

Patrick and Kathryn Townsend
7700 Earling Street NE
Olympia, WA 98506

January 27, 2015

Tony Kantas
Associate Planner
Thurston County Planning Department
2000 Lakeridge Drive SW
Olympia, WA 98502-6045

Subject: Lack of Tideland Survey – Zangle Cove

Re: Application by Pacific Northwest Aquaculture for geoduck farm in
Zangle Cove estuary; JARPA application number 2014108800; parcel number
12911440102

Dear Mr. Kantas,

I have reviewed the permit application by Pacific Northwest Aquaculture for a geoduck farm in the Zangle Cove estuary. This application contains critical errors and inaccuracies related to the survey of the property.

JARPA application, Part 6-Project Description, Section 6e-Bed Preparation, Page 5 states:

“The proposed farm site was professionally surveyed in 2014 (Figures 4 and 5).”

This is false. According to the Thurston County Assessor’s office, as of January 2015 no survey has been recorded for this site in 2014. Gary Johnson of Bracy and Thomas Surveyors did visit the site to perform a survey on July 11, 2014. However that survey was never recorded at the County and Mr. Johnson stated in an email to me that some of the bars placed on the tideland as a part of that work would be removed, because “all they are good for is the location of the drainage at that particular time.” To make the boundaries even more subject to serious question, the boundaries that Mr. Johnson apparently mistakenly indicated with his bars on the tideland bear no resemblance to the boundaries that Mr. Sohn is now claiming on paper, for which there is no professionally conducted and recorded survey in 2014. Again, the above statement from the JARPA application is false.

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This false statement is repeated in Section 2.1 of the Biological Evaluation submitted by Acera LLC.

Biological Evaluation, Section 2-Project Description, Section 2.1-Proposed Project, Section- Bed Preparation, Page 5 states:

“The proposed farm site was professionally surveyed in 2014.”

Additionally, the absence of a current tidelands survey is clearly indicated in the Appendix of the Biological Evaluation prepared by Acera LLC.

Biological Evaluation Appendix A, Figure 4, Tidelands Survey Plan, includes a note that states (emphasis added):

“AREA OF TIDELANDS NOT ESTABLISHED BY EXISTING AND/OR PREVIOUS DEEDS. SOME DEEDS ARE AMBIGUOUS AS TO TIDELAND BOUNDARIES. THEREFORE IT IS THE OPINION OF BRACY AND THOMAS THAT THE BOUNDARIES WITHIN THIS AREA MUST BE ESTABLISHED BY PROPORTIONMENT OF DISTANCES ALONG MEANDER LINE AND ALONG LINE OF EXTREME LOW TIDE.”

As is evident in the above statement by Bracy and Thomas, the tideland boundaries are not established. Washington State law is clear that in cases like Zangle Cove there must be an equitable distribution of tidelands. This can be accomplished by the affected property owners agreeing to a basis for this distribution and then formally recording the boundaries. The use of the Meander Line or line of Extreme Low Tide are two of the methods that may be used by affected tideland owners to achieve equitable distribution of tidelands. **Bracy and Thomas clearly states their opinion that boundaries have not been established.**

Thus the tideland boundaries in Zangle Cove in the proximity of the Sohn property are not established at this time and statements on the JARPA and Biological Evaluation that suggest they have been established are false.

Kathryn and I own tidelands on Zangle Cove and confirm that we have not been party to any agreement on the boundaries in this tideland area.

The inclusion of significantly false information in a permit application to Thurston County should raise serious questions about the ethics and professionalism of the submitting parties (Pacific Northwest Aquaculture and Acera LLC). We recommend an immediate

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review of past activity on the part of these parties and that all activity between these parties and Thurston County be suspended pending a thorough review.

The permit application must be rejected until there is agreement on the tideland boundaries and the boundaries are formally recorded. We reserve the right to take legal action on this matter.

We also believe there are other errors in the application documents and will write to you about these issues in the near future.

Please respond in writing that you have received this letter.

Sincerely,

Patrick and Kathryn Townsend

Cc: Stephen Bean, Bean Gentry Wheeler & Peternell PLLC
Cindy Wilson, Thurston County Senior Planner