



January 7, 2011

Lisa Scott
Community Development Department
City of Aberdeen
200 E. Market Street
Aberdeen, WA 98520
Re: Shoreline Substantial Development Permit No. 206

Dear Ms. Scott:

Thank you for this opportunity to comment on the proposed expansion of the Aberdeen Walmart.

FOGH is a broad-based 100% volunteer tax-exempt 501(c)(3) citizens group made up of crabbers, fishers, oyster growers and caring citizens. The mission of FOGH is to foster and promote the economic, biological, and social uniqueness of Washington's estuaries and ocean coastal environments. The goal of FOGH is to protect the natural environment, human health and safety in Grays Harbor and vicinity through science, advocacy, law, activism and empowerment.

We understand that you will be receiving some comments from Concerned Citizens & Workers of Grays Harbor County and we incorporate their comments and concerns by reference.

Our comments include but are not limited to three main areas of concern:

Impacts to the shoreline

Other environmental concerns

Impacts to the community

Impacts to the Shoreline:

1. How does the expansion of Walmart meet the stated Purpose of the City of Aberdeen's Shoreline Master Program (SMP) 16.20.020 A- E and Application 16.20.040 A & B?

16.20.020 Purpose

- There is ... a clear and urgent demand for a planned, rational and concerted effort ... to prevent the inherent harm in an uncoordinated and piecemeal development of the city's shorelines. (16.20.020 A)
- This policy is designed to insure the development of these shorelines in a manner that ...will promote and enhance public interest. (16.20.020 B)
- The city council declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. In adopting the guidelines for shorelines of statewide significance, the city council has given preference to the uses in the following order of preference which:
 - Recognize and protect the statewide interest over local interest;
 - Preserve the natural character of the shoreline;
 - Result in long-term over short-term benefit;
 - Protect the resources and ecology of the shoreline;
 - Increase public access to publicly owned areas of the shorelines;
 - Increase recreational opportunities for the public in the shoreline;
 - Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.(16.20.020 C)
- In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the city shall be preserved to the greatest extent feasible, consistent with the overall best interest of the city and the people generally. To this end, uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the city's shorelines. Alterations of the natural condition of the shorelines of the city, in those limited instances when authorized, shall be given priority for family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the city, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the city and other development that will

- provide an opportunity for substantial numbers of the people to enjoy the shorelines of the city. (16.20.020 D)
- Permitted uses in the shorelines of the city shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (16.20.020 E) 16.20.040 Application of Regulations.
 - These regulations shall apply to all the lands and waters in the city which are under the jurisdiction of the Shorelines Management Act of 1971. (16.20.040 A)
 - These regulations shall apply to every person, firm, corporation, local and state governmental agency and other nonfederal entities, which would develop, use and/or own lands, wetlands or waters under the control of this master program. Further, these regulations shall apply except as provided in Section 16.20.030 to all present and future situations found within the area of jurisdiction. (16.20.040 B)

2. The proposed site plan shows that a truck loading dock and the building addition will be directly in front of the Compass Rose, an Aberdeen public art highlighted on the GH Chamber of Commerce website and the Washington State Tourism website as a Point of Interest and dedicated to the Grays Harbor Historical Seaport. The proposed expansion of 35,775 square feet will create a permanent physical and visual barrier to this prized work and to the most impressive view of the confluence of the Wishkah and Chehalis Rivers. Access will be even more limited than it is now.

How does the proposed expansion meet the criteria in the Public Access section of the Grays Harbor Estuary Management Plan (GHEMP)?

Public Access (GHEMP)

Ensuring the public's right and opportunities for visual and physical access to the shoreline and resources of the harbor is an important part of the State's Shoreline Management Program and the Grays Harbor Estuary Management Program. Protection of private property rights and sensitive natural resources and maintaining public safety are equally valued by each program.

3. How does the proposed expansion meet the criteria for the City of Aberdeen Comprehensive Plan concerning Public Access and Open Space?

● Waterfront Development Goals, W-011-015

W-011 New developments fronting upon the water should provide appropriate levels of public access. The access should be provided as condition of any discretionary land use approvals granted for the property where an access is identified, or where appropriate through a combination of private and public funding.

W-012 Public access is necessary to continue the public use of the public

shorelines of the City of Aberdeen. The protection and development of this access is found to be in the public interest of the City of Aberdeen.

W-013 Waterfront access should be provided as condition of any discretionary land use approval granted for a property where a proposed development would:

- a. Generate increased demand for waterfront access; or
- b. Reduce public access to the waterfront.

W-015 The City should encourage the development of shoreline areas located adjacent to the convergence of the Wishkah River and the Chehalis River, consistent with the following directives:

- c. The harbor provides unique vistas that should be preserved and emphasized. There should be maximum utilization of the waterfront, especially to enhance vistas and promote a variety of activities for all ages.
- d. Site improvements and amenities should cater to public needs and comfort, and have a consistent theme when possible.

