POINT MONROE LAGOON HOMEOWNER'S ASSOCIATION, INC.
15670 Point Monroe Drive N.E.
Bainbridge Island, WA 98110
206-940-7730

May 8, 2013

Bainbridge City Council
City Hall
280 Madison Avenue North
Bainbridge Island, WA 98110

Re: SMP Public Hearing May 8, 2013

Dear Council Members:

I have the distinct honor to introduce four of my neighbors who are members of the Association and who have invested scores of hours following the SMP adoption process and paid close attention to the science utilized as the draft SMP was developed.

Three of the four speakers are professionals in the legal and scientific areas specifically involved in the review and adoption of the SMP and who could have been retained by the city as consultants in the SMP amendment process. These three gentlemen work for law firms and environmental consulting firms, and each individually have extensive nationwide experience dealing with the same environment issues and concerns that are raised when the City's SMP is reviewed and amended. While all citizens of Bainbridge are entitled to be heard and have their comments respected, the comments of Tom Newlon, Mike Johns and Peter McCormick are entitle to enhanced respect, contemplation and reflection because of their day-to-day professional involvement with environmental issues concerning communities nation wide.

The other speaker, Chris Walkan is a former programming executive from Microsoft who now runs his own consulting business. He too brings his years of analytical experience to the SMP process as he talks with you about an option for dealing with the existing structures located within the shoreline buffer. It is a solution similar to that adopted by the City of Bellevue when enacting their critical area ordinance in 2006 when a residential structure encroaches into a shoreline buffer. See, BCC 20.25H.035.B.

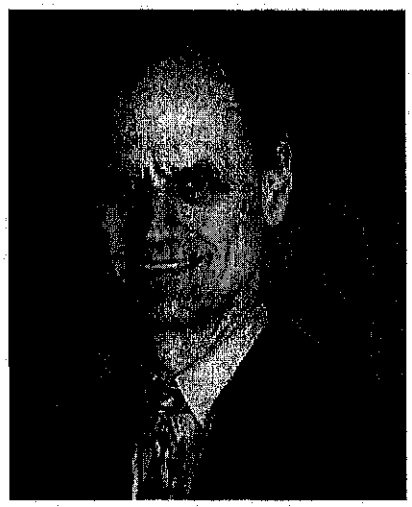
The Association trusts that you will give the comments of our neighbors the thoughtful consideration they deserve.

Sincerely,

POINT MONROE LAGOON HOMEOWNERS ASSOCIATION, INC.

By

Harold E. Snow, Jr.
President



Thomas A. Newlon
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Practice Areas
- Contaminated Lands
- Endangered Species Act
- Environmental & Natural Resources
- Wetlands and Waterways

Industries
- Natural Gas, Oil and Mining
- Public Ports

News
- 8/24/2012 - 159 Stoel Rives Attorneys Named to *The Best Lawyers in America* Directory
- 6/8/2012 - Stoel Rives Achieves High Rankings in 2012 Chambers USA Directory
- 9/2/2011 - 134 Stoel Rives Attorneys Named to *The Best Lawyers in America* Directory

More

Experience

Tom Newlon practices in the firm's Environmental practice group. Tom's experience includes issues related to contaminated sediments, aquatic cleanup and the acquisition and redevelopment of brownfields properties. He is also experienced in the administrative processes of federal and state cleanup programs as well as in obtaining permits for major marine and aviation expansion projects. Tom has also worked on significant regulatory reform efforts involving state programs in hazardous waste management (Washington dangerous waste regulations), contaminated sites (MTCA regulations and MTCA amendments), ESA-related permitting issues and changes to the federal Superfund program. He is the coauthor of major brownfields-related amendments to MTCA.

Before joining Stoel Rives, Tom was Senior Port Counsel at the Port of Seattle (1992-2002); an associate at Perkins Coie (1986-1991); an assistant professor at Walter F. George School of Law, Mercer University, Macon, Georgia (1991-1992); a research biologist at the Washington State Game Department, Applied Ecology Division (1979-1980); and a research biologist at Icthyological Associates, Middletown, Delaware (1977-1978).

Representative Work

- Port of Anacortes Cleanup and Redevelopment (multiple sites): Assisting with the investigation and remediation of Anacortes waterfront facilities through a multi-faceted program of site investigation, remediation and cost recovery that maximizes the Port's recovery of funds from other parties and successfully combines remediation with facility upgrades and infrastructure improvements.
- Port of Bellingham New Whatcom Project: Advising on the implementation of a major insurance-backed liability transfer transaction involving the acquisition, cleanup and development of former Georgia Pacific properties in Whatcom County, Washington. The project involves the remediation of the Whatcom Waterway and multiple upland industrial facilities.
- Port of Seattle, Duwamish and Harbor Island Waterways Superfund Sites: Assisting with the investigation and cleanup of two major sediment Superfund sites, and Port cost recovery efforts related to the sites.
- SeaTac Airport Third Runway: Permitting and litigation for $1 billion expansion of SeaTac Airport. Project required ESA consultation, a 401 certification from the Washington Department of Ecology and a 404 permit from the U.S. Army Corps of Engineers for wetland filling and the relocation of a salmon-bearing stream. Fill quality issues were a major concern in the permitting and litigation effort.
- Port of Seattle Terminal 18 Expansion: Property acquisition and cleanup for a $270 million container terminal expansion project at a federal Superfund site. Over 30 properties were acquired and over 70 businesses were relocated. Redevelopment and facility construction was successfully coordinated with Superfund cleanup requirements for all parcels. Project received EPA national brownfields "Phoenix" award in 2004.
- Port of Seattle Southwest Harbor Project: Comprehensive

