City of Renton
Planning Division
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DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 28, 2011

The Honorable Mayor Denis Law
City of Renton
1055 South Grady Way
Renton, WA 98057

Re: Comprehensive Shoreline Master Program Amendment
City of Renton Resolution 4067

Dear Mayor Law:

Thank you for your timely and thoughtful consideration of our March 9, 2011 letter approving the City of Renton Shoreline Master Program subject to our required and recommended revisions. I would like to again commend the City of Renton for displaying strong leadership in providing needed protection for our state's shorelines. The purpose of this letter is to clarify the proposed alternatives to our required changes offered in your letter dated April 6, 2011. Specifically, we need to know the City's position with respect to single-family dock standards before we can proceed with formal action on your proposed alternatives.

The City's letter proposed specific alternatives to our required changes for the Overwater Trails language. We have reviewed your proposed language and believe it to be consistent with purpose and intent of the changes proposed by the Department of Ecology and consistent with the state-wide requirements for Shoreline Master Program updates. The letter also requested Ecology to reconsider our required changes related to the maximum width of single-family docks. The letter did not offer any specific alternative language, nor did the letter clearly state whether the City would or would not accept this required change.

We have given substantial consideration over the last few months to your request that Ecology reconsider the single-family dock width requirements. During that time, we have been in communication with your staff to help understand the City's concerns, clarify the scientific and policy basis for our required changes, and explore alternatives. We have also explored the relevant policy goals, scientific recommendations and alternative dock designs with the other regulatory and fisheries agencies, including the Corps of Engineers, National Marine Fisheries Service, Washington Department of Fish and Wildlife, and Washington Department of Natural Resources.

As a result of this reconsideration, Ecology remains firm in the need to limit the maximum width of docks to 4-feet in the first 30 feet from the Ordinary High Water Mark. Our position is based on review of findings from locally developed science and the policy directives for state-wide Shoreline Master Program updates. Our position is also consistent with the approach being taken by other Lake Washington and Lake Sammamish Cities and other regulatory agencies. Below, we summarize our rationale.

With respect to the science, studies in Lake Washington indicate that shade from overwater structures in the nearshore area is known to limit food and shelter available to juvenile ESA-listed Puget Sound chinook salmon. Shade is also known to alter their migratory behavior and pose increased bass predation risks in these shallow areas (Fresh et al. 2003; Tabor et al. 2004; Tabor et al. 2006; Celedonia et al. 2008). This finding is very relevant to Renton's Lake Washington shorelines at the mouth of the Cedar River. Scientific findings have identified Renton shorelines as a nursery site for juvenile salmon migrating out of the Cedar River.

As a matter of policy, the state-wide requirements for Shoreline Master Programs under WAC 173-26 include the following relevant concepts:

- Reduce the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in numbers and extent (WAC 173-26-231 (2)(b))
- Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use (WAC 173-26-231 (3)(b))
- Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift (WAC 173-26-231 (3)(b)) .

These policies were developed and agreed to as part of a settlement agreement related to the state-wide Shoreline Master Program updates. Fifty eight parties, representing a broad range of interests including local governments, signed on to the settlement agreement. Ecology's required changes to Renton's dock standards are consistent with these policies.

With respect to consistency, the Corps of Engineers and NMFS have established similar and compatible standards in their Programmatic Permit for Lake Washington Docks and Piers. At the local level, many of Renton's neighboring jurisdictions on Lake Washington and Lake Sammamish have already adopted into their SMP's the 4-foot width in the first 30 feet from Ordinary High Water Mark. These include: King County (including the potential annexation area west of the Cedar River), Bellevue (through their Critical Areas Ordinance), Kirkland, Lake Forest Park, Kenmore, and the City of Sammamish. Additionally, Mercer Island City Council recently voted in favor of the 4-foot width within the first 30 feet, and the City of Seattle proposes following these standards in the current public review draft of their SMP.

It is important to remember that the width standard applies to new and replacement docks. Under both the federal and local standards referenced above, repairs and replacement of decking that do not constitute reconstruction are not subject to the width limits. Also, when replacing docks, Ecology supports the concept of giving credit for the area of dock that is removed. That is to say that replacement docks can generally retain their total overwater coverage, however they should be reconfigured to the width limits in the first 30 feet. Ecology also supports local discretion to grant relief from the four foot width standard when necessary to provide for disabled access. Finally, when the width limit presents an individual hardship, an applicant may seek a shoreline variance for relief from the standard.

In conclusion, before we proceed with our next formal step on the Renton SMP, Ecology needs clarity on the City's position on single family dock widths. If the City is ready to accept the required change on dock standards, we will proceed with a recommendation to our Director for approval with the addition of your alternative language for overwater trails. If the City will not accept this required change, please let us know. Ecology will then consider our other options, which may include denial of your proposed master program.

We know this is an important issue to the City of Renton. If you would like to discuss this further by phone or in a meeting, please contact me at (425) 649-7096 or our Regional Planner, Barbara Nightingale, at bnig461@ecy.wa.gov /(425) 649-4309.

Sincerely,

Geoff Tallent, Section Manager
Shorelands and Environmental Assistance
Northwest Regional Office

GT:cja

cc: Chip Vincent, City of Renton
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