

## Merrill, Hannah

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**From:** earnest spees [REDACTED]  
**Sent:** Saturday, November 05, 2011 6:49 PM  
**To:** Karl Spees; zSMP; Merrill, Hannah  
**Subject:** Public Comment : Shoreline Master Program Update Impropriety ?

Public Comment

This is a Public Comment developed for the SMA/SMP Advisory Group.  
Karl Spees - Member of SMP Advisory Group

### Group

**This is the combination of two of Pearl Rains Hewett's emails. I have highlighted the minimum materials needed to get a sense of what this is about. I would encourage you to read the whole email.**

**Karl Spees - Pres. CAPR 13**

**First is the History of the Appearance of Fairness Doctrine ... with conducting a fair and impartial fact-finding hearing upon issues significantly affecting individual property rights as well as ...**

**Second is how the SMP process was conducted by our County Official.**

**The Shoreline Master Program (SMP) is a citizen mandated law to protect the environment. The environmental abuses the SMP addresses have largely been remedied. The law has recently been perverted by State Agencies to usurp private property rights, an uncompensated State taking by regulation. kes**

**The over arching objective of this overwhelming and massive governmental intrusion into local land issues is about the re-wilding of the Olympic Peninsula by incremental taking from the citizens by regulation.** This is all part of UN Agenda 21 and the Wildlands Plan. (Protecting the Environment is the New State sponsored Pseudo-Religion.) The DoE under the guise of "protecting the environment" is using our own resources, scarce tax dollars to act against the best interest of the private property owners and the citizens of the State. The Republican Party is not without blemish but this is primarily Democrat Party driven agenda. Futurewise is just one of the Non-Governmental Organizations (NGO's). Other NGO's in the same racket are: the Sierra Club and the Audubon Society. PSP, Puget Sound Partners, is one

sinister corrupt co-mingling of private and public funds being used to pervert wholesome sounding agendas against the best interest of the State's citizens. The Tribes are not bound by the restrictive 'environmental' laws of the SMP and make up 2% or less of the population yet they appear to be given priority in making these restrictive laws. Often The State Agencies are appointed by the Partician Elected State Officials and are empowered to act against the Citizens with little or no recourse from 'we the people'. The appointment of ESA Adolfson shows the prejudicial nature of our County Commissioners, a clear selection bias of the process. The ESA Adolfson group has a track record of going from Washinton State county to county imposing a carbon copy State/Statist DoE agenda with a predetermined outcome on the Citizens. **Public participation is token to give the impression of propriety. Even a casual look at the lineup of participants should dispell any illusion of fairness.**

## History of the Doctrine in Washington State

The appearance of fairness doctrine is not applied in all states. **Washington, Oregon and Idaho are among the minority of states that impose heightened procedural protections on land use matters.**

### Court-Developed Doctrine

The appearance of fairness doctrine developed in Washington in the context of zoning hearings. In several 1969 cases, the Washington State Supreme Court invalidated local land use regulatory actions because either the hearings appeared unfair or public officials with apparently improper motives or biases failed to disqualify themselves from the decision-making process. **The court decided that the strict fairness requirements of impartiality and procedural fairness mandated in judicial hearings should be applied when administrative bodies hold quasi-judicial hearings that affect individual or property rights.**

This application reflected the court's belief in the importance of maintaining public confidence in land use regulatory processes. As stated in *Chrobuck v. Snohomish County*:<sup>3</sup> Circumstances or occurrences arising within such processes that, by their appearance, undermine and dissipate confidence in the exercise of zoning power, however innocent they might otherwise be, must be scrutinized with care and with the view that the evils sought to be remedied lie not only in the elimination of actual bias, prejudice, improper influence or favoritism, but also in the curbing of conditions that, by their very existence, create suspicion, generate misinterpretation, and cast a pall of partiality, impropriety, conflict of interest or prejudgment over the proceedings to which they relate. Washington courts have consistently contrasted the differences between the political process, which is designed to be responsive to public opinion, and the judicial process, which is designed to ensure that disputes are resolved according to sound legal principles. The *Chrobuck* court stated the doctrine in this manner: public officers impressed with the duty of **conducting a fair and impartial fact-finding hearing upon issues significantly affecting individual property rights as well as**

**Appearance of Fairness Doctrine**

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Pearl Rains Hewett Trustee  
George C. Rains Sr. Estate  
Member SMP Advisory Committee

## **Who did Hannah Merrill contact FIRST?**

Starting on Feb. 9, 2010, nearly one year before the first SMP Public Forum on Jan 26, 2011, the following organizations and individuals were contacted in chronological order to give their impute on,

### **CLALLAM COUNTY SMP UPDATE PUBLIC PARTICIPATION STRATEGY**

1. CLALLAM COUNTY DEMOCRATIC CHAIRMAN February 09, 2010 7:24 PM
2. FUTUREWISE February 24, 2010 4:20 PM
3. QUILEUITE NATION, March 04, 2010 2:25 PM
4. CLALLAM MARINE RESOURCE COMMITTEE March 08, 2010 11:15 AM
5. DOE DEPARTMENT OF ECOLOGY March 09, 2010 4:04 PM
6. WASHINGTON STATE DNR November 08, 2010 11:59 AM

#### **(1) CLALLAM COUNTY