

**From:** [Jeff Grundman](#)  
**To:** [Barbara.Nightingale@ecy.wa.gov](mailto:Barbara.Nightingale@ecy.wa.gov)  
**Cc:** [PCD](#)  
**Subject:** Bainbridge Island SMP Comments  
**Date:** Wednesday, August 21, 2013 6:21:36 PM

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Dear Ms Nightingale,

I note that The Washington Dept of Ecology’s website lists FAQs concerning the SMP program touting its scientific basis. The number one response to the question concerning the source of scientific information utilized for SMP development is “Monitoring data collected periodically over time to determine a resource trend or evaluate a management program”. Why then, is it acceptable for the new Bainbridge Island SMP to totally avoid any obligation to establish a monitoring program to determine the efficacy of any of the new and restrictive provisions regarding vegetation, buffers, bulkheads, docks, etc?

There are 16 SMP provisions (see below) in which there are references to monitoring, 13 of them obligate the Property Owner to monitor something, the other three are so poorly written that it is not clear if there is any obligation at all. If sections 4.1.3.3.4, 4.1.5.3.7 and 4.1.5.4.2 are responsibilities of COBI or DOE, please identify the programs to implement such monitoring the objective criteria to be measured, the measurement methodology and the pass/fail criteria.

SMP Section	Responsible Party	Monitoring Requirement
4.1.2.3.2	Property Owner	Ensure, through appropriate <b>monitoring</b> and enforcement measures that all required conditions are met, and improvements are installed and properly maintained.
4.1.2.6.1.f	Property Owner	<b>Monitoring</b> the impact and the compensation projects and taking appropriate corrective measures
4.1.2.6.4.d	Property Owner	The mitigation activity shall be <b>monitored</b> and maintained to ensure that it achieves its intended functions and values, pursuant to Bonding Surety Regulations Section 4.1.2.7.
4.1.2.7.2	Property Owner	Except for projects undertaken by public entities, performance or maintenance bonds or other security shall be required by the City to assure that work is completed, <b>monitored</b> , and maintained. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required <b>monitoring</b>
4.1.2.8.1	Property Owner	When mitigation is required, the City shall require periodic <b>monitoring</b> for up to five years from the date of completed development to ensure the success of required mitigation. The <b>monitoring</b> period may be extended if the success criteria set forth in the approved mitigation plan fail to be accomplished, or the approved mitigation plan states a longer period of <b>monitoring</b> .
4.1.2.8.2	Property Owner	<b>Monitoring</b> plans may be forwarded for review and comment to state and/or federal resource agencies and

		affected Tribes with jurisdiction
4.1.2.8.3	Property Owner	<b>Monitoring</b> plans shall meet the requirements established in <b>Monitoring</b> Requirements, Appendix B. 16.20.110(C)(e).
4.1.2.8.4	Property Owner	All new and replacement structural stabilization projects shall complete and submit a five year maintenance and <b>monitoring</b> plan that addresses the shoreline stabilization mitigation measures, and which shall at a minimum include
4.1.2.9.1.g	Property Owner	A description of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed, including proposed <b>monitoring</b> and maintenance programs
4.1.3.3.4	Unclear	Use <b>monitoring</b> programs to ensure the protection of shoreline ecological functions within the vegetation management areas, particularly when non-native plant species are used as an alternative to native plants.
4.1.5.3.7	Unclear	<b>Monitor</b> critical areas, including saltwater habitats, and fish and wildlife habitat conservation areas, to assure that these areas are not being adversely impacted by approved development or restoration projects
4.1.5.4.2	Unclear	Development, uses, and activities adjacent to critical areas, including critical saltwater habitats and fish and wildlife habitat conservation areas, proposed within shorelines of the state shall <b>monitor</b> to assure that these areas are not being adversely impacted by approved development or restoration projects.
4.1.8.6.3.b	Property Owner	Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be selected, <b>monitored</b> and maintained, in accordance with Section 4.1.3, Vegetation Management
5.2.6.2	Property Owner	Operational monitoring may be required if and to the extent that is necessary to determine, ensure, or confirm compliance with predicted or required performance, including periodic benthic analysis or noise pollution in accordance with BIMC Chapter 16.16. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.
5.2.7.1.i	Property Owner	Environmental assessment, including best available background information on water quality, turbidity, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms, including existing kelp beds or in beds of native eel grass ( <i>Zostera marina</i> ), and probable impacts on water quality, biota, currents, littoral drift, and any existing shoreline or water uses. Further baseline studies may be required, depending upon the adequacy of available

		information, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for
6.2.10.1.m.iii	Property Owner	Maintenance, <b>Monitoring</b> and Planting Plan as specified by Section 4.1.2, Environmental Impacts
Definitions <b>Monitoring</b>	N/A	Evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of ecosystem functions and processes and/or assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to baseline or pre-project conditions and/or reference sites.

Please explain the "Science" behind the justification for the draft SMP making my legally constructed, land based, 100 ft from the shoreline home a nonconforming structure, which should be "eventually phased out", while RCW 90.58.270.5(a) states "A floating home permitted or established prior to January 1, 2011 must be classified as a conforming preferred use".

I look forward to your response.

Regards,

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