

To The Burien City Council
To The Burien Planning Commission
From-Chestine Edgar
Re-The SMP and the presentation by Nicole Faghin/Reid Middleton at the 2/23/10
Planning Commission meeting
Date of letter-3/01/10

I am writing to you because citizens are no longer allowed to speak to the Planning Commission at their meetings. This letter is to clarify some misinformation that Nicole Faghin/Reid Middleton presented to the Planning Commission during the February 23, 2010 meeting. You can review the posted video of her presentation by advancing to the 2 hour point. <http://www.burienmedia.org/default.aspx>

Definition and Use of Best Available Science (BAS) Ms. Faghin stated that BAS was required in the Growth Management Act and the Critical Areas Ordinance but was not required in the Shoreline Master Act (SMA). However that is not completely correct as a statement. BAS is required in the SMP if the shoreline is in a Critical Area. Lake Burien is designated as a Critical Area. For that reason, Policy CON 9 of the Burien SMP, page II-12 specifically states, "*The City requires the use of Best Available Science for protecting critical areas within the community pursuant to the Growth Management Act RCW 36.70A.172(l)*".

Burien Wetland Rating Scale Lake Burien was always designated as a Category 2 wetland under King County. In 2003, when the City of Burien created its own wetland rating scale for the Critical Areas Ordinance, it created a category not based on any best science, current science or any science. The City of Burien created a category based on a geographic location. There are no size, function, habitat or plant and animal descriptors to explain how a Category 4 wetland is designated. The City of Burien simply states that any wetland associated with Lake Burien is automatically Category 4. (page 40-25, chapter 19.40, Ord.394). Now perhaps no one caught this error in the wetland rating scale up until this point in time, but now that it has been called to the City's attention, the City can not continue to use it into the future by saying "that's the way we did it in the past in the CAO and we are not going to address or correct it in the SMP." Ms. Faghin is incorrect in stating that the SMP does not have to address this issue for the Critical Area of Lake Burien. I encourage the Planning Commission and the City Council to have the city attorney investigate this issue immediately. Additionally, I encourage the Planning Commission and The City Council to request a presentation from the Department of Ecology to clarify what is required. The Burien Critical Areas Ordinance (BMC 19.40.300) establishes a wetland classification system that does not match the currently accepted science-based systems. It even includes the provision that all Lake Burien wetlands are Class 4 wetlands and applies a default 30 foot buffer to them regardless of their characteristics. Additionally the Class 4 designation is based solely on a geographical name and does not have any scientific characteristics of the wetland. The wetland system must be changed to use the current science for wetland protection. I am recommending the use of the Washington State Wetland Rating System for Western Washington-Revised. This supports both 20.30.25(2. a.) and Policy CON 9 of the Burien Shoreline Master Program.

No Net Loss as a concept Ms. Faghin stated that the development is not going to stop because of the SMP. All development causes “net loss’ and so the environment is going to experience degradation and then we are going to work to bring it back to its baseline (no net loss point) and hopefully exceed the baseline. This is an incorrect presentation on this concept. There is a sequence to be followed in the WAC 173-26-201 that states, in priority steps, the first step to be considered is “*avoiding the impact altogether by taking no action or parts of an action*”. However, she then goes on to explain that the baseline measure for not net loss is established through the Technical Documents.

Technical Documents Ms. Faghin stated to the Planning Commissioners that they did not need to read or bother with the Technical Documents (appendices) because they were already vetted with the State. She went on to state that the Technical Documents were correct as they were written and did not really need to be revised. This is incorrect. The Planning Commission is responsible for reading those technical documents to check for their accuracy as they will set the baseline for no net loss in the SMP document. If there are errors in the information, it is the Planning Commissioners responsibility to call these errors to the attention of the consultant for correction.

Additionally, Ms. Faghin stated to the Planning Commissioners that the Technical Documents only needed to be based on the current, available science not BAS. She failed to mention that the WAC also states that the information in these documents must be accurate and complete scientific and technical information. The WAC further states that information should be solicited through the public participation process. The consultant and the city have resisted correcting the errors in these technical document by attempting to discredit the public input on these documents through the 5 D Process (deny, delay, discredit, derail and don't take anymore oral comments).

The Shoreline Inventory, Cumulative Impacts Analysis, and the Shoreline Analysis and Characterization Technical Documents have serious flaws in their content with regard to Lake Burien. This happened because the consultant did not even use the current available science to write the documents and did not thoroughly review the CAO for Burien. Additionally, the consultant claimed to use sources of information that do not exist and claimed to have made site visits to Lake Burien that are not documented in the Methodology. I have written to the Planning Commission and the City Council about this on at least 3 different occasions and I have made oral comments on these documents also. In spite of that input, Ms. Faghin has advised the Planning Commission that the documents do not need to be accurate and complete because they are vetted with the State.

Again, here is a listing of the documents and the areas of them that contain errors and need to be corrected:

Shoreline Inventory Sections 1.1,1.2, 1.4,2.3, 2.9,3.1, 3.5, 9,10.5 (Current Land Use, Critical Areas, Opportunities for Conservation and Restoration), Bibliography(Lake Burien was part of the King County, 10 year small lakes study. None of this material was reviewed or included in this inventory. It can easily be found online by just searching under the parameter *Lake Burien*). Additionally the CAO for Burien (stating that Lake Burien is a class 4 wetland) was not reviewed because repeatedly Lake Burien is referred to as Class 2 wetland in all 3 documents and as a result the wrong conclusions are drawn about future development, cumulative impacts and restoration issues. By the way, using current science, Lake Burien really is a Class 2 wetland. Therefore, no buffer recommendation in the SMP for Lake Burien should be considered until the correct information is put into all 3 of the discussed Technical Documents and further analysis is done.

Shoreline Analysis and Characterization Sections 1.4, 3.2 (Reach LB, Table 7, Current Land Use, Other Habitat Function), 4.1.5., Bibliography.

Cumulative Impacts Analysis Sections 2.2.1 (Reach LB, Table 2.6, Other Habitat Function, Table 2.7, 3.4, 3.5, Summary. *Bibliography.*

These Technical Documents and the SMP cost the citizens of Burien and the state of Washington \$98,000 for their development-up to this point in time. They should be accurate, complete, scientifically sound and of high quality as is reflected by their cost. It seems only reasonable that the consultant/Reid Middleton correct the errors in these documents at no further cost to the citizens of Burien as well as to the citizens of the State of Washington.

Chestine Edgar