● Open Space Development Goals, 0-100

O-100 A wide variety of land should be preserved, whenever feasible, for open space purposes, including:

- a. Natural areas and natural features with outstanding scenic or recreational value;
- b. Lands that provide public access to creeks, sloughs, rivers, and harbors;
- c. Lands that define, through their natural features, the boundaries of urban and rural areas, including features such as parks, trails, rivers, creeks, sloughs, wetlands, and scenic corridors;
- d. Lands that visually or physically connect natural areas, or provide important linkages for recreation, plant communities, or wildlife habitat; and
- e. Lands valuable for active and passive recreation, such as athletic fields, trails, fishing, swimming or picnic areas on a community or regional scale.



Other Environmental Concerns:

1. Geological hazards

The Geotechnical Report (October 15, 2010) indicates the site is in the Cascadia Subduction Zone and vulnerable to seismic activity. It also discusses concerns of liquefaction, surface settlements, and lateral spreading on the site that represent public safety hazards.

What is the City of Aberdeen doing to ensure Walmart will meet the recommended design approach and supplemental Geologic Hazard Assessment?

2. Impervious surfaces

Most studies show that “detrimental effects are observable when the amount of impervious surface increases past 10-15%, with biological changes frequently observed above 15% (Malin et all 2000; Roy et al 2003; Holland et al 2004).

What percentage increase of impervious surface will occur as a result of this project? What will be the impact of increased stormwater runoff into the Chehalis River?

3. Wetland and wetland buffers

The proposed development contradicts the stated regulations of the Aberdeen CAO on numerous levels. The proposal is adjacent to Shorelines of Statewide Significance, which imposes particular requirements that are not being met. It is in a designated riparian zone, with specific rules attached to that, and the surrounding wetland designation is Category II, requiring specific buffer widths.

The argument proposed by the proponent concerning buffers, we believe, is a misinterpretation of the Aberdeen CAO. Because wetlands and/or buffers are disturbed is not justification for exemption from the regulations. If that were the case, each time a development was proposed in an urban critical area, it could be exempted based on previous disturbances.

How does the proposed expansion meet the requirements of no net loss and best available science as required by law? What mitigation is the City of Aberdeen requiring for approval?

4. Tribal issues

The proposed expansion will impact primary fishing grounds for the Quinault Indian Nation. For example, Columbia River Smelt (Eulachon), which are under consideration for listing as endangered, and sockeye salmon are central to the cultural identity of the Quinault Indian Nation and are not mentioned in the SEPA or JARPA.

How will the City of Aberdeen ensure the protection of tribal rights?

5. Critical Areas Policies

O-200 Land use actions should consider natural constraints, such as wetland areas, aquifer recharge areas, frequently-flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas as part of any decision-making process.

How does the proposed expansion meet the criteria of the City of Aberdeen's Critical Areas Ordinance?

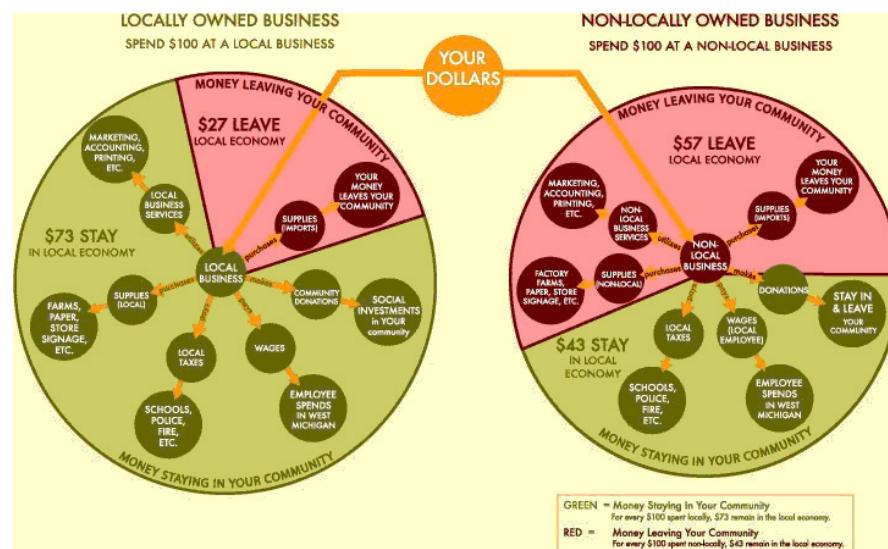
Impact on Community:

1. Studies show the negative impacts of Walmart stores on communities. This is exemplified by empirical evidence of the loss of local businesses in Downtown Aberdeen since Walmart opened. Even stores adjacent to Walmart have remained vacant for years. In addition, Walmart's labor practices tend to have negative impacts to the local wage earnings.

How will the expansion of Walmart improve Aberdeen's goals for businesses and living wage jobs?