acquisition, cleanup and redevelopment of multiple federal and state cleanup sites for a $250 million container terminal development. Project included three state consent decrees, a prospective purchaser agreement under state law limiting the Port's long term liability, and the largest prospective purchaser agreement EPA's Superfund program had ever entered into at that time. Al Gore dedicated the project and President Clinton cited the project as a model for coordinating economic development with environmental improvement in a speech at the site.

Professional Honors & Activities

- Listed in *Best Lawyers in America*® (currently: Environmental Law), 2012-2013
- Selected as one of "America's Leading Lawyers for Business" (Washington) by *Chambers USA* (currently: Environment), 2008-2012
- Listed in *Washington Super Lawyers*® (Environmental), 2001, 2003, 2005, 2007-2012
- Member, Superfund Subcommittee of EPA's National Advisory Committee for Environmental Policy and Technology, 2002-2004
- Member, Washington Department of Ecology Model Toxics Control Act Policy Advisory Committee and External Advisory Group, 1995-1997
- Perkins Coie Community Service Fellow, Northwest Renewable Resources Center, 1989-1990 (six-month full-time pro bono fellowship involving the mediation of projects related to timber harvesting policy, eagle habitat protection and tribal and local government relations)

Publications

- "Contaminated Sediments in Urban Waterways and Embayments: How Best to Use Superfund," *ABA Newsletter*, 2007
- "Promoting Market-Driven Brownfields Cleanups," *Puget Sound Daily Journal of Commerce*, 1997
- "Prospective Purchaser Agreement Expedites Seattle Harbor Project," *Environmental Corporate Counsel Report*, 1995
- Book review, Susan J. Buck, "Understanding Environmental Administration and Law," *Northwest Environmental Journal*, 1993
- *Living with Eagles: Habitat Protection Incentives* (coauthor), Northwest Renewable Resources Center, 1991
- Note, "Defining the Appropriate Scope of Superfund Natural Resource Damage Claims: How Great an Expansion of Liability?" *Virginia Journal of Natural Resources Law*, 1985
- Comment, "*National Audubon Society v. Hodel*" (coauthor), *Virginia Law Review*, 1986
- *Streamside Management Zone Inventory* (coauthor), Washington State Department of Ecology, 1981
- *Western Washington Urban Stream Assessment* (coauthor), Washington State Department of Ecology, 1981
- *Relationship of Physical and Chemical Factors to Macrointertebrate Biomass and Diversity in a Small Mountain Watershed* (coauthor), Idaho Water Resources Research Institute, 1977

Education

- University of Virginia School of Law, J.D., 1986
  Order of the Coif
  Editorial Board, *Virginia Law Review*
  Editorial Board, *Virginia Journal of Natural Resources Law*
- University of Idaho, M.S., 1977
- University of Delaware, B.A., 1974, *magna cum laude*

Admissions

- Washington

May 5, 2013
SMP Update Comments
Tom Newlon

These comments concern SMP Update issues involving grandfathering for remodels and replacements within an existing residential building footprint. Although shoreline homeowners were consistently given assurances during all phases of the Update process (initial committees, Planning Commission, discussions with staff, City Council hearings) those assurances were cast aside by the City Council recently in the name of "consistency." However, consistency is not an end in and of itself; the question to ask ourselves is whether consistency in a particular context is valuable and necessary, rather than simply being consistency for the sake of consistency. Rather than hiding behind the banner of "consistency," good public policy demands that we closely examine what is gained and what is lost by making a particular policy decision based on a desire to maintain some form of consistency. Without a thoughtful and thorough review, chances are good that the decision will be made based on "a foolish consistency"[1] rather than on a sound policy basis.

The "grandfathering" commitment must include the ability to fully remodel/replace.

From the beginning of the Planning Commission process, current shoreline homeowners have been assured that there was no desire to force them to shrink or remove their current residences despite the Update's expansion of buffer widths. We were to be grandfathered – forced restoration of existing impervious surfaces was not legal and was not intended because the "restoration" component was to be accomplished through voluntary actions, incentives and through work on public property. Shoreline homeowners, and the Pt. Monroe community in particular, worked with staff, other interest groups and the Planning Commission to ensure that appropriate language was in the draft SMP Update to accomplish this. The grandfathering arrangements were not opposed by anyone, at least not publicly, and in fact were held up as the reason why more strident "takings" objections to the Update were way off base.

