8324 N.E. Hidden Cove road
Bainbridge Island, Wa 98110
July 26, 2011

Waterfront Property Owners
Bainbridge Island, WA 98110

Dear Property Owners:

I have lived at Port Madison on waterfront property since 1965 and have watched with horror, particularly since Bainbridge Island became a City, the steady erosion of our property rights.

As you may know, the present draft revised Shoreline Management Plan proposes to impose 150' buffers on waterfront property; require "soft" bulkheads which cannot control erosion; propose reducing the size of docks despite the Water Resource Inventory Area (Washington State), known as WRIA-9, study that states there is no scientific evidence that docks hurt fish; require people to share docks even though that practice was declared unconstitutional; grant easements as a condition of obtaining a permit despite this practice being banned by the U.S. Supreme Court; and grant access to the water at any street end.

There is no scientific evidence that all these regulations are necessary or will accomplish anything or that the present plantings, bulkheads or docks on the waterfront properties hurt the environment. There is evidence that bulkheads stabilize banks and it is the best way to stabilize a bank. Forcing people to share docks has been declared unconstitutional by the U.S. Supreme Court and having to leave your property in 67% "native species" has been declared unconstitutional by the Washington State Supreme Court.

We need to demand that the staff be competent in understanding property rights and not propose unconstitutional actions. If these Public Servants do not have a basic understanding of these rights and cannot distinguish between theory and science, they should be fired and replaced by competent personnel. I find it ironic that we who elect the City Council are ignored by these officials who become so staff driven they do what the incompetent personnel want them to. Enclosed herewith is a copy of Gary Tripp's email to the City Council detailing the staff's tactics.

It is time for Waterfront Property Owners to let the Bainbridge Island City Council know that we will not allow our constitutionally protected property rights to be usurped by out of control city staffers as well as out of control DOE employees. We need to write, call, email or go to the meetings if possible to get our message heard: reject these proposals!

Very truly yours,

M. C. Halvorsen

M. C. Halvorsen

Council Should View with Caution and Great Skepticism

Hide Details

FROM: Bainbridge Citizens

Thursday, July 21, 2011 12:46 PM

TO: *Bainbridge Citizens

To City Council

In the SMP update process, the city Staff has acted as a special interest lobby pushing one extreme point of view, RESTORATION of the shoreline to its original condition. The City Council should view with caution and great skepticism the policies, regulations, and legal and scientific justifications presented by staff.

Why do I say this:

1. Representatives from the primary stakeholder group (shoreline homeowners who have the most to lose) were outnumbered on all staff selected committees 2 to 1.
2. Decisions on prescriptive buffer sizes, bans on docks and prohibitions on repair or construction of bulkheads were already made before any problems with the shoreline were defined and before related science was considered.
3. Staff wrote all draft policies and regulations without meaningful input from citizens.
4. Discussions and decisions on the major issues (buffers, nonconforming status, law and science) were delayed until the last couple of Citizen Work Group meetings and then rushed through.
5. There was no attempt to balance private property rights and the need to protect the environment; and,
6. In the end the draft policies and regulations produced by staff are designed to remove human uses from the waterfront and RESTORE the shoreline to an idealized pre-settlement condition.

The goal of the SMA and Bainbridge's SMP is not Restoration, but the balancing of water dependent uses (single-family homes are a preferred water dependant use), private property rights, and protection of the environment.

Taking private property for the creation of an Open Space vegetation buffer between the property owners and the beach and Puget Sound they love is wrong.

There is no science showing normal low-density residential uses are causing any harm. The attempt to compare our developed shoreline with undeveloped shoreline is an attempt to make the SMP about restoration of the shoreline to a natural state. Restoration is not the goal of the SMP and is not required by any regulation.

Because staff has not been honest brokers in the process, disregarded shoreline property owners input in favor of their predetermined goals, and acted as a special interest lobbying group, the City Council should reject the policies and regulations and begin the process over again in an honest matter.

IMPACT STATEMENT: The first step should be to mail a statement of the potential impacts of the SMP update to every shoreline property owner. The Impact Statement should contain drawings and restrictions of the range of potential buffers, under what conditions (remodeling and rebuilding) these buffers will be imposed on existing residences, proposed restrictions on bulkheads, and bans on docks and floats.

