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3 EXPEDITE
4 No Hearing set
5 Hearing is set
6 Date: October 17, 2016
7 Time: 10:00 am
8 Judge/Calendar: Sharon A. Rice,
9 Hearing Examiner

7 **BEFORE THE HEARING EXAMINER**
8 **FOR THURSTON COUNTY**

9 In the Matter of the Appeal of:

10 **Patrick Townsend, Kathryn Townsend, and**
11 **Anneke Jensen**

12
13 Of the May 3, 2016
14 Mitigated Determination of
15 Non-Significance in the request of
16 ChangMook Sohn for Substantial Shoreline
Development Permit for an Intertidal
Geoduck Aquaculture Operation

Appeal No. 16-106159 VE
Project Nos. 2014108800

APPELLANTS' EXHIBIT LIST

17 **TO: ChangMook Sohn**
18 **AND TO: Counsel of Record**
19 **AND TO: Land Use Clerk of Thurston County**

20 Pursuant to the Case Schedule on file in this matter, Appellant submits the
21 following intended exhibits:

22 Title: Photographs of Recreational Activities in Zangle Cove
23 Date: 05-13-06 to 08-31-16
24 Source: Patrick and Kathryn Townsend
25 Location: 7700 Earling Street NE, Olympia, WA 98506

Title: Photographs of Wildlife in Zangle Cove
Date: 07-21-06 to 06-24-16

1 Source: Patrick and Kathryn Townsend
2 Location: 7700 Earling Street NE, Olympia, WA 98506
3 Title: Photographs of Zangle Cove
4 Date: 8-16-15
5 Source: Jensen family
6 Location: Jensen tideland, south of Sohn tideland
7 Title: Photographs of Zangle Cove
8 Date: 5-5-11, 8-20-11, 9-4-11, and 5-14-12
9 Source: Kathy Knight
10 Location: 536 Dover Pt Way NE, Olympia, WA 98506
11 Title: Photograph of three sail boats and other craft anchored in Zangle Cove
12 Date: 7-3-16
13 Source: Reita Marshall
14 Location: 544 77th Avenue NE, Olympia, WA 98506
15 Title: Photograph of permanently anchored barges in front of unpermitted
16 geoduck farms approximately a half mile north of the proposed Sohn site
17 Date: 9-14-16
18 Source: Reita Marshall
19 Location: Nearby Zangle Cove
20 Title: Photograph of Squaxin Tribal members fishing in Zangle Cove
21 Date: 9-15-16
22 Source: John Marshall
23 Location: 546 Dover Point Place NE, Olympia, WA 98506
24 Title: Photographs of Squaxin Tribal members in Zangle Cove
25 Date: 9-9-14, 9-9-15, and 9-15-16
Source: Patrick and Kathryn Townsend
Location: 7700 Earling Street NE, Olympia, WA 98506
Title: Photograph of Mr. and Mrs. Sohn digging in eelgrass in Zangle Cove
Date: 5-13-06
Source: Patrick and Kathryn Townsend
Location: Zangle Cove
Title: Photographs of Zangle Cove and Recreation Taken by Kathy Knight
Date: 2010-2016
Source: Kathy Knight
Location: Kathy Knight's property at 546 Dover Point Place NE, Olympia, WA 98506
and on Zangle Cove
Title: Photographs of Recreation in Zangle Cove Taken by Kathy Knight