The change to no grandfathering for major remodels (i.e., "replacement"), even in the same footprint and with the same bulk, completely reverses course on a fundamental component of the Update. This change is disturbing in the extreme, and would be bad public policy, for the following reasons:

1. Unfair and Flawed Process. This fundamental change in one of the key understandings for the SMP Update came about via a late night switch at Council meeting with little thought or analysis applied, after years of working on this issue under a different understanding of how existing structures would be handled. There was no warning and the issue was raised after comment had closed and when few were left in attendance.

[1] "A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines." Ralph Waldo Emerson, from the essay "Self Reliance"

2. Consistency with other Code requirements a red herring. Existing waterfront homes are not in the same position as other "out-of-compliance nonconforming structures" when it comes to compliance with changing buffer widths. If a structure needs to be brought into conformity with insulation or wiring or some other code provision for health and safety purposes, then a major remodel is of course the perfect time to make sure that the structure complies. Consistency in that context (insulation, wiring, etc.) makes sense. However, it does not make sense to apply that rationale to circumstances where it is at least very difficult, and will in many instances be impossible, to come into conformity with newly-enlarged buffer requirements. Similarly, residential footprints are generally grandfathered from changes in critical area ordinance buffer expansions so that homeowners can remodel, replace, repair, etc. their homes.

   Fully grandfathering existing building footprints makes sense because waterfront lots are frequently not large. And even for those that are, it is never easy to just relocate the house location on a lot. Even a tear-down remodel generally leaves the foundation in place, and all the services are where they've always been, including septic/sewer. So you knock it down and build it right back up again. Expensive, but not like starting from scratch on bare ground. Even if it was physically possible to relocate further back on the lot, that would necessarily involve a great deal more work. So simply falling back on a "consistency" rationale does not make sense in this context from even a conceptual standpoint because buffer requirements are exceedingly difficult (and often impossible) to comply with for a house that's already within the buffer.

3. The changed rule will not have the desired effect. Advocates of not fully grandfathering existing residential structure footprints may believe that over time this change will result in homes either coming into compliance or going away, thereby providing whatever benefits go along with reducing residential development close to the water. However, in reality very little benefits will accrue, if any. Instead, homeowners will be forced to piecemeal their remodels (which is likely to increase impacts due to multiple construction projects which could be temporarily disruptive of vegetation) and otherwise work around the rules to ensure that their homes and property retain at least some of their value. It's simply too expensive to relocate completely, and many waterfront lots are too small to do that anyway.

   As a result of greater difficulty for remodeling, folks looking to buy and improve a waterfront homes (within the home's current footprint) will not be as interested in buying older and out-of-date a waterfront house that needs significant work. This will reduce property values and tax revenues, but not result in those homes going away or otherwise coming into compliance. They're worth too much for that to happen, but they just won't be worth as much and tax revenues will fall.

   The occasional full remodel of a house within the buffer will still happen, of course, but only when a homeowner gets upset enough to get a lawyer to browbeat City staff and threaten litigation. The lawyer will point out that the SMA is forward looking (no net loss from *new* development) and a remodel within the same development footprint that was already there as a baseline condition does not necessarily mean any new loss of functions and values at all. The lawyer will suggest that a judge could decide all this, or the permit could be issued with

minimal mitigation being required. Since legally the City will have a weak case, and since the City cannot afford to routinely litigate these cases, a settlement will be reached with only minor mitigation being required. The replacement remodel will happen and environmental gains will be minimal or non-existent. So, at the end of the day, the scorecard for the new remodel/casualty come-into-conformance requirement looks like this:

- It will decrease the value of waterfront homes within the expanded buffers due to the hassles, uncertainty and additional expense of remodels and upgrades, even within the same footprint.

- Tax revenues to the City and County will decrease commensurately.

- The requirement will produce few, if any, environmental gains from wider buffers and mitigation requirements because work on in-the-buffer houses will be done in smaller increments to avoid the mitigation requirement. In the rare instances where bigger remodels (replacements) do happen, it will be after litigation threats and will result in relatively minor mitigation being required because no new loss is actually occurring from remodeling within the same footprint.

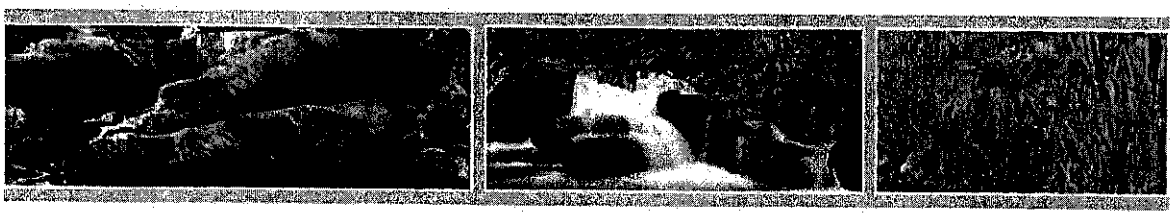
- But in exchange for less tax revenue, more lawsuits, endless permit negotiation hassles for the few permit applications that come in, and waterfront homes that slowly become more outdated, but never go away, you might on very rare occasions find someone rich enough and silly enough to actually move a house out of a buffer area to get what he wants, instead of just buying a different one. Do we really want to endure all the downsides just in case that actually happens once every decade or two?

