restoration strategy would use the following line of logic, which integrates restoration efforts at the common smaller-scale permit level and the uncommon larger-scale restoration project level into a comprehensive strategy:

- Set the shoreline environments and the uses allowed within them to limit uses appropriately.
- Avoid impacts for allowed uses when possible - meeting buffers goes a long way toward accomplishing avoidance, though not entirely.
- Minimize impacts when avoidance is not possible.
- Determine the impacts that are being caused - this can be difficult and very expensive, especially for homeowners and smaller project proponents. The restoration plan and other technical studies can help by establishing a natural resource baseline.
- Mitigate for impacts caused.
- Require that degraded buffers be restored and given long term protection, so they are capable of protecting the streams and wetlands they are meant to protect.
- Use restoration of degraded conditions to mitigate impacts - for example: removing structures or fill, removing sources of pollution, removing lawn at the waterline, etc. Judicious application of restoration also avoids the need to determine exact impacts and exact amounts of mitigation, which is difficult and costly to do.
- Where structures and uses already exist, and the critical areas or shorelines are degraded, provide restoration ***as much as possible*** to reduce the continuing and ongoing impacts of existing development, in addition to mitigating new development.

- As required by law, the extent of required restoration must be roughly proportional to the extent of development being undertaken and its impacts.
- Make restoration projects easier to approve and review by providing properly limited exemptions, etc. Note: Structural elements (such as hard stabilization, etc.) should not normally be considered restoration for an exemption, and should obtain a permit.
- Incorporate existing restoration efforts, programs, planned projects, and ongoing projects into Restoration Plan.
- Make Restoration Plan opportunities and Inventory documents available to guide future proponents of restoration projects.

It is the last two bullets that is the focus of the current Restoration Plan.

Recommendation

The Restoration Plan Goals and Policies need to address restoration comprehensively - meaning the permit process as well as stand-alone restoration efforts. We recommend that the following Goal and Policies be inserted into the Restoration Plan, and be subsequently included into the SMP Goals and Policies with other restoration policies, as required by WAC 173-26-186 (8)(c).

(Edits to subsection)

4.3 Shoreline Restoration Goals and Objectives. (third paragraph)

The following restoration goals and objectives specifically address the altered shoreline processes and functions identified in the Shoreline Inventory and Characterization (see Attachment 2 to this Plan), and implementation of the plan on a comprehensive basis. Objectives identify specific measurable actions that can be taken to achieve the stated goals. For example, to meet the goal of improving water quality, an objective might be to remove creosote pilings.

(New subsection)

4.3.5 No-Net-Loss and Restoration of Ecological Functions.

Goal: Use the contents of this Restoration Plan to accomplish shoreline requirements for no-net-loss of ecological functions and restoration of shorelines that have been degraded over time within the city, to include small scale restoration activities at the project level and larger stand-alone restoration projects.

Objective: As part of project review, accomplish no-net-loss of ecological functions through careful use of mitigation sequencing, and the use of restoration to mitigate adverse impacts.

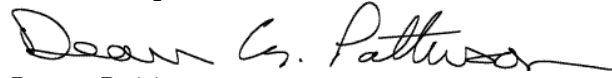
Objective: Restore degraded conditions as much as possible during project review, including restoring or enhancing degraded buffers so they can protect streams and wetlands from adjacent uses.

Objective: Streamline review and approval process for stand-alone restoration projects.

Objective: Assist restoration project proponents in their efforts by making the city's inventory and restoration opportunities information readily available to them.

Thank you for considering our comments. If you have questions, please call at 509-823-5481.

Sincerely,

A handwritten signature in black ink that reads "Dean G. Patterson". The signature is written in a cursive style with a long horizontal flourish at the end.

Dean Patterson

Futurewise

Shoreline Planner

dean@futurewise.org