1 Date: 07-02-05 to 07-14-14
2 Source: Kathy Knight
3 Location: Kathy Knight's property at 546 Dover Point Place NE, Olympia, WA 98506
4 and on Zangle Cove
5
6 Title: The Role of Eelgrass in Marine Community Interactions and Ecosystem
7 Services: Results from Ecosystem-Scale Food Web Models
8 Date: 2012
9 Source: Ecosystems
10 Summary: Report discussing the role of eelgrass and its interactions with and impact
11 on the ecosystem
12
13 Title: Shedding New Light on Eelgrass Recovery
14 Date: 8-8-14
15 Source: Katie Harrington, Encyclopedia of Puget Sound
16 Summary: Article describing the declining population of eelgrass, and restoration
17 efforts
18
19 Title: Presentation on Eelgrass, Restoration and Recovery
20 Date: 1-24-13
21 Source: Lara Aston, Marine Sciences Division, Coastal Ecosystem Research
22 Group
23 Summary: Presentation on eelgrass restoration site selection and testing, as well as
24 resolving regulatory and social barriers to conservation and recovery
25
26 Title: Tidal Chart Analysis of Geoduck Farm Visibility in 2007
27 Date: 2007
28 Source: Kathryn Townsend, Protect Our Shoreline; www.dariki.org
29 Summary: Analysis of geoduck farm obstruction and visibility during summer daylight
30 hours from Memorial Day weekend to Labor Day, 2007
31
32 Title: Tidal Chart Analysis of Geoduck Farm Visibility in 2016
33 Date: Entire year of 2016
34 Source: Kathryn Townsend, Protect Our Shoreline; www.dariki.org
35 Summary: Analysis of geoduck farm obstruction and visibility during summer daylight
36 hours from Memorial Day weekend to Labor Day, 2016
37
38 Title: Tidal Charts from 2010-2016
39 Date: 2010-2016
40 Source: www.dariki.org
41 Summary: Tidal charts from 2010-2016
42
43 Title: Aerial photo of Zangle Cove
44 Date: 05-2014
45 Source: Protect Zangle Cove, Letter to Tony Kantas, Thurston County
46 Summary: Aerial photo of Zangle Cove at extreme low tide in May 2014

- 1 Title: Survey of Property Boundary Lines in Zangle Cove
- 2 Date: 12-15-15
- 3 Source: Hatton Godat Pantier, Engineers and Surveyors
- 4 Summary: Depicts the agreed boundaries among Jensen, Townsends, Vaneks and Lane

- 5 Title: Boundary Line Agreement
- 6 Date: 12-15-15 (not sure of date will check)
- 7 Source: Jensen, Townsends, Vaneks and Lane
- 8 Summary: Agreement among Jensen, Townsends, Vaneks and Lane to resolve their tideland boundaries

- 9 Title: Record of Survey of Boundary Line Agreement and Boundary Line Resolution
- 10 Date: 12-11-15
- 11 Source: Hatton Godat and Pantier, Engineers and Surveyors
- 12 Summary: Record of survey of boundary line agreement and boundary line resolution

- 13 Title: Pollutants Bioavailability and Toxicological Risk from Microplastics to Marine Mussels
- 14 Date: 2014
- 15 Source: L. I. Bendell, Department of Biological Sciences, Simon Fraser University
- 16 Summary: Scientific study describing several negative environmental impacts of shellfish aquaculture including plastics pollution

- 17 Title: Evaluating Trophic and Non-trophic Effects of Shellfish Aquaculture in a Coastal Estuarine Foodweb
- 18 Date: 10-13-2015
- 19 Source: Bridget E. Ferriss, et al., ICES Journal of Marine Science
- 20 Summary: Journal on trophic and non-trophic effects of shellfish aquaculture on coastal estuarine foodwebs

- 21 Title: Favored Use of Anti-Predator Netting (APN) Applied for the Farming of Clams Leads to Little Benefits to Industry while Increasing Nearshore Impacts and Plastics Pollution
- 22 Date: 01-13-15
- 23 Source: L.I. Bendell, Department of Biological Sciences, Simon Fraser University
- 24 Summary: Article overviewing the efficacy of anti-predator netting used by the shellfish industry

- 25 Title: A Critical Analysis of the Biological Impacts of Plasticizers on Wildlife
- 26 Date: 08-2009
- 27 Source: Philosophical Transactions of the Royal Society B Biological Sciences
- 28 Summary: Article analyzing the biological impacts of plastics in the environment

1 Title: What's Wrong with PVC?
Date: 10-1997
2 Source: Greenpeace
3 Summary: Article on the science behind a phase-out of polyvinyl chloride plastics