But wait, I forgot about "consistency." We can claim that we have ensured that consistency reigns supreme. Given all the other probable effects (effects that do not go along when remodels are required to meet wiring or insulation requirements and such), it certainly seems like a choice for consistency here would be a foolish one.

So there's not even any need to factor in fairness or property rights of shoreline owners. The real world effect of the rule change would not include any significant habitat gains.

There are good reasons why the SMP Update recommendations came to the City Council with the ability to remodel within the same footprint being clearly protected. It's surprising and disappointing that the Council did not do their homework well enough to understand those reasons and instead chose, very late in the evening and in this process, to hide behind a foolish consistency.

Windward environmental LLC



Mike Johns, PhD

Mike Johns, PhD
Managing Partner
e-mail Mike
206-812-5418 (phone)

Dr. Johns is an aquatic scientist who specializes in aquatic ecological risk assessments (ERAs), particularly those associated with contaminated sediment. The focus of his 30 years of professional experience has been on the effects of toxic pollutants on aquatic organisms. Dr. Johns is responsible for the management of large, multi-task, multi-disciplinary environmental investigations, including remedial investigation/feasibility studies (RI/FSs) and natural resource damage assessments (NRDAs). He has served as the program manager for investigations at several large Superfund sites, including the Lower Duwamish Waterway RI/FS and the Portland Harbor ERA. Dr. Johns has also served in an advisory capacity as a technical expert in the regulatory arena, providing technical review and comments on proposed environmental regulations. He has also provided technical support to clients involved in litigation regarding mining sites, petrochemical facilities, heavy industrial sites, and ports.

HOME

COMPANY
Key Personnel
Kathy Godtfredsen, PhD
Ron Gouguet
Warren Hansen, PE
Mike Johns, PhD
Shannon Katka
Matt Luxon, MS
Susan McGroddy, PhD
Lisa Saban, MS
John Toll, PhD
Career Opportunities

EXPERTISE

NEWS

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As a principal investigator at EPA National Research Laboratory in Narragansett, Rhode Island, he served as assistant technical director to the joint EPA/Army Corps of Engineers (USACE) Field Verifications Program, which was one of the first comprehensive programs to assess the impacts of contaminated sediment on aquatic species, and one of the first applications of an ERA to contaminated sediments. Dr. Johns is a recognized expert on the use of bioassessment techniques to evaluate sediment contamination, and he was responsible for the development of the Neanthes bioassay used by EPA and USACE.

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Mike Johns

15709 Point Monroe Drive

PROPOSED SAND SPIT SMP REGULATIONS ARE BASED ON SCIENCE

The Point Monroe Home Owners Association (PMHOA) has been actively engaged in the Bainbridge Island SMP process for the past several years. We have been working to assure that the Planning Department and the Planning Commission, and by extension, the City Council, take into account the unique aspects of the Sand Spit when developing shoreline management regulations and appreciate the City's accommodations in this regard. We are conversant with the requirements placed on cities and counties by the Department of Ecology's Shoreline Management Act. We understand, and embrace, the SMA requirements that SMP be based on best available science and that the guiding purpose of plan is to assure that there is no net loss of ecological function associated with new or expanded development. The Department of Ecology defines no net loss as:

"Over time the existing conditions of shoreline ecological function should remain the same as when the SMP is implemented. ***The standard of no net loss is intended to prevent new adverse impacts to shoreline ecological functions resulting from new or expanded development."***

In the original drafts of the SMP the Sand Spit was treated as just another waterfront and was subject to the same buffers, setbacks and other regulations required for the more common shoreline landscape - that of a forested shoreline. However, the Sand Spit is unique in that lot sizes are small by comparison to other waterfront lots on Bainbridge Island that can't incorporate setbacks, cannot accommodate house relocations, and is host to habitats that are dominated by beach grass and pickleweed that are not found in other waterfront areas.

Based on comments made by PMHOA members pointing to the lack of incorporating best available science to account for the characteristics of the Sand Spit, the City Council agreed and directed the Planning Department to commission a scientific analysis for a basis for establishing requirements for the Sand Spit. The results of the study pointed to the multiple distinct Sand Spit features and differences in ecological function that would require a different set of SMP regulations. This assessment process involved a series of meetings and site visits in which members of the PMHOA actively participated and culminated in recommendations to the Council for specific changes that were consistent with the scientific findings. These recommendations received preliminary approval from the City Council on February 6, 2013 and included, in part, the following provisions:

