

From: [hab](#)
To: [PCD](#)
Cc: [Peter Best](#); [David Greetham](#); [Heather Wright](#)
Subject: RE: Public Comment for SVAR 50280 -Wysong-Ziemba 2019/2020 Edition - corrected
Date: Tuesday, March 17, 2020 8:43:59 AM

I retract two bullet points from my 3/16/2020 comments and those items have been deleted from this version.

My apologies, the optical illusion of compass orientation as seen from the south shore of Little Manzanita got the better of me. After comparing the survey and elevation orientations to NOAA maps, it appears the compass orientation errors I claimed on my 3/16/2020 public comment were incorrect. Both the elevation drawings and the survey compass bearing stamps appear correct.

Peter Hill

From: hab [mailto:habvbi@sounddsl.com]
Sent: Monday, March 16, 2020 3:50 PM
To: 'pcd@bainbridgewa.gov'
Cc: 'pbest@bainbridgewa.gov'; 'dgreetham@bainbridgewa.gov'; 'Heather Wright'
Subject: Public Comment for SVAR 50280 -Wysong-Ziemba 2019/2020 Edition

3/16/2020

To: Department of Planning, Bainbridge Island

RE: Wysong/Ziemba Dock Replacement PLN50280SSDP SVAR

As I did in 2016, **I very strongly oppose this variance application**. Furthermore, I believe COBI owes the public an explanation as to how such an incomplete and error filled mess of an application could possibly end up being presented to the public for comment. I defy anyone who reviews this application in its present condition to describe with any specificity or certainty what is being proposed.

To be clear, this VARIANCE request is not to extend a dock an addition 10' to reach a significant drop off in the seabed, it is a variance to extend what is already the longest dock on Little Manzanita Bay an additional 160' so that the outward half of this new dock can sit purposelessly over very shallow water or flat tidelands at low tide. Based on the data of the application's eelgrass survey, those tidelands remain flat until somewhere beyond 300' outward of the bulkhead.

This "hardship" is taken from the Variance Comments: "Analysis: The water in front of the subject properties is some of the shallowest in Manzanita Bay (...)" . Putting aside the "Manzanita Bay" label used here for just a moment, complaining about shallow water in front of your property is not a hardship – shallow water is a simple reality. Shallow water and flat beaches are the natural feature of these two properties. Shallow water and flat tidelands are the natural feature of every property on the shore of Little Manzanita Bay and Little Manzanita Bay is where the Wysong and Ziemba properties are located. I doubt either Wysong or Ziemba were force to purchase these particular properties and the neighbors and community at large should not be made to suffer because Wysong and Ziemba made poor choices in home selection. That said, the boat often tied to the existing dock

seems to get a good deal of use so whatever hardship they believe they suffer is pretty minimal.

This application clearly and significantly violates at least these COBI SMP sections:

6.3.2,

6.3.3.2,

6.3.3.3,

6.3.4-2,

6.3.5.3,

6.3.5-5,

6.3.7.6-2b.

This is a partial list of this application's red flags:

- The 2016 application was much more complete and disclosed important information such as the compass direction upon which the dock would be built and the type of boat lifts to be installed. Why has previously disclosed information been removed from the current submission?
- This application is missing height dimensions for the pilings, piers and boat lifts making guesswork of any engineering or view evaluation.
- This application is missing USCG and Corp of Engineers required evaluations related to navigational interference and safety related lighting.
- This application is missing COBI required information related to lighting and the associated effect upon the environment and surrounding properties.
- This application is missing an EIS as indicated by section 4.1.2 of the SMP.
- Big Manzanita Bay and Little Manzanita Bay - every realtor, boater and area resident who has been here even a short while knows the difference - one is deep, the other drains out. If you want deep water moorage, you buy on Big Manzanita Bay if you enjoy seeing wildlife and tide flats or open unmarred water you buy on Little Manzanita Bay. The "Survey with Depth" provided by AGO Surveyors properly identifies and locates the Wysong and Ziemba properties on Little Manzanita Bay. NOAA chart #18446 shows the deep water bay to the west of Olympic Terrace Ave NE as Manzanita Bay with that bay extending northward past the mouth of the small inlet to the NE (Little Manzanita Bay) which has no NOAA designation. Much of the Project Narrative focuses on what is clearly known as Big Manzanita bay and tries to make one believe **that COBI SMP section 6.3.7.6-2b** and its 500' rule somehow does not apply because there are big docks on the deep water of Big Manzanita which is over 1000' away and on the other side of a land mass. Big Manzanita and Little Manzanita are totally different environments in terms of water depth, docks, boat traffic and open unobstructed marine views.
- There are currently only three significant docks - including the existing 83' Wysong/Ziemba dock - on Little Manzanita Bay. All are within 500' of each other. The existing Wysong/Ziemba is the largest dock within Little Manzanita – see **COBI SMP section 6.3.7.6-2b**. These existing short docks

have served their purpose for decades and when anyone in Little Manzanita needs a place to keep a large boat, they get a mooring buoy - just as Wysong and Ziemba did in 2016. Little Manzanita Bay drains out completely and obviously does not allow for deep water moorage in front of any of the houses on its shore.