4 Title: Silent Spring in the Ocean
Date: 09-22-15
5 Source: Boris Worm, Dalhousie University, Halifax, NS, Canada
6 Summary: Article describing the environmental impacts of plastics on the environment

7 Title: Most Plastic Products Release Estrogenic Chemicals: A Potential Health
Problem That Can Be Resolved
8 Date: 07-01-11
9 Source: Environmental Health Perspectives
10 Summary: Article describing chemicals having estrogenic activity that cause many
adverse health effects, especially at low doses in fetal and juvenile
mammals

11 Title: Boston Harbor Marina Recreational Records, Years 2014-2016
12 Date: 2014-2016
13 Source: Boston Harbor Marina
14 Summary: Summary of recreational records and sales from 2014-2016

15 Title: Original Conveyance of Tidelands to Owners
Date: 01-24-1927
16 Source: Washington State Department of Natural Resources
17 Summary: Conveyance titles stating there are no natural or artificial oyster beds on
the land described, and that the land is not suitable for farming oysters

18 Title: US Coast & Geodetic Survey Map
Date: 1873
19 Source: Surveyor James S. Lawson, US Coast & Geodetic; Puget Sound River
History Project
20 Summary: Topographic sheet survey map showing Zangle Cove's natural fishing trap
was an historical fishing ground

21 Title: This Isn't Your Grandfather's Oyster Farm
Date: 2013
22 Source: Coalition to Protect Puget Sound Habitat
23 Summary: The story of industrial shellfish aquaculture in Puget Sound threatening
the survival of our native species and privatizing our shorelines

24 Title: Plastics in the marine environment
25 Date: 2012
Source: J. Hammer, Institute for Biodiversity and Ecosystem Dynamics'

- 1 Summary: Article regarding plastics in the marine environment
- 2 Title: Microplastics as Contaminants
- 3 Date: 2011
- 4 Source: Matthew Cole, Marine Pollution Bulletin
- 5 Summary: Review regarding microplastics as contaminants in the marine environment
- 6 Title: Microplastics in Bivalves Cultured for Human Consumption
- 7 Date: 2014
- 8 Source: Lisbeth Van Cauwenberghe, Colin R. Janssen, Environmental Pollution Journal
- 9 Summary: Journal regarding microplastics in bivalves cultured for human consumption
- 10 Title: Rapidly Increasing Plastic Pollution from Aquaculture Threatens Marine Life
- 11 Date: 2014
- 12 Source: Charles Moore
- 13 Summary: Article regarding plastic pollution in Puget Sound
- 14 Title: List of Public Comments
- 15 Date: 09-16-16
- 16 Source: Patrick and Kathryn Townsend
- 17 Summary: Compilation of neighbors and interested parties who provided public comments on the proposed Sohn geoduck farm
- 18 Title: Overlay of Disputed Areas
- 19 Date: Unknown
- 20 Source: Hatton Godat Pantier, Engineers and Surveyors
- 21 Summary: Overlay showing disputed area between parties

JESSICA JENSEN LAW PS

09-16-2016



Date

Jessica McKeegan Jensen, WSBA #29969
 Sarah Beth Hernandez Huot, WSBA #39436
 David P. Sisk, WSBA #48577

1 A copy of this document was emailed per agreement of the attorneys of record to the
2 following individuals(s) on September 16, 2016.

3 Cami Peterson, Land Use Clerk
4 2000 Lakeridge Dr SW
5 Olympia, WA 98502
6 Email: peterscs@co.thurston.wa.us

Samuel W. Plauche, WSBA #25476
Jesse G. DeNike, WSBA #39526
Plauche & Carr LLP
811 First Avenue, Suite 630
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7
8 Donald R. Peters, WSBA #23642
9 Senior Deputy Prosecuting Attorney
10 Attorney for Thurston County
11 2000 Lakeridge Dr SW
12 Olympia, WA 98502
13 Email: petersr@co.thurston.wa.us

14 I certify (or declare) under penalty of perjury under the laws of the State of Washington
15 that the foregoing is true and correct. Olympia, Washington.

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Signature: 
David P. Sisk, WSBA #48577