- Environmental Impacts: When vegetation mitigation is required for new development, uses or activities the mitigation shall include spit-appropriate vegetation communities (The spit cannot support wooded vegetation, but rather supports salt tolerant species such as beach grass and pickleweed).
- Vegetation Management Provisions: Shoreline buffers or site-specific vegetation management areas are not required but all properties shall retain existing native vegetation and be subject to spit-specific vegetation management area (SVMA).
    - The SVMA areas include side yard and 15 foot rear yard (lots are too small to accommodate much else, and that width of buffer appears to be sufficient based on the interaction between upland and water environments on sand spits).
    - SVMA shall be managed with appropriate spit vegetation
    - All new development and alterations and expansion shall assess impacts to existing vegetation and meet no net loss standard
- Special Provisions for Point Monroe District: Primary and Accessory Structures, Residential development within Point Monroe District shall follow the provisions for the Shoreline Exemption permit
    - Each lot is permitted a development area that is intended to accommodate the primary residence, garage or accessory structure, parking and driveway
    - All new primary and/or accessory structures, except approved docks or stabilization shall be located a minimum of fifteen feet from the ordinary High Water Mark
    - Stabilization and flood protection works may be allowed provided need is demonstrated
    - Ecological functions shall be protected
    - Stormwater conveyance shall be designed according to the provisions of Section 4.1.6, Water Quality and Stormwater Management
    - To maintain views enjoyed by existing residences, new buildings may not be located closer to the OHWM than existing adjacent primary residential structures are located
    - Overwater structures may be allowed
- Residential Development Overwater: Special provisions for Point Monroe District
    - New overwater primary residential structures are prohibited
    - An existing overwater primary residential use may continue and the structure may be repaired, maintained and remodeled
    - The upland portion of an existing primary residential structure that is partially located overwater may be repaired, maintained, remodeled or expanded to the extent allowed by this program and in accordance with Section 4.2.1.6.3, Nonconforming Development, Special Provisions for Point Monroe District

- New individual or joint-use docks and piers are permitted in the Priority Aquatic B designation, only in area where pickleweed does not exist

We trust that the City Council will continue to honor the SMP provisions for the Point Monroe District that resulted from the February 6 City Council meeting.

Regarding Consistency in rules from different regulatory programs (i.e. SMP, CAO, Zoning codes)

PMHOA has worked with COBI staff, Planning Commission, and Council for over 2 years on these revisions to the SMP. At all times we were told repeatedly not to worry about our lawfully constructed existing homes that may become non- conforming under the new codes, as they would be "grandfathered in". That meant that they could be repaired, remodeled, and replaced in their existing footprint –period – no conditions. We asked for that to be clearly stated in billboard language; and until just recently, thought that that was a given in the new SMP document. However, there has recently been a significant change to this element, as reflected in the current version under comment.

Late at night on March 13th, near the end of their meeting, Council voted by a narrow margin (4-3) to instruct staff to eliminate this grandfathered status right for structures that were intentionally demolished for replacement. Those structures would now need to come into compliance with the revised SMP rules, including buffers. The reason stated for this change was not to meet any specific goal or policy of the SMA/ SMP, but rather to be more consistent with other COBI codes (specifically mentioned were Critical Areas Ordinance (CAO) and Zoning Codes).

Now, I can tell you that I have been working with environmental regulation as a consulting environmental scientist for 34 years and have experience with a wide range of Federal, State, and local regulations. Different regulatory programs derive from different specific laws, each with their own unique stated goals and policies. As a result, they usually take different approaches to their specific codes, implementation and enforcement, and how they deal with changes and amendments over time. There is no goal or inherent value to try to make them be consistent; not at EPA, USACE, WADOE, WADNR, etc.; nor does there need to be at a local level. Each set of rules should be appropriate for the regulatory mission they are trying to accomplish, as directed by the law they derive that mission from.

This is indeed the case for the 3 COBI codes mentioned. They have differing purposes, goals, and policies and do not need to implement them in the same way. The CAO goals and policies are all about *protection*- protecting the CA from the development use (e.g. wetlands, critical habitats); and protecting the development use from the CA (e.g. flood zones, geologically hazardous areas). Section 16.20.010 Purpose and Intent goes on to list 11 specific elements to protect, prevent, or reduce.

The zoning codes also have their unique and broad ranging Intent and Purpose (Section 18.03.040)- i.e. "improving and protecting the public health, safety, comfort, convenience, and general welfare of the people, the aesthetic quality of the city, and implementing the goals and policies of the Bainbridge Island comprehensive plan".

These 2 sets of regulations have differing intents and purposes from each other; and are each different from those of the SMP. The SMP is guided by the policy goals of the Shoreline Management Act (SMA) which include a balancing of "utilization and protection", including accommodating "all reasonable and appropriate uses", "protecting private property rights", and "accommodating single family residences as a *priority* use". The protection standard is explicitly to be measured by the concept of "no net loss of

shoreline ecological functions" with a focus on impacts from new development, allowing for the continuing existence of existing uses and structures. It does not call for the removal of these structures over time.

