

September 4, 2018

City of Seattle
600 4th Avenue
Seattle, WA 98104

SEATTLE AUDUBON
FOR BIRDS AND NATURE



RE: Currently proposed changes to Seattle Tree Protection Ordinance

Dear Honorable Mayor Jenny Durkan and Members of the Seattle City Council:

I write to you today representing Seattle Audubon, Washington State's oldest environmental conservation organization, founded in 1916. We represent more than 4,000 local members and are one of the largest and most active Audubon chapters in the country. Our mission is to lead a local community in appreciating, understanding, and protecting birds and their natural habitats. I would like to submit this comment letter and officially register our deep concerns with proposed changes to the City's tree protection ordinance currently under consideration. *We urge you to reject the currently proposed ordinance revisions, re-open a more inclusive public engagement process, work to strengthen the tree protection ordinance with a focus on equity, and ensure Seattle's youth of tomorrow are able to connect with and steward local nature.*

Among our organization's environmental conservation priorities, Seattle Audubon leads an urban habitat preservation campaign known as Neighborhood Flyways, which seeks to protect and restore the urban tree canopy across our region. Comprehensive urban habitat protection encompasses both protection of existing trees as well as mitigation for trees removed in development projects that genuinely offset the immediate and long-term impacts of tree loss. We broadly support measures the city can take in strengthening local regulations that improve the size and health of Seattle's urban tree canopy.

In October 2016, City Councilmembers Lisa Herbold and Deborah Juarez sponsored the passage of Resolution 31713, to enter the City of Seattle into partnership with and participation in the U.S. Fish and Wildlife Service (USFWS) Urban Conservation Treaty for Migratory Birds Program. That unanimous vote expressed Seattle's municipal commitment to bird-friendly policies, design, and best practices for creating, enhancing, and maintaining safe habitats for migratory birds and other urban wildlife. In May 2017, the City of Seattle formally entered the treaty with USFWS at a signing ceremony in Lincoln Park. *We strongly feel that approval of the currently proposed alterations to the tree protection ordinance would be entirely counter to the city's expressed intent of mitigating the impact of local development on birds and wildlife – and their habitats.*

Seattle Audubon supports the following proposed changes:

Seattle Audubon appreciates the City's intent to strengthen its current Tree Protection Ordinance SMC 25.11. We support some proposed provisions, like requiring permits to remove trees 6" diameter breast height (DBH) and larger and requiring compensatory replacement for trees removed on a 2 for 1 replacement basis and over a 25-year time period for equivalency. However, the current proposal is complex and we believe many other changes proposed will be detrimental to the city and result in the loss of many more existing trees.

Seattle Audubon has the following specific concerns with the current proposal:

- 1) Large trees and tree groves on developed property are currently protected from being cut down by the existing ordinance. Removing protections for exceptional trees defined in SMC 25.11 as, "a tree or group of trees that because of their unique historical, ecological or aesthetic value constitutes an important community resource," and which under Director's Rule 16 - 2008 subsequently identified as "1. Is designated as a heritage tree by the City of Seattle; or 2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of grove of trees," would likely result in the loss of these trees and groves.
- 2) Removal of the current exemption prohibiting removal of any tree greater than 6" DBH on undeveloped lots will also result in current bird and wildlife habitat being lost, just as will the removal of the above mentioned protections for exceptional trees.
- 3) Removing completely the limit on cutting down no more than 3 significant, non-exceptional trees a year to allow unlimited removal of any trees by setting no limits is not reasonable or good management practice, and will not improve the city's tree canopy.
- 4) Using canopy coverage percentages from the 2016 LiDAR study to determine canopy cover on a lot is subject to error because it measures vegetative cover at 8 feet high, not tree canopy cover alone. Shrubs over 8 feet high are not trees and do not serve the same ecological role. The current proposal's use of lot lines to measure canopy loss and replacement values does not consider the impact of how removing a tree(s) on one property may remove significant canopy on an adjoining property.
- 5) The maximum lot canopy coverage per zone based on goals for canopy coverage in the Urban Forestry Stewardship are arbitrary and outdated values. Canopy values in some cases already exceed the goals listed in the new ordinance draft; the canopy goal of 20% for institutions though the 2016 LiDAR study noted institutional canopy coverage currently was 25%, and the multifamily goal is 20% while the 2016 study noted the current level is 23%. Goals should be reassessed based on current values.

6) The new ordinance draft would allow trees to be removed down to the Urban Forestry Stewardship Plan's goal without being replaced. Over time this could result in a significant loss of trees. The major tree permit suggests that lots with less than the zone goal will have to plant enough trees to reach the goal. For many lots with less than the citywide zone goal, costs to replace trees as required and add canopy for trees not there already could present a significant financial impact on property owners. This presents severe equity impacts on communities with fewer trees, especially several in areas in south Seattle and throughout the Duwamish Valley.

Seattle Audubon's recommendations:

We urge the city to significantly expand and extend the community engagement process and conduct more thorough analysis of the options. This is a complex issue and our discussion presents a clear and apparent need for more thorough evaluation of this proposal, as well as public consideration of additional alternatives. Recent rounds of revisions to the tree ordinance have made many rapid changes to technical information, making the process very challenging to track. *The residents of Seattle deserve an Environmental Impact Statement (EIS) in order to better understanding these alternatives and their impacts to the city's current and future urban forest.* We need an EIS to ensure broad support for both the process and the outcome. One public hearing is not adequate for public input on an issue of this magnitude to the city.

At Seattle Audubon, the vision and intended outcome of our Neighborhood Flyways campaign is a larger, healthier, and better-connected urban tree canopy across the region. Given the pace of local development, we are losing canopy incrementally, making tree canopy preservation on public lands especially critical. This same tree cover benefits city residents by providing nature nearby, stormwater management, and education and interpretive opportunities – and more.

For these reasons, we strongly urge the City of Seattle to reject the currently proposed changes to the Tree Protection Ordinance and re-open a more transparent, thorough, and genuine public engagement and review process. Thank you for your consideration. If I can provide additional detail, please contact me at (206) 523-8243 x 101 or johnb@seattleaudubon.org.

Sincerely,



John Brosnan
Executive Director