

The Sentry

Kitsap Alliance of Property Owners

www.kapo.org

www.insidekapo.wordpress.com

December 2009

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Executive Director Vivian Henderson

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KAPO President’s comments

Tim Matthes

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Moving Right Along with Vivian ~

Executive Director Vivian Henderson

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Environmental Insight with a Touch of Real Science

Some More Things We All Knew, But Apparently Didn’t

Don Flora (a real scientist)

We’ve been told and told again that floats and docks and stairs and bulkheads out on the beach are deadly for the health of Puget Sound in general and our nearshores in particular. Very persuasive, what with pictures of sunsets and all. We’re so sure it’s true that we’re spending hundreds of millions of dollars and volumes of rules and endless hours of ‘education’ to stop these lethal degradations. The badness is there, widely proclaimed, and we shall smite it.

Last month’s Sentry pointed off in a different direction. Some new information, from the shores of Easterly Kitsap and Bainbridge Island, covering more than 200 sections of nearshore, indicates

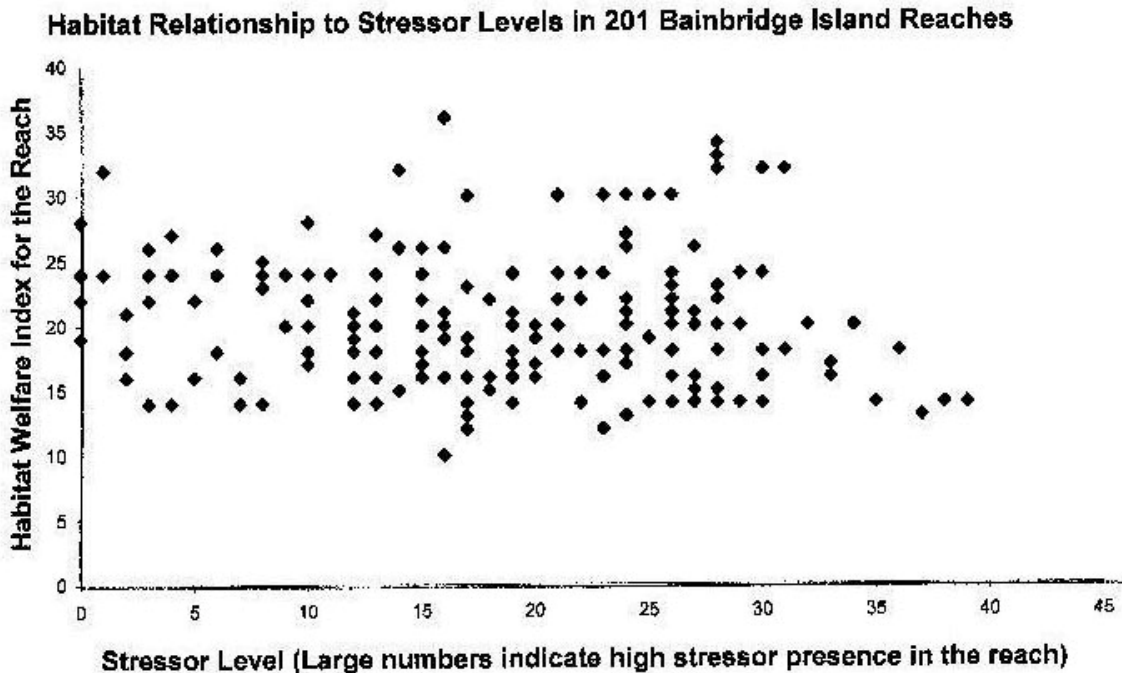
that shore-protecting bulkheads have no discernable effect on nearshore habitat for forage fish, eelgrass, inter-tidal seaweeds, kelp, and geoduck beds. An index of habitat welfare that includes all of these factors has almost no correlation with the extent of bulkheading. That conclusion was demonstrated with a diagram (based on appropriate analysis-ed.)

The same data sources are the basis for some more no-harm conclusions. One is that bulkheads that protrude onto the beach are as benign as bulkheads flush against the bank.

Another is the effect of docks and floats on habitats. The analysts didn't rate docks, presumably because of their low impact. However, floats and ramps were given scores. Are these over-water structures associated with habitat harm? NO.

Yet another is that the total of a whole group of seemingly stressful human-installed fixtures (over-water structures, groins, ramps, floating structures) plus human-created conditions (dredging, bare backslopes, impervious upland), does not explain the variation in habitat conditions.