To repair, remodel, or replace an existing structure in its existing footprint cannot by definition cause any new net loss, regardless of the cause or intent of that activity ("naturally caused" or human intentional) (and what category is fire or explosion from human - caused accident?). Keep in mind that most waterfront lots are small and largely encumbered by proposed buffers. The likely tear down/ rebuild scenario is to take the old structure down to its foundation (leaving the existing water and sewer/ septic connections) which is efficient and likely to have less actual impact on the shoreline area environment overall. One main reason to rebuild is to modernize and make more energy efficient and "green" our houses that do not meet such standards today because of their age and being looked on as beach houses in their day. In the small lots, maybe the rebuilt house could be required to move a few feet more landward due to the changed compliance requirement, but the net environmental value of this is marginal at best.

To take away the long promised grandfathered status if a homeowner wants to intentionally demolish a structure and rebuild in place, just to be consistent with other codes (laws) is arbitrary (begging the question of whether those codes may or may not be proper) and actually inconsistent with goals and policies of the SMP. This late change to the rules that we have been working with the City on should be reversed.

NAME	COMPANY JOB TITLE	YEARS EXPERIENCE	
		TOTAL	WITH SES
Peter McCormick	**Program Manager**	**30**	**5**

OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards)

Qualification Summary

Mr. McCormick has 34 years experience as a Manager and Consulting Environmental Scientist. He has conducted, managed, and directed numerous aspects and phases of large environmental investigation and restoration programs for government and private entities in the USA and in Australia. His technical expertise in these programs covers contamination source identification; site investigation and characterization; fate and transport evaluation; risk assessment; and remedial action selection, implementation, oversight, and compliance monitoring. His experience in other areas of environmental compliance and assessment includes hazardous materials and waste management, electrical utility polychlorinated biphenyl (PCB) management, National Pollutant Discharge Elimination System (NPDES [i.e., wastewater]) permitting and monitoring, and sediment quality management studies. He is knowledgeable in methods and standards for field sampling (i.e., water, soils, sediments, air, wastes), analytical testing, and quality assurance/quality control (QA/QC). Mr. McCormick's fields of technical competence include:

- **Environmental Monitoring**: Sampling and testing of soils, surface and ground waters, sediments, biota, air, and wastes/emissions.
- **Environmental Assessment and Regulatory Compliance Management** for a wide range of commercial and industrial activities and regulatory programs.
- **Contaminated Site Investigations:** Planning, conducting, reporting, and management of investigations and assessments of chemical contamination at a wide variety of sites and in all environmental media.
- **Contaminated Site Remediation:** Identification, evaluation, selection, and specification of remedial alternatives/ technologies; and remedial action oversight and monitoring.
- **Field Services**: Planning and conducting of field services for environmental sampling and remediation activities.
- **Risk Assessments and Natural Resource Damage Assessments:** Planning and management of site-specific evaluations of human health risks and ecological risks and/or damages.
- **Quality Assurance/ Quality Control (QA/QC)**: Planning and implementing QA/QC management for sampling and analysis for environmental monitoring and contamination investigations.

Mr. McCormick is the Sealaska Environmental Services (SES) Program Manager for the U.S. Navy's Northwest Facilities Engineering Command Long-Term Monitoring and Operations and Maintenance contract. He directs all aspects of the program, starting in 2007 for the final two years of a five year $20M IDIQ Contract, and continuing with a successor five year $40 M IDIQ Contract. Peter is responsible for maintaining and developing client communications and relations; overseeing the CTO proposal, negotiation, and award process; managing staffing resources and project performance; monitoring and ensuring program financial performance; and facilitating effective implementation of the SES quality and safety programs. Under the two contracts, 94 separate CTOs have been conducted/awarded to date.

SEALASKA ENVIRONMENTAL

RELEVANT PROJECT EXPERIENCE

TITLE AND LOCATION (City and State)	Period of Performance	
Landfill Investigations:, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Conducted leachate/groundwater, landfill gas, surface water, and stream sediment investigations at several northwest Washington municipal waste landfills (Kent Highlands, Midway, Cedar Hills, and Hawks Prairie Landfills).

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Seattle City Light On-Call Sampling and Site Assessment Services, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. : Project Director and Senior Scientist for a 5-year, on-call contract with Seattle City Light (electrical utility) Environmental, Health, and Safety Division. Provided contamination sampling and site assessment services at various Seattle City Light facilities. Over 150 separate projects were conducted. Typical activities included conducting sampling investigations at utility substations, service included conducting sampling investigations at utility substations, service centres, operations yards, underground storage tank (UST) removal sites, and emergency spill sites, typically for PCB and petroleum contamination. Where needed, organized and managed contamination removal and disposal/treatment. Prepared all relevant and required reports to appropriate regulatory agencies.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Western Processing NPL Site Investigations, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Mr. McCormick was onsite coordinator for this intensive, fast-track characterization study ($3M budget/3-month schedule) of contamination at the Western Processing National Priority List (NPL) site. This project included multiple site activities, nine subcontractors (including three laboratories), and daily coordination of meetings with Washington Department of Ecology (Ecology), U.S. Environmental Protection Agency (EPA), and the responsible parties. Over 1,000 samples were collected and analyzed from surface soils, subsurface test pits and borings, and buried drums, tanks, and utility lines, to characterize and delineate areas requiring excavation and offsite treatment and/or disposal.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
U.S. Navy NACIP Program, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Performed site identification, risk assessment, site ranking, and planning of confirmation sampling investigations of hundreds of potentially contaminated sites at seven Western U.S. Navy bases involving soil, sediment, groundwater, surface water, and marine sampling. The sites included a broad-range of industrial and maintenance activities including aircraft maintenance, public works, pest control, plating, battery shops, landfills, and ordnance activities.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Strandley Manning Superfund Investigations and Remediation, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Managed several projects at the Strandley Manning site (a former electrical transformer reclamation facility contaminated with PCBs) which included impacted stream and marine sediments monitoring, site soil sampling, chemical

