

### Standing of Appellants

#### Facts demonstrating that the Appellants are aggrieved and/or directly affected by the Hearing Examiner's Decision.

Patrick Townsend, Kathryn Townsend and Anneke Jensen, (collectively, the "Appellants"), seek review of the Thurston County Hearing Examiner's (Hearing Examiner) Decision on Reconsideration to approve a Substantial Shoreline Development Permit for ChangMook Sohn (the "Applicant") Project No. 2014108800, issued on March 13, 2017. With this decision, the Hearing Examiner authorized the development of a 1.1 acre commercial geoduck aquaculture operation on tidelands owned by the Applicant on Zangle Cove (2014108800), located within Thurston County.

The Appellants are shoreline property owners who reside on Zangle Cove. Because the tidelands of Applicant and Appellants are adjacent within the mouth of the Zangle Cove estuary, the Appellants have a rightful interest in the commercialization by the Applicant of his tideland property. Industrial activity on a tideland in a community of 29 shoreline households will cause a radical alteration in Zangle Cove. Geoduck aquaculture includes the intrusion of boats, barges, workers, approximately 44,000 PVC tubes into the 1.1 acre tideland, approximately 7 miles of PVC and weighing 16 tons, canopy nets, intense harvest activity which involves liquefying sediments down to 3 feet in depth, trespass specified by Thurston for clean-up of the beach related to workers and gear, a process then repeated continuously as long as the operation continues.

The Appellants are aggrieved by the above facts and are directly impacted by the Hearing Examiner's decision to approve the Applicant's permit allowing a commercial operation in a pristine aquatic environment, specifically related to the following impacts: to traditional recreational uses of Zangle Cove, to the aesthetic qualities of Zangle Cove, of disruption of the important eelgrass restoration project in Zangle Cove, of a commercial operation which alters the usage of Zangle Cove, of direct and indirect consequences of these. Although 1.1 acres does not sound like a large tract, Zangle Cove is a small cove and the geoduck operation will be a large percentage of Zangle Cove as noted by Appellant expert David Batker.

Other members of the Zangle Cove community and the wider Boston Harbor community are impacted by this decision and have provided some 130 written and public comments expressing opposition to

Notice of Appeal to the Thurston County Board of Commissioner  
On Hearing Examiner's March 13, 2017 Decision after Reconsideration  
Project No. 2014-108800 Townsend/Jensen v. Sohn  
Standing of Appellants

the Sohn project on Zangle Cove. Additionally, a petition opposing the project with some 70 signatures from the Boston Harbor community was submitted. These comments were apparently disregarded and/or given little weight by the Hearing Examiner. These comments voiced concerns about the proposed project including but not limited to grievances listed in this document.

There are multiple grievances related to this permit approval by the Hearings Examiner. These grievances related to the decision of the Hearing Examiner decisions Appellants consider errors of the Hearing Examiner are listed in detail in the Memorandum attached to this document. Errors/Grievances related to interpretation of Thurston County regulations and the Shoreline Management Act are listed in the Notice of Appeal as well as the Memorandum.

Appellants have standing in this matter based on proximity of tidelands to the Applicant's tidelands, and also because of the issues related to community values—aesthetics, recreation, eelgrass and plastics in the environment, the four topics allowed by the Hearing Examiner during the Appeal. Appellants submit that they have the right to be heard in relation to values associated with these topics in their community and as reflected by the commonly held values of many other Boston Harbor community members. These values should be accorded a weight that was apparently not considered important to the Hearing Examiner. The Hearing Examiner allowed the Applicant to define the standards and values of the Appellants and Appellants' witnesses from the Zangle Cove/Boston Harbor community.

Appellants assert that Applicant's operation will impinge on the values of the community and interfere with:

1. The quiet use and enjoyment of Appellant's shoreline/residential property;
2. The pleasures Appellant derive from the aesthetics of a natural, as opposed to industrialized, shoreline environment;
3. Appellant' right and the public right to observe and know that there are natural densities of Puget Sound native aquatic plants, fish and animals in the waters of Zangle Cove, Boston Harbor, Thurston County;
4. Appellant' right and the public right to observe natural densities of migratory waterfowl along the shorelines that may be impacted by the commercial operation;

Notice of Appeal to the Thurston County Board of Commissioner  
On Hearing Examiner's March 13, 2017 Decision after Reconsideration  
Project No. 2014-108800 Townsend/Jensen v. Sohn  
Standing of Appellants

5. Appellants' right and concerns related to the specific wildlife residents of Zangle Cove, including the Bald Eagle family and Great Blue Heron family along with all the other native waterfowl and wildlife that utilize Zangle Cove and the specific tideland of the Applicant on an ongoing basis;
6. Appellants' right and the public right of safe recreational use of the waters and beaches of Zangle Cove;
7. Appellants' interest in and collaboration with the Department of Natural Resources eelgrass restoration project in Zangle Cove, a project managed by DNR and Battelle and funded by the US Department of Energy;
8. Appellants' right to continue to live in an environment that precludes the use of approximately seven miles/16 tons of PVC plastics (some 44,000 PVC tubes);
9. Appellants' right to enjoy waterfront property views that do not include commercial operations, based on Appellants' willingness to pay high property taxes for such view as waterfront property owners.

Appellants request that Thurston County acknowledge the unique characteristics of Zangle Cove within the Boston Harbor community related to eelgrass, recreation, aesthetics, community, wildlife and all the items mentioned above and in Appellants' Notice of Appeal.

Based on the above facts as well as many other facts cited in Appellants' Notice of Appeal and attached Memorandum, Appellants respectfully request that the Thurston County Board of Commissioners acknowledge our standing as aggrieved parties directly affected by the Decision of the Hearing Examiner on Request for Reconsideration on March 13, 2017.

Dated this 23rd day of March, 2017.

Respectfully submitted,

By: \_\_\_\_\_  
Patrick Townsend, Appellants Representative