An index of nearshore habitat welfare is plotted against a composite rating of stressors nearby. Each point reflects a beach segment on Bainbridge Island. The graph looks much like last month's dealing with bulkheads. A narrow band of dots, running from upper left to lower right would indicate negative correlation between stressors and habitat. But there is wide scatter and no trend, hence no correlation.



As with bulkheads, these conclusions are supported by statistical analysis. And they are startling.

First, they suggest that natural, not human-caused factors drive the welfare of nearshore habitat.

Second, they raise serious questions about the relevance of restoration. Return of shorelines to some presumed historic character is high-order business to the Department of Ecology, to be implemented by local shoreline plans. Restoration implies removal of harmful structures and conditions. But apparently they aren't harmful at all.

Third, no net loss of shoreline functions, an admirable if simplistic goal, appears irrelevant if shoreline activities and structures are benign.

Fourth, equally irrelevant are human-caused 'cumulative impacts' if no impacts are occurring.

Fifth, lack of correlation between 'stressors' and habitats mean that adding cultural features doesn't hurt. Neither does it help habitat. I'm not sure where this leads, but it clearly shows that if the natural world is hurting itself, healing will require something other than tearing out bulkheads and other useful structures. We may be looking for creative ways of protecting parts of the natural world against their own self-injury.

In any case, here we are, discovering that some nearshore doctrines we were sure of, to the point of policy about them, are rather dubious.

Editor's Note: There is a related story by Christopher Dunagan in the November 20 edition of the Kitsap Sun. The article entitled **Corps of Engineers to Begin Devising Ways to Restore Nearshore Habitats**, deals with ongoing effort by the US Army Corps of Engineers. It is interesting to note that this effort appears to be in progress paralleling, but separate from, the planning effort being completed by Puget Sound Partnership. The Dunagan article may be viewed on the Kitsap Sun web site www.kitsapsun.com or at the KAPO web site

Kitsap County Planning Commission Activity Report

Mike Gustavson

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November 3, 2009 report:

We had a lively work study on a proposed Innocent Purchaser Accessory Dwelling Unit (ADU) ordinance. Testimony suggested there may be a few thousand of these in the County with undetermined construction dates and uncertain permit status. We had quite a discussion of the Staff's proposed requirement to have the Health Department review each of the installations and under which set of rules. The sense of the Planning Commission was to grandfather all existing ADUs and begin afresh.

We deliberated on the Storm Water Manual and voted to recommend the County Commissioners adopt it.

November 17, 2009 meeting:

We concurred in the staff's recommendation to move all the fee schedules from various locations in the Code to a single location.

We held public meetings deliberated and voted on several requests of "open space" applications. None were controversial.

Innocent Purchaser Accessory Dwelling Unit ordinance was deliberated and we voted to have the Staff re-write the ordinance to establish a grandfather date for existing ADUs and address our concerns over the Health Department question.

An Island Perspective
Bainbridge Shoreline Homeowners
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Ed. – This material was taken from the BSH web site with their permission.

SMP Update to be Pushed Back At Least One Year

During this week's Land Use Committee meeting, we learned that Kitsap County has signed an agreement with the Department of Ecology (DOE) to postpone its Shoreline Master Program (SMP) update for one year — from December 2011 to 2012.

We also learned that the Bainbridge Island Planning Director will be asking the council to approve a similar delay to facilitate coordination with the County and that DOE has said they would approve it with no effect on recently approved [grant money](#).

Other sources tell us that a number of legislators plan to propose a two-year deferral of deadlines for SMP updates during coming legislative session. They say that the proposal has support from the [Association of Washington Cities](#).

The current economic downturn and falling tax revenues make it particularly hard for cities and counties to cope with SMP updates at this time. An extension seems reasonable since it would take a bit of budgetary pressure off local jurisdictions.

It is unclear at this point is how such a delay might effect the Puget Sound Partnership's plan to request a [shoreline moratorium](#) that would halt construction of bulkheads and docks in "sensitive areas" until new rules are approved. However, it would push back a [predicted COBI moratorium](#), authorized in last year's legislative session, to July 1, 2011.

Testimony to BOCC Concerning Shoreline Planning

Bob Benze

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As you know, Kitsap County is beginning the process to update their portion of the state's Shoreline Master Plan in accordance with Chapter 173-26 of the Washington Administrative Code. Among other things, this requires an inventory of shoreline features and the conduct of studies to assess the impact of man-caused features on the nearshore ecosystem. The goal is to ensure that future development will not cause a net loss of ecological function of the shoreline.