analysis and QA/QC, bench scale soil washing and bioremediation treatability studies, and remediation and stream restoration oversight monitoring.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Boeing of Portland Groundwater Investigations, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Served as Project Scientist for groundwater investigation at a major aerospace manufacturer's facility in Gresham, Oregon. Tasks for the project included installing monitoring wells, conducting groundwater sampling, soil gas sampling, and characterizing a multi-aquifer system contaminated with chlorinated solvents.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Creosoting Plant RI/FS, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Conducted field investigation at a creosoting plant on the Willamette River in Portland, Oregon. Developed and managed the field sample handling and management protocols for soil, groundwater, and sediment sampling activities.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Industrial Facility Contamination Investigation, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Planned and conducted soil and groundwater investigations to identify and characterize site contamination at this rendering plant on the Duwamish River in Seattle, Washington. Prepared and submitted applicable State reports and developed excavation and removal remediation plan to allow for finalization of property transfer.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Seattle Port Redevelopment RI/FS, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. : Served as senior scientist for evaluation of site chemistry, contaminant fate and transport, and development of risk-based cleanup levels (including PCBs) as part of a multi –firm team investigating cleanup requirements for a major Port redevelopment project. Northwest Transformer Superfund Site Remediation – Developed human health risk assessment and remedial alternatives for a utility group of PRPs at a PCB-contaminated site. Assisted with the development of experimental design and sampling program for an *in-situ* vitrification (ISV) treatability study for PCB-contaminated soils from the site.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Substation Herbicide Monitoring, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Reviewed background data, developed sampling plan, and conducted a quality assurance review for a soil investigation of residual herbicide contamination at a utility substation in Seattle, Washington

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Electronics Facility Remediation, Contract Number, Delivery Order Number, City and State	From	To
	YEAR	**YEAR**

BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Supervised and contracted remedial activities for an electronics manufacturer. Conducted sampling and documented cleanup activities at a former circuit board manufacturing facility in Bothell, Washington, contaminated by acids/metal solutions.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
Gasoline (petrol) Leak Cleanups, Contract Number, Delivery Order Number, City and State	From: **YEAR** / To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Supervised, sampled, and documented cleanup of gasoline contamination from leaking underground storage tanks (USTs) and buried tank piping at Seattle area service stations.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
Metals-Contaminated Site Remediation, Contract Number, Delivery Order Number, City and State	From: **YEAR** / To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Field supervision and monitoring activities for the removal of lead- and zinc contaminated soils and sludges at a former secondary-lead smelter and refinery in northwest Oregon.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
Polycyclic Aromatic Hydrocarbon (PAH) Background Levels Study, Contract Number, Delivery Order Number, City and State	From: **YEAR** / To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Developed a sampling and analysis plan and interpreted analytical data for PAH background levels at an aluminium production plant. The site conditions were compared with urban soil background levels and as part of an assessment of the remedial requirements for the facility and adjacent waterway sediments.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
Seattle City Light Freshwater Sediments Standards Support, Contract Number, Delivery Order Number, City and State	From: **YEAR** / To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Provided environmental consulting services to Seattle City Light concerning development, application, and use of freshwater sediment standards for contamination cleanup in an urban environment. Compiled and reviewed existing local and regional background conditions for use in evaluating the Seattle site. Seattle City Light PCB Treatability Studies – Assisted with the experimental design of PCB treatability studies and provided quality assurance expertise to Seattle City Light. The biotreatment and soil washing technologies were tested for applicability to soils from several sites.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
MTCA (WA State) Interim Cleanup Action, Contract Number, Delivery Order Number, City and State	From: **YEAR** / To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Planned and supervised petroleum contaminated soils removal and disposal for a building excavation on a historical fill site at the Puget Sound Naval Shipyard in Bremerton, Washington. King County Airport Remediation – Compiled and evaluated historical data and reports on soils and roundwater contamination investigations and remediation by an industrial tenant of the airport, as part of tenant lease/closure negotiations.	
Project Value: $$$$.	
TITLE AND LOCATION (City and State)	Period of Performance
Contaminated Property Evaluation, Contract Number, Delivery Order Number, City	From / To