- Washington State guidelines state: “Avoid prop scour by placing docks at depths that are at least 4-5 feet above MLLW. (MLLW is effectively 0 tide.)” (<https://fortress.wa.gov/ecy/publications/parts/1106010part12.pdf>) In this case, per Washington State guidelines, the outward end of the boat lifts proposed for the Wysong/Ziemba location should not extend beyond about 40’ from the existing bulkhead. Wysong/Ziemba are asking to place those boat lifts about 180’ from the bulkhead and three feet below mllw (see Plan Elevation Proposed). The Project Narrative in the Usability section claims the longer dock will increase boat usability from the current 63% to 94.75% but for boat usability that calculation is clearly wrong, misleading and utter nonsense. Based on Washington State guidelines, the increase in boat usability provided by this variance dock would be ZERO. This calls in **SMP section 6.3.2** and the question as to whether lengthening the existing 83’ dock provides any benefit of use. It clearly does not. Wysong/Ziemba already have mooring buoys – they should use them as is stated in **COBI SMP section 6.3.5.2**.
- The AGO surveyor supplied tideland profile is grossly out of scale. This scale distortion misrepresents the beach profile whereas the application’s plan elevations, which are drawn more or less to scale, shows two distinct pitches which meet at or near the mllw mark – the inward 120’ of the dock would be built upon a 6.7% grade and the outward 120’ of the dock would be built upon a 2.5% grade putting the outward 120+/- feet of this proposed dock in violation of **COBI SMP section 6.3.4.2**. The eelgrass survey data shows a flat tideland of -3’ depth starting at 160+/- feet from the bulkhead and extending outward to at least the 300’ mark (the end of their survey area) – this would place around 80’ of the dock over 0% grade tide flats.
- The application does not identify that approximately 80’ of the outward end of the proposed dock will occupy and block public tidelands (DNR to be specific). Those public tidelands are used frequently for exploring and for digging clams and geoducks. These public tidelands are legally accessible via the Dock Street and Woodland Drive road ends as well as from the water and from many private properties. Per the AGO survey, this public tideland is exposed during a -1’ or lower tide – per NOAA, that means about 85 times per year. The Wysong/Ziemba dock intrusion would include the entirety of the proposed float and the two boat lifts with their up to 50’ boats.



- The 2/14/2020 SEPA amendment incorrectly states that Puget Sound is the only surface water impacted by this dock and its construction – it will also impact the salmon run hosting, class F Manzanita Creek. The creek is exposed at around a zero tide (mllw). Per NOAA, zero tides or lower occur around 150 times per year in this area. Manzanita Creek currently runs to the north of the large rock shown on the eelgrass and AGO surveys. From the above photo, it appears that portions of the proposed dock (likely including the float and boat lifts) will be built in the current stream bed potentially shading and otherwise disturbing salmon fry and other fish. More reason for an EIS -

Section 4.1.2 of the SMP

- It is beyond credulity that introduction of a 240' dock with two (up to) 50' yachts on lifts at its outward end on a previously unmolested small bay would not negatively impact the views from surrounding properties. Whether you enjoy looking at docks and huge boats on boat lifts or not, you cannot argue that this mammoth installation would not dramatically alter the view simply due to its size and the fact that it will visually screen off significant parts of Little Manzanita as viewed from any number of locations on or around this bay. Because of the application's omissions of a lighting plan or structure heights or boat lift types or the coordinates upon which the dock would be built, neither COBI nor the public can properly evaluate the visual impact of this project. Given what we do know, neighboring properties will lose value if this dock is built. See **COBI SMP section 6.3.5.5**.
- "Analysis: The project will improve navigation and shoreline use by replacing an impassible dock that either floats on the surface or rests on the substrate with an elevated pier and float system that will never be in contact with the substrate, and that will allow kayaks, canoes, paddleboards and other small craft to freely pass underneath it at almost all tide levels." This statement comes from

the Shoreline Variance Criteria with Comments. Reasonably, it is hard to argue that “almost all tide levels” would not include any tide between mllw (0’) and mhhw (11.5’) so ignoring the boat lifts, as written, this “analysis” states that navigation will improve because the new 60’x8’ float would not float on the water but would instead be blocked high enough on the pilings so that small craft and SUPs can pass under it at mhhw. Likewise, the bottom of the new pier and ramp would also need to be high enough for small craft or an SUP to reasonably pass under it at mhhw. The Plan Elevation Proposed depicts the pier set just above mhhw so which part of this application is correct? This “analysis” presents a logically improbable premise, it completely ignores the larger boats that cruise through the bay periodically and the accuracy flaws are painful if not a bit comical. Inaccuracy, errors and omissions seem to be the theme of this application so I will take this opportunity to remind COBI that these applicants and their agent signed this application thereby binding themselves to this affirmation: “I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge.”

Little Manzanita Bay is a treasure. It is the estuary of Manzanita Creek which hosts a significant salmon run and it feeds nutrient rich water into the intertidal waters of Little Manzanita Bay. The nutrients draw in shoals of forage fish like smelt and herring which may very well spawn in this water (**COBI SMP 6.3.7.1.1.b**). The forage fish attract predatory fish like sea run cutthroat. The fish attract the seals and raptors, heron, ducks and other wildlife. Six or more heron are often seen fishing at low tide – often up and down the creek as it runs through the sand. Little Manzanita is home to at least two breeding families of otter that can be seen fishing and crabbing in the early morning or at dusk. The bats take over at night and dart around in the dark catching bugs near the water’s surface and when kayaking at night, this can be disconcerting. This place is paradise for those who enjoy watching all of this wildlife. Little Manzanita is also a great place to swim, kayak, explore tidelands or for those who fish or clam. This variance proposal threatens all of this. The industrial look, the lights, the boat and boat lift noise, the prop scour... for those of us who appreciate nature, well, we will fight this.

I have lived on Little Manzanita Bay since 2002. Like many in our community, I will be watching this application closely as we neighbors stand to lose significant quality of life and wealth in the form of lower property values should this mess somehow be approved. I expect COBI to enforce the SMP and handle this case with integrity and transparency. I request timely updates for all actions and decisions related to this application.

Sincerely,

Peter Hill