The county plans to use an Oregon State University "Alternative Futures" model as a "decision support tool for the SMP update". I will comment on the wisdom of this approach at some future time. But the important thing to note this evening is that a nearshore assessment remains the key element of the proposed shoreline planning process, as mandated by the WAC. Kitsap County has had a contractor prepare such an assessment for the eastern part of the county titled East Kitsap County Nearshore Habitat Assessment and Restoration Prioritization Framework. Regrettably, I need to tell you that this assessment is fatally flawed.

You have received a copy of a report written by Dr. Donald Flora titled "Evidence of Near-Zero Habitat Harm from Nearshore Development". Dr. Flora, in a very straightforward manner, has shown that the data in the East Kitsap nearshore assessment does *not* show any meaningful relationship between man-caused alterations of the shoreline and the ecosystem functions of the nearshore environment – despite the report's authors' contention that it does so. This is not a dispute of opinions between one scientist and other scientists. It is simply a straightforward statistical analysis of the report's own data that shows virtually no correlation between the supposed shoreline stressors and the observed condition of the nearshore habitat. This result can be easily replicated by anyone with basic competence in statistical analysis – something that should have been done as part of the contractor's own due diligence – but wasn't. They were apparently so sure of the outcome that they wrote their findings without rigorously analyzing their own data.

This would be of only minor concern if it were one of the hundreds of studies of environmental phenomena accomplished by academia each year. But it isn't. It will be used to determine the destiny of about two billion dollars worth of private shoreline property owned by citizens of this county. The stakes are high. The government, under pressure from environmental organization, is seeking to put large buffer zones in-place along shorelines – 150 ft. or more – with the long term goal of the Department of Ecology of eventually eliminating non-conforming structures and uses in these buffer zones (see the attached Ecology presentation). They assumed they had the science to support these actions. Now we see that a reputable scientific organization has collected data that says quite the opposite.

I would suggest that our county officials take Dr. Flora's report seriously. Have it independently reviewed. Then take appropriate actions to base the county's shoreline planning on the real scientific evidence. There is too much hanging in the balance to do otherwise.

Legislative Update

Jack Hamilton

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A guide to communications with your legislators

(Ed. – This information was provided last year and is repeated here because of the upcoming legislative session in January)

Getting a message to the correct individual legislator or legislators during session requires a bit of effort. The steps are straight forward but getting success the first time out may be a bit frustrating. This guide is intended to help you complete a few steps that will bring success.

Step 1 is to find the bill or bills you want to send a message about.

- a. Go to www.access.wa.gov to access the State web site home page. (You should probably save this site in your “favorites” file because it allows access to all state government materials).
- b. On the tool bar select and click on [Government](#)
- c. On the page that comes up select and click on [state legislature](#)
- d. On the next page select and click on [state legislature](#)
- e. You are now on the State Legislature Home Page (this is a good one to save in favorites also)
- f. On the left column find and click on [Bill Information](#)
- g. The Bill Information page allows a number of options
 - If you know the number of the Bill or the subject matter you can use the search feature
 - If you are interested in tracking bills in general you should click on [Daily Status Report](#). When the Status page comes up you will see all bills before the legislature in numeric order with the Senate Bills and actions listed first. If you are using the Status page you will want a copy of the KEY that explains about bills. You get the KEY by clicking on the word “Key” directly under the column title “Notes”. You will want to print and save the key. If you are using the Status page, you can open the information on any bill by selecting and clicking on the [Bill Number](#)
- h. Once you have the bill you desire on screen you will need to collect some information for later use.
 - (1) The proper title of the Bill
 - (2) The bill Sponsor(s)
 - (3) Session action will tell you which committee is hearing the bill and generally what the status of the bill is.
 - (4) Bill reports are a synopsis of the Bill created by staff (the same people who wrote the bill) and you probably do not want to place too much faith in that review. It is the staff report to the committee and will almost always be very favorable toward adoption, as written, if it is a majority sponsored bill.
 - (5) Bill Documents will allow you to down load a complete copy of the Bill. Use the latest iteration of the Bill to understand what the Committee is working on.
- i. Download the information that you require to prepare your comments. A note of caution in this effort. Most of the Bills will refer to other existing laws that they are revising. If you do not have a copy of the law(s) being referenced and revised you may have a hard time understanding all of the particulars of the bill. You can still get a

satisfactory understanding by reading the opening “intent” or purpose paragraphs and then looking at the specific changes being recommended and considered. You will probably be able to make a reasonable set of comments on why you support or do not support the legislation without complete understanding of the entire impact.