and State	**YEAR**	**YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Reviewed and commented on an environmental assessment for a former textile printing facility in Spokane, Washington. Assessed various contamination potential scenarios and provided estimates of associated remediation costs after the property transfer. Conducted soil gas sampling to confirm presence of subsurface contamination. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
Groundwater Bioremediation, Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Provided technical reviews of feasibility of enhanced bioremediation of chlorinated solvent contaminated groundwater sites in Washington and Oregon, using injected edible oil substrate. Assisted with design of pilot tests and site injection plans. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
Dredge and Fill Contaminated Sediments Remediation, Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Commencement Bay (Washington) contaminated waterway sediments were dredged (hydraulic and clamshell) and placed in a near shore confined disposal fill site. Planned and implemented water quality monitoring during dredging and provided contaminant- related health and safety oversight services to dredging contractor. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
Contaminated Site Litigation Support, Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Provided consultation support for legal cases regarding contaminant source identification and data quality and usability. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
USEPA Technical Advisory Review, Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Performed technical review as a member of the USEPA Community Technical Advisory Group. Reviewed project activities and documents and commented on RI/FS activities at the Wyckoff/Eagle Harbour wood treatment Superfund site. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
Property Transfer Environmental Assessments (Phase 1/Stage 1):, Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	
Project Position. Completed numerous property transfer environmental assessments in the Puget Sound region for Industrial and commercial properties. **Project Value: $$$$.**		
TITLE AND LOCATION (City and State)	Period of Performance	
Gas Works Park Environmental Impact Statement (EIS), Contract Number, Delivery Order Number, City and State	From **YEAR**	To **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. EIS for improvements to Gas Works Park in Seattle, Washington. Assessed impacts of contaminated site conditions on development alternatives and determined regulatory requirements for this park on a former coal gasification site.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
U.S. Navy Environmental Assessment, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Prepared an environmental assessment for planned base expansion/development at Submarine Base, Bangor, Washington.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Scott Paper Company NPDES Permit Monitoring, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Provided Scott Paper Company with assistance in NPDES (industrial wastewater discharge) permit negotiation and developing a monitoring program. The project activities included discharge dilution zone studies, sediment investigations, and effluent bio-monitoring. Provided technical support for planning and conducting stormwater permit studies at the client's local mill site and log yards.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Port of Everett Sediment Chemistry Evaluations, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Managed evaluations of sediment chemistry to support expansion projects for the Port of Everett in Washington. Sediment chemistry was evaluated for historical source interpretation, data quality, and management according to Puget Sound Dredge Disposal Analysis (PSDDA) and Washington Sediment Management Standard (SMS) considerations.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Commencement Bay/Hylebos Waterway Natural Resource Damage, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Evaluated dioxins/furans and PCB congener sediment data for potential natural resource damages in support of regulatory management for Commencement Bay and the Hylebos Waterway. Dioxins Risk/Damage Evaluation – Provided insurance litigation expert support for interpreting wastes, soils, sediments, and marine biota dioxins data to evaluate sources, potential risks/damages, and associated remedial requirements for a pulp mill in Alaska.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Elliott Bay Natural Resource Damages Assessment Program, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**
BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental	

Project Position. Provided senior planning and coordination support to NOAA and other Elliott Bay Natural Resource Trustees for investigation and assessment of resource injuries in the Duwamish River and Elliott Bay due to PCBs and other contaminants.

Project Value: $$$$.

TITLE AND LOCATION (City and State)	Period of Performance	
Seattle City Light Herbicides Management Study, Contract Number, Delivery Order Number, City and State	From: **YEAR**	To: **YEAR**

BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE	☐ Project with Sealaska Environmental
Project Position. Researched and reviewed environmental fate and effects and health risks of herbicides used by Seattle City Light municipal electric utility. Reviewed usage patterns and developed recommendations for preferred products and applications and managed data and interpreted results. Seattle Water Department Drinking Water Treatment Studies – Managed field laboratory and water quality investigations for Seattle's Cedar River system monitoring and pilot water treatment plant project. Hydrologic Database – Electronic mapping and national hydrologic database of U.S. coasts and rivers for the USEPA. **Project Value: $$$$.**	

There is a lot of FUD (fear, uncertainty and doubt) surrounding the issue of non-compliance in the SMP update being proposed. Each side makes points, but there is very little effort to work towards a compromise. It is reasonable for home owners to fear the label of non-compliance, and it is seems reasonable to not change the meaning of non-compliance because of all the land use case law that depends on it. I must commend Council Member Anne Blair for trying to compromise with the term "existing structure", but this doesn't really address completely the issues that concern home owners. To wit, owners want to be able to maintain, repair, and rebuild existing structures without excessive interference.

May I make the following suggestion: make the proposed buffers exclude existing legally built single family structures. This would allow the existing Bainbridge Island laws to apply without putting additional burdens on existing homes. Of course, if the home owner wants to expand the home in the buffer, the new regulations would apply. And the vegetation regulations for the buffers would still apply. I'm not sure how many changes it would take to the wording of the SMP update, but that's what staff is good at.