Gary Tripp
Member of the Vegetation Citizens Work Group and
Director of Bainbridge Citizens
July 21, 2011

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Commonsense Environmental Regulations and Accountable Government
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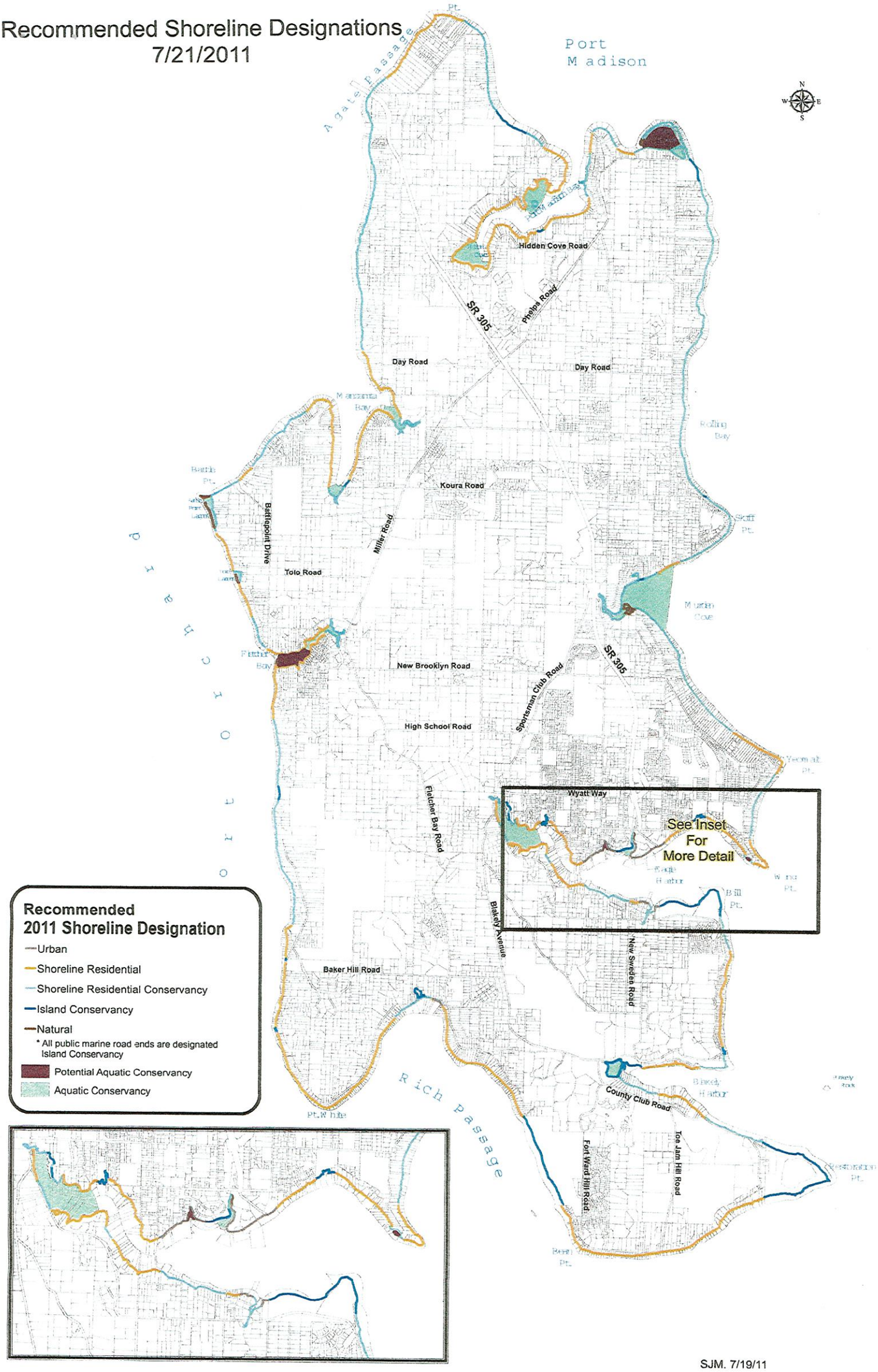
Reply to gary@tripp.net

Recommended Shoreline Designations
7/21/2011



SJM. 7/19/11