- j. If you find you need help with understanding the bill you are trying to comment on, try contacting a member of the KAPO lunatic fringe who study that stuff for entertainment and light reading.
- k. Once you have the Bill in hand and your comments ready to commit to paper, please use something like the following format:

“Honorable Senator/Representative,

I write concerning HB1XXX relating to (subject) and to express my strongest opposition (or strongest support for the bill.

Make your argument in a paragraph or two at the most

I most strongly recommend that HB1XXX be processed with a “Do Not Pass” recommendation from committee and that it not be adopted by the Senate/House.

Thanks you for your consideration

I.B. Complaining
Somewhere, WA”

Step 2 is to identify the legislator you want to send your message to

- a. In step 1.h.(3) you identified the Committee that is handling the Bill
- b. Return to the State Legislature Page (step 1.d – now you know why I told you to save it to “favorites”)
- c. Select and click on [Legislative Committees](#)
- d. The Committees page will allow you to further identify Senate and house committees. You should select each and either print out the committee list or save the file in your “documents” file for later reference and use.
- e. From the proper committee list, identify the committee handling the bill you are working with and identify the individual members. Now you are ready to get address information and write your email

Step 3 preparing to address an email

- a. Return again to the [Legislative Committees](#) page and click on [Find your Legislator](#)
- b. On the [Find your Legislator](#) page, under [Rosters](#), click on [House and Senate](#)
- c. On the House and Senate page select, under Members, first the House and then the Senate. This will give you a complete list of all serving legislators and their email addresses. Down load and save these files in your documents. You will need them to effectively send emails.

Step 4 addressing the email

- a. With the “committee” list in hand and the Senate or House roster list on you screen, open your email and select the new message option to prepare an email.
- b. From the committee list identify each member in order, go to the onscreen Roster copy the email address and paste it to the email form.
- c. Repeat the step for each member.
- d. If you want your district legislators to know about your concerns, add them as ‘copy to’

Step 5 – add the message and finish with your name and city/town and send the message.

You may also get legislation information from the www.washingtonvotes.com web site but you will probably need to become familiar with www.access.wa.gov sooner or later. Which ever way you approach the process, remember to save sites that are critical to this effort to your “Favorites” and to save critical lists to your document file for future reference.

Have a ball!

Citizens Alliance for Property Rights (CAPR) - The statewide group

Jack Hamilton

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The KAPO Board of Directors conducted a special meeting on November 24 to discuss the issue of statewide organization involvement. The primary action from the Board is to draft and send a letter to CAPR that identifies KAPO concerns with accepting a closer relationship with CAPR.

EDITOR’S NOTE: Wanted – An Editor: The position of Editor of this newsletter, The Sentry, will become open in the near future. Please contact Tim Matthes or Vivian Henderson for details about the duties and responsibilities of the Editor, if you would like to fill the post.

December Historical Almanac

December 1, 1862	Abraham Lincoln identifies America as “last best hope of earth” .
December 2, 1823	“Monroe Doctrine” established
December 4, 1783	Revolutionary War concluded. Washington bids Officers “farewell”
December 6, 1865	Thirteenth Amendment abolishing slavery ratified.
December 7, 1941	Japanese sneak attack on Pearl Harbor.
December 13, 2003	Saddam Hussein captured by US troops
December 15, 1781	“Bill of Rights” ratified
December 16, 1773	Boston Tea Party
December 20, 1803	Louisiana Purchase completed

December 18, 1951 First electricity generated by atomic power from reactor in Arco, Idaho

December 21, 1620 Pilgrims come ashore at Plymouth, Massachusetts

From the Magna Carta – 1215

Clause 39: No free man shall be taken or imprisoned or dispossessed, or outlawed or exiled or in any way destroyed, nor will we go upon him, nor will we send against him except by the lawful judgment of his peers or by the law of the land.

(So are first established the rights associated with ownership of property)

KAPO Membership

Membership in Kitsap Alliance of Property Owners is available at three levels

Voting Membership is open to applicants and includes voting rights. Membership dues are \$100 per year.

Associate Membership is also available. Associate Members do not enjoy voting rights. Associate Membership dues are \$25 per year

Life Membership, voting membership for the life of the members, is available for a single payment of \$1000.

The list of KAPO members is not released to the public and the individual member information is not available for or used for other than the specific business of KAPO.

For more information or to receive a membership application visit the KAPO web site, www.kapo.org or contact Executive Director Vivian Henderson, viviankapo@wavecable.com or Phone: 360-710-8560