

Peter and Martha Hofmann
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Bainbridge Island, WA 98110

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Planning Commission
City of Bainbridge Island
280 Madison Ave.
Bainbridge Island, WA 98110

Re: Comments Regarding Proposed Designation of Fletcher Bay as an Aquatic Conservancy/Tidal Lagoon

Dear Planning Commission Members:

We are longtime homeowners on Fletcher Bay and are writing to strongly oppose the proposed designation of Fletcher Bay as a "tidal lagoon" and therefore an Aquatic Conservancy under the SMP update. The proposal would create an aquatic conservancy on a bay that is currently home to more than 50 single family residences, with many many more residences immediately upland and along the year round and seasonal streams that make up its watershed.

The residents of the Bay have been making low impact use of the Bay for years and years with docks and mooring buoys, use of motorized vessels and some limited fish and shellfish harvesting. The immediate effect of the designation will be to make most of the common water oriented or water dependent uses of the bay, including all docks and mooring buoys, use of motorized boats, and harvesting of fish and shellfish prohibited or non conforming uses. The use prohibitions that apply to this designation are blanket and across the board, and ignore the fact that the prohibited uses really are of minimal impact in the Bay and are not causing the problems that are affecting the environmental health of the Bay.

The Bay has been heavily affected by siltation due to stormwater runoff from development and land clearing that has taken place in the watershed that feeds the bay. It's a problem that really needs to be addressed. Vegetation can't survive on the subtidal surface because it is regularly suffocated by the sediment coming into the Bay. One result of that is that there is not a lot of biological diversity in the subtidal Bay at this point. The stormwater runoff problems are primarily in areas that are outside the scope and jurisdiction of the Shoreline Master Program. Prohibiting in water uses under the SMP will do nothing to solve these problems. It is the wrong approach to take in addressing the issues that are truly affecting the Bay.

As to the question of whether Fletcher Bay is a tidal lagoon, there is plenty of leeway to question that conclusion:

In 1996, Fletcher Bay was mapped as a "tidal inlet", with certain areas towards the head of the bay designated as aquatic conservancy because they appear to support salt-tolerant vegetation and/or

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exposed mudflats. At the time that it was mapped, the tidal lagoon option was also available but it was not used. Here is the definition of "tidal inlet" in BIMC 16.12.030(185).

"Tidal Inlet" means a saltwater bay, subject to the daily influence of the tides, whose mouth is narrower than its length. The inlet is considered to be all lands and waters seaward of the ordinary high water mark, and extending to its mouth. Within tidal inlets, specific areas that constitute critical habitat are designated for special protection under the master program.

Fletcher Bay is a saltwater bay. It is subject to daily influence of the tides (two highs/two lows every day), and its mouth is narrower than its length. High tides extend daily up to the head of the bay. During the lower low tides (below 2 ft MHHW), the connection between the bay and Port Orchard Sound is maintained on the surface through a small channel. Those are limited time periods, and there is a constant surface exchange between the Bay and the Sound throughout the day.

The SMP is proposing that Fletcher Bay should be treated as tidal lagoon not a tidal inlet. Tidal lagoon is defined as

Bodies of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet that is subject to periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The connection between the sea and the lagoon may be subsurface through permeable gravel or sand berms.

The entrance to Fletcher Bay is limited by the sandspit, but beyond that, the Bay does not meet the definition outlined above which emphasizes periodic rather than regular tidal influence. Battlepoint Lagoon and Tolo Lagoon, the two waterbodies identified as tidal lagoons in the original 1996 SMP illustrate the type of waterbody that is envisioned for this tidal lagoon designation. They are small, shallow waterbodies that, while affected to some degree by residential development, presumably exist in a relatively natural state. They are not subject to regular daily influence of the tides. Except at higher high tides, the connection between Puget Sound and these lagoons is subsurface.

A DOE employee contacted by the Planning Department opined that it "would seem" that Fletcher Bay could meet the tidal lagoon definition, but he also said that "geomorphologically, there are a wide range of terms that might be applied to a feature such as Fletcher Bay, including pocket estuary, estuarine lagoon, restricted stream-mouth estuary, ... barrier estuary, drowned stream valley estuary with an enclosing spit, and so forth. Which term is used may depend on the situation ..."

So let's look at the situation. The stated purpose of the Aquatic Conservancy Designation under the proposed SMP revision

"is to protect, preserve, restore and manage aquatic areas of sensitive and unique ecological value ... (What are the areas of sensitive and unique ecological value – has anything actually been identified?)

that include those portions of the marine waters of the City that exist in a relatively natural state free of human influence, ... (The Bay does not exist in a relatively natural state free of human influence. It has at least a century long history of human influence.)

or which contain resources, biological diversity, or other features that are particularly sensitive to human activity, ... (Unfortunately, at this point Fletcher Bay does not have much in the way of either resources or biological diversity to protect.)

or which contain unique, historical, archeological, cultural or educational features that merit special protection. (To our knowledge no areas have been identified)

Island Center is one of the designated urban centers identified under the city's comprehensive plan. This means it is one of only three or four areas on the island that is slated for higher density development. The head of Fletcher Bay and at least one of the streams that feed the bay are in the immediate area slated for this type of development. This is all very relevant information that should be considered in determining whether aquatic conservancy is the appropriate designation for Fletcher Bay.

There is a huge need to address storm water discharges on this Island. We raised this issue with the Planning Department seven years ago in connection with Fletcher Bay. To our knowledge absolutely nothing has happened. We hope that, in the midst of all the state mandated planning exercises that you are required to engage in, there will be time and money to address this truly important issue. Thank you for your consideration of our comments.

Sincerely,

Peter & Martha Hofmann

CC: Bainbridge Island City Council