- Whenever a new Walmart opens, small businesses—from dress shops and pharmacies to hardware, auto supply and music stores—close their doors and good jobs disappear. According to the city of Los Angeles' 2003 report on big-box retailers such as Walmart, big box retailers and supercenters “often can result in the reduction of consumer choice due to their tendency to cannibalize competing retail businesses.” *Rodino Assoc & Estela Lopez Consulting, 2003, “Final Report on Research for Big Box Retail/Superstore Ordinance.”*
- A 2007 study found that Walmart store openings reduce retail employment in a county by 2.7 percent, meaning that every Walmart worker hired at a new store effectively replaces 1.4 retail jobs *Neumark, David, Junfu Zhang, and Stephen Ciccarella, January 2007, “The Effects of Walmart on Local Labor Markets.”*
- Walmart’s entry into a metropolitan area eliminates similar jobs that pay about 18% more than Walmart and decreases the average earnings of general merchandising workers by 0.5 to 0.8%, according to a 2005 study². *Dube, Arindrajit and Steve Wertheim, October 2005, “Walmart and Job Quality—What Do We Know, and Should We Care?”*
- A 2007 study found that the opening of a single Walmart store lowers average retail wages in a county. *Arindrajit Dube, T. William Lester, and Barry Eidlin, December 2007, “A Downward Push: The Impact of Walmart Stores on Retail Wages and Benefits.”*
- Another 2007 (Price Waterhouse Cooper) study found that over 2 times the amount of dollars LEFT the local community when non-locally owned businesses became the alternative to local small business entrepreneurs.



2. How does the expansion of Walmart benefit the designated Downtown Commercial Area and the stated goals of the Aberdeen Comprehensive Plan?

• Aberdeen Comprehensive Plan, L-090-093

L-090 Areas located within the traditional downtown central business district, or immediately adjacent to downtown, and characterized by a compact development pattern should be designated a Downtown Commercial area.

L-091 Areas outside of downtown and the immediate vicinity should be unsuitable for the Downtown Commercial area designation.

L-093 The Downtown Commercial area should not be expanded into adjacent commercial or industrial areas unless needed to accommodate a project which will be similar in character to the desirable elements of downtown, and which will adequately provide for the project parking and public facility needs.

• Downtown Development Goals, D-001-006:

The first key component in downtown revitalization is the partnership between the City government, downtown businesses, downtown property owners, other organizations, and the community as a whole. The second is the realization that downtown revitalization is a long term incremental process. Incremental change can be accomplished locally and changed over time as successes are achieved and needs change.

D-001 Continue and strengthen the partnership to revitalize downtown which includes the City, downtown property owners, downtown business owners, and the entire community.

D-002 Facilitate downtown redevelopment.

D-003 Maintain and improve the physical facilities downtown including downtown buildings and public facilities.

D-004 Use the available opportunities to aid in revitalizing downtown.

D-005 Retain existing businesses appropriate to the role of downtown.

D-006 Attract compatible new uses and businesses downtown.



3. Traffic in the area is currently compromised by the design of the mall and increased use of Burlington Northern Railroad. The traffic study offered by the applicant states no mitigation is necessary. However, anyone who has spent wasted time trying to get in or out of the mall while a train goes by knows that adding the estimated 196 more trip daily (we feel this is underestimated) will have an impact on all surface roads and the parking lot. Additional traffic signals, impacts to streets, impacts on police and fire realistically should be anticipated and mitigated.

What is the City of Aberdeen requiring to mitigate added expenses for traffic issues?

Permitting Requirements

The Notice of Application for Shoreline Substantial Development Permit No. 206 makes no mention of the Conditional Use Permit (CUP) filed by the applicant. A CUP is required for this type of use under the Aberdeen Shoreline Substantial Development Policy 16.20.060, 16.20.190 and Chapter 17.68. The City must make a determination so that a public hearing can be scheduled. We do not feel the City of Aberdeen can rely on the GHEMP to exempt this proposal from any appealable permitting process. The GHEMP clearly states the following:

The Grays Harbor Estuary Management Plan does not eliminate or modify any of the laws, regulations, or policies which govern the actions and decisions of local, state, or federal agencies. The plan improves the interpretation and implementation of those laws and regulations. The plan attempts to meld the various authorities and concerns into unified estuary-wide guidelines for both protection and development of the area's economic and natural resources. Since the plan has been prepared by participating local, state and federal agencies with recognition of legal and policy constraints on each, it helps avoid piece-meal decision making in the permit processes. Activities which are not allowed by the Plan can expect to be denied by participating agencies.

In general, FOGH is supportive of reasonable and appropriately placed development. However, we feel that there is an over-arching detrimental effect to the Walmart expansion that will promote a further decline of the Aberdeen and Grays Harbor retail marketplace and negatively impact the shoreline and public access.

We request that the City of Aberdeen deny the permit request as inappropriate for the last remaining open public space on the north shoreline at the confluence of the Chehalis and Wishkah Rivers. In addition, the permit should be denied because of the negative impact to local small businesses and living-wage jobs.

Thank you in advance for your very careful consideration of these important concerns for the welfare and safety of our community.

Sincerely,



Arthur (R.D.) Grunbaum
President

