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EXHIBIT 24 DATE 7/20/09
PROJECT NAME
PC Recommended SMP
FILE NO LOG-088

July 20, 2009

VIA HAND DELIVERY

Members of the City of Tukwila City Council
c/o City of Tukwila City Clerk
6200 Southcenter Blvd.
Tukwila, WA 98188

Re: Additional Comments on City of Tukwila Shoreline Master Program Update

Dear City Council Members:

We represent the James Campbell Co. LLC and Walton CWWA Tukwila 1 LLC (“Walton”), which own property in the City of Tukwila along the Green River.¹ This letter supplements our previous comments regarding the City’s Shoreline Master Program (“SMP”) update.

The purpose of this letter is to respond to a comment made by City Attorney Sterbank at the Council’s July 7, 2009, work session. Mr. Sterbank suggested that the City’s preferred levee profile (which is the basis for the 125’ buffer proposed in the SMP) is required pursuant to the Biological Opinion issued by the National Marine Fisheries Service to the Federal Emergency Management Agency (“FEMA”) in September, 2008 (the “BIOP”, a copy of which is attached as Exhibit B). Mr. Sterbank suggested that FEMA would not recognize levees unless those levees had sufficient vegetation and that the Corps of Engineers’ (“COE”) vegetation standards would allow vegetation only on a midslope bench.²

Review of the BIOP does not support Mr. Sterbank’s contention that the BIOP requires the City’s preferred levee profile. The BIOP’s “Reasonable and Prudent Alternative Element 5” regarding levee vegetation provides that “FEMA shall *not* recognize levees certified by the COE utilizing COE vegetation standards unless it is demonstrated that the standard will not adversely effect species or their habitat.” See BIOP, p. 160 (emphasis added). This provision does not foreclose the possibility of satisfactory alternatives to the City’s preferred levee profile. Our previous submittals explain some of these alternatives.

¹ Aerial photos of Walton’s shoreline properties are attached as Exhibit A.

² The July 10, 2009, staff memorandum for the Council’s July 14, 2009, work session indicates that Mr. Sterbank’s July 7 “comments will be incorporated into a more detailed memo to you on the National Marine Fisheries Service Biological Opinion, which will be provided at a later date.” We have requested this memo from the City but have been told it is not ready yet, so at this time we are only able to respond to Mr. Sterbank’s oral comments, as opposed to what presumably will be a much more comprehensive written discussion. We reserve the right to respond to Mr. Sterbank’s detailed memo when it becomes available.

In any event, it should be noted that FEMA has taken the position that it cannot implement Reasonable and Prudent Alternative Element 5. *See* Letter From Michael K. Buckley to Barry Thom, April 24, 2009, copy attached as Exhibit C.

Finally, we are attaching as Exhibit D a copy of the current FEMA floodplain map for the vicinity of our clients' properties, and we are attaching as Exhibit E a full size copy of the new FEMA map for that area, whose issuance is imminent (an excerpt of this map was attached to our May 28, 2009, comment letter).

Thank you for your consideration of these comments.

Very truly yours,

GORDONDERR LLP

A handwritten signature in black ink, appearing to read "Jeff Weber", written in a cursive style.

Jeff S. Weber

cc: John Wanamaker
Clyde Skeen
Nanci Vega

Walton CWWA Tukwila 1 LLC



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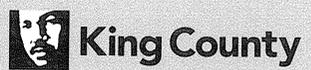
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MINKLER BLVD

213ft

Legend		2007 Color Aerial Photos (12in)
	Highlighted Feature	
	County Boundary	
	Mountain Peaks	
	Highways	
	Zip codes	
	Incorporated Area	
	Streets	
	Highway	
	Arterials	
	Local	
	Parcels	
	2007 Color Aerial Photos (6in)	

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Walton CWWA Tukwila 1 LLC



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Legend

- Highlighted Feature
- County Boundary
- Mountain Peaks
- Highways
- Zip codes
- Incorporated Area

- Streets
- Highway
- Arterials
- Local
- Parcels
- 2007 Color Aerial Photos (6in)

2007 Color Aerial Photos (12in)

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