

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

Brad Murphy
Thurston County Planning Department
2000 Lakeridge Drive, WA
Olympia, WA 98506

December 3, 2017

Dear Mr. Murphy,

Thank you for hosting the community meeting on November 30, 2017 related to the Thurston County SMP update process. We request a written response to the following comments:

1. We were shocked to learn that a shellfish industry representative is a member of the Regulatory Committee and that there is no representation from citizen groups. This is a clear breach of trust. Mr. Carlson is more than a representative of the shellfish protection districts. He is a current or past employee of Seattle Shellfish. You appeared reluctant to take the advice from citizens on November 30 about including citizens on the Regulatory Committee and we are thus forced to consider why that is so. The fact that you and the County minimize Mr. Carlson's connection to the shellfish industry does not engender trust—quite the opposite. From what we heard of Mr. Carlson's comments at the last regulatory meeting, a meeting in which citizens were not allowed to speak, we have every reason to be concerned about Mr. Carlson's membership on that committee and the influence he brings from the shellfish industry. We are stunned that the County would be so obviously biased.

We suggest that you immediately include a citizen representatives on the Regulatory committee to represent: the upland issues of citizens who resides on lakes and rivers, the interests of upland shoreline property owners related to marine shorelines and the interests of marine shoreline property owners related to the Aquatic designation, i.e., tidelands of Puget Sound. The entire process of creating new SMP regulations should start over with a properly representative group.

2. We continue to be shocked by your lack of effort in reaching out to citizens and inviting citizens/property owners to participate in this process and your excuses for this failure. Recently we sent you a letter that listed 8 ways that you could initiate outreach to all citizens of Thurston County. You did not respond to this letter. We included in our communication to you information from the Department of Ecology Shoreline Master Plan Handbook, Chapter 6, Public Participation. This Chapter outlines all the groups, entities, individuals, associations, etc. that should be notified by the County regarding the SMP update process. As Kathryn stated in the meeting on November 30, 2017, your supervisor, Cindy Wilson, responded almost immediately to this letter suggesting that we notify these individuals and also suggesting, erroneously, that the County had initiated the Boston Harbor Community Meeting regarding the SMP update process in October, 2017. According to Larry Seale, Board Member of the Boston Harbor Association, that meeting was initiated by the Boston Harbor Association, not by you or the County. Unfortunately, this dodging of the truth is an additional reason to find that mistrust is the appropriate response to the County's SMP update process.
3. We continue to be shocked that the County intends to place stringent jurisdiction on the shore land 200 feet from the ordinary high water mark, but is giving away the tidelands for commercialization

by the shellfish industry. That is an egregious double standard, gives the impression, if not the factual reality, that the County is colluding with the shellfish industry and that the County has disregard for the citizens who are actually paying the highest property taxes—shoreline property owners. Unfortunately, this double standard is met by citizens with distrust and disbelief.

4. We were shocked that that you likened the citizen Community meetings to the Regulatory committee meetings. As Jean Vanek pointed out, the two groups are not the same and do not have the same power. For one thing, you characterize the citizens groups as providing information to the process. However, the Regulatory committee members apparently not only have the power to suggest and recommend policy but to interact with County personnel in a table discussion (not comment and ask questions into the mike.)
5. Though we appreciate that you are extending the time for citizen participation in this matter, it is unclear just what the new schedule is. Additionally, if you are equating the citizen meetings with the regulatory meetings, then they must at least be on an equal basis as far as the number of meetings. For example, if there are two Regulatory Committee meetings a month, there should be two Community Committee meetings a month. Otherwise your contention that these two groups are the same, a contention that is dubious at best, simply reveals the attempt to obfuscate the obvious bias in favor of the shellfish industry.
6. Additionally, if the extension of time means that the Community meetings will be once every two months rather than once a month, you are undermining any notion that you actually want citizen/property owner participation. 60 days is a long time and at each meeting you will be starting from scratch. There will be no continuity from one meeting to the next and it will once again prove that you are only providing these meetings to pay lip-service to citizen participation and that you may be peripherally interested in citizen concerns, but not enough to make citizens part of the actual process of updating the SMP.

We request that you make Community meetings parallel to the Regulatory meetings—i.e., the same number of Community meetings as scheduled for the Regulatory meetings. This is particularly important in light of your claim that the Community meetings are on par with the Regulatory meetings.

7. It is obvious from your first two Community meetings that you need to discuss and resolve basic issues of fairness related to the County's new jurisdiction over 200 feet landward of the ordinary high water mark while giving more or less unlimited carte blanche use to the shellfish industry on the tidelands of Puget Sound. As one commenter pointed out, there are two basic commercial uses of the tidelands: marinas and shellfish aquaculture. But these are not the only uses of the tideland. The second fundamental objective of the Shoreline Management Act, per your slide presentation, is "Protect shoreline natural resources."
8. It was obvious at the meeting on November 30, 2017 that the County's cavalier approach to claiming jurisdiction of private upland shoreline properties will meet with strenuous resistance and mistrust and already has done so. "Legal remedies" were mentioned in the comments made by property owners.
9. Property owners of Thurston County want a real process of citizen participation, not a pretend process. So far, I think we can say that the consensus of citizens is that the process you are employing is an attempt to keep citizens as far away from actual decision making as possible while giving lip-service to the idea of citizen participation.

10. In your presentation you state the “Three fundamental policy objectives of the Shoreline Management Act” are 1) Encourage water dependent uses, 2) Protect shoreline natural resources, 3) Promote public access.

This is a simplification of the already simplified version of these three objectives from the Department of Ecology.

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/chapter2.pdf>

Since words matter, we can point out one example of how words change the meaning. In the last paragraph ECY states: “Give priority to uses that require a shoreline location...”

The actual quotation from the SMA is “...uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shoreline.”

Thurston County has further changed this to say that the SMP “encourages water dependent uses.” We recommend that you stick with what the SMA actually says and keep it in context. Saying that the SMP “encourages water dependent uses” could be used by unscrupulous parties to promote or defend activities such as industrial geoduck aquaculture which clearly causes pollution and damage to the natural environment.

11. You have changed the name of the “Science Technical Advisory Committee (STAG)” to the Regulatory Committee. We would like to know:

- What was the original intention for having a committee (STAG) with scientific and technological expertise and why is that intention no longer relevant?
- What committee, group or individuals currently addresses scientific and technological issues? Please provide names and email addresses and a meeting schedule.
- What scientific and technical issues are being addressed?
- What is the specific purpose/mission of the Regulatory committee?
- What are the constraints and guidelines for the Regulatory committee?
- Who determines the agenda of the Regulatory committee?
- What are the specific qualifications and expertise of the members of the Regulatory Committee?

As of May 30, 2010 the Thurston County SMP Scientific/Technical Advisory Group (STAG) (<http://www.co.thurston.wa.us/planning/shoreline/documents/Thurston%20County%20SMP%20STAG%20member%20list%20051910.pdf>)

- Mark White Confederated Tribes of the Chehalis Reservation
- David Troutt Nisqually Indian Tribe
- Jeanette Dorner Nisqually Indian Tribe
- Scott Steltzner Squaxin Tribe
- Patricia Olson Ecology
- Katie Knight WDFW
- Hugo Flores WDNR
- Tris Carlson Shellfish District
- Barb Wood Thurston County Resource Stewardship Dept., Water Resources Program
- Owen Reynolds Thurston County Geodata

- No members who represent property owners and communities of Thurston County

As 12/2/2017, the members of the STAG, now called the Regulatory Committee:
<http://www.co.thurston.wa.us/planning/shoreline/documents/thurston-county-shoreline-management-plan-regulatory-group-member-list.pdf>

- Confederated Tribes of the Chehalis Reservation
- George Walter Nisqually Indian Tribe
- Scott Steltzner Squaxin Tribe
- Sarah Cassal Ecology
- Zach Meyer Ecology
- Theresa Nation WDFW
- Hugo Flores WDNR
- Tris Carlson Shellfish District
- Roger Giebelhaus Thurston County Public Works
- Dawn Peebles Thurston County Environmental Health
- Jeff Killelea Thurston County Water Resources
- Mike Kain Thurston County Resource Stewardship
- Janene Michaelis Thurston County Resource Stewardship - GIS

12. Community members, to our knowledge, have never been invited to participate on the STAG/Regulatory Committee. Citizens were allowed to attend the last Regulatory Committee meeting, but were not allowed to participate. Tris Carlson, on the other hand, an employee of and/or consultant to a private shellfish company (<https://www.linkedin.com/in/tris-carlson-52a26453/>) has apparently been on this committee for at least 7 years. Based on observance of the last “Regulatory” Committee Meeting, Mr. Carlson is lobbying on that committee for policies that benefit the shellfish industry. It is thus not surprising that terminology (for example “predator exclusion”) that has particular meaning within a specific industry (the shellfish industry) but no meaning to the ordinary person, is proposed for the SMP update.
13. Washington State law requires that private parties (individuals and organizations) who attempt to influence the legislative or regulatory process register as lobbyists. This law appears to extend to meetings where state agency employees are present. The Regulatory Group has representatives from at least three state agencies. Mr. Tris Carlson appears is known to be a current and/or past employee of a private company. Has Washington State law concerning lobbying activity been violated in this case?
14. Thurston County rules related to Conflict of Interest state (emphasis added):

3. Policy

“County employees” will perform their public responsibilities in accordance with the highest ethical standards and conduct business only in a manner that strengthens the public’s confidence in the integrity of Thurston County government. To earn and maintain the public’s full trust and confidence, individuals subject to this policy are required to avoid any action that creates an appearance that they are:

- Using their authority as “county employees” for private or personal gain or benefit.

- Engaging in any action or conduct that conflicts or appears to conflict with the performance of their duties.
- ***Giving improper advantage or treatment to any person or entity.***
- Failing to properly carry out their duties.

By including a private business representative on the Regulator Committee and excluding the public from participation in the Regulatory Group, there is a clear impression of giving improper advantage or treatment to an entity (Seattle Shellfish and the shellfish industry). There appears to be a clear violation of this policy by the Regulatory Group.

Please respond in writing to the above comments.

Sincerely,

Patrick Townsend

Cc: Ms. Cindy Wilson
Planning Commissioners