

Debbie Beadle

From: Debbie Beadle
Sent: Monday, April 15, 2013 3:26 PM
To: Debbie Beadle
Subject: FW: Comment submittal
Attachments: Testimony to 4-15-13 CC.docx

From: Debbie Beadle
Sent: Monday, April 15, 2013 3:25 PM
To: Debbie Beadle
Subject: FW: Comment submittal

Thank you

Debbie Beadle

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Please note my email address has changed to: dbeadle@sammamish.us

From: Reid Brockway [<mailto:waterat@comcast.net>]
Sent: Monday, April 15, 2013 1:59 PM
To: Melonie Anderson
Subject: Comment submittal

Melonie,

Attached is the text of public comment I intend to deliver at this evening's City Council meeting. This is provided for your convenience; it is not necessary to distribute it to the council members in advance.

Thanks,
Reid

EXHIBIT NO. CC33

Testimony to 4/15/2013 City Council meeting
From: Reid Brockway
Subject: Misuse of Best Available Science

This evening I'd like to make some observations about the problem with Best Available Science (BAS). The dramatization Susan and I presented at the April 2nd meeting gave an example of the inequities in the current code that are mainly due to the misapplication of forest practices to developed urban neighborhoods. These inequities are in the process of being perpetuated in our code due in large part to flawed and misused arguments concerning BAS.

BAS is commonly interpreted as a body of objective, peer-reviewed scientific studies dealing with some aspect of – in this case – the environment. That's fine, if those studies exist. The *flaw* is that not all issues have studies addressing them, so best available science is sometimes *no* available science, but the environmental community frequently does not acknowledge that. The *misuse* comes about when the absence of such studies is used as an *argument for imposing restrictions* or for *not relaxing overreaching ones*.

What makes this especially problematic for our ECA code is the fact that there are few if any studies dealing with critical areas in developed urban neighborhoods, so forest practices are applied there by default. When a viable concept is proposed, like buffer delineation as an alternative to one-size-fits-all buffers, it is shot down by using the argument that it is not supported by BAS. This happened during the Planning Commission phase.

For example, there is strong scientific basis supporting the concept that structures in developed neighborhoods like buildings and retaining walls and driveways can constitute barriers to influence on a stream or wetland, but no one – AMEC or otherwise – produced or cited studies to that effect. The absence of such studies is perhaps a reflection of the fact that the science is obvious. But Staff has repeatedly argued that recognizing such barriers is not supported by BAS, and has rejected buffer delineation using that flawed argument.

This is like saying there is no BAS establishing that trees in densely developed neighborhoods provide shade. Sure, nobody may have published a study of that, but there is plenty of scientific basis that they *do* provide shade. The no-BAS argument should not be used to say they don't.

On the subject of adding flexibility to our code, we continue to be told the relief we seek cannot be allowed because it is "not supported by BAS". What is *not* supported by BAS is the application of forest practices to developed urban neighborhoods! Large critical area buffers in residential neighborhoods in many cases do not provide protection over anywhere near the full range of restriction they encompass. And landscaped yards are not particularly viable habitat, so to treat them as such is *not* scientifically sound. You have to get beyond the motherhood and look at the site specifics. (That's where buffer delineation is the solution.)

Bottom line: I'm sure the BAS argument will come up as we proceed, and I appeal to the Council to challenge it when its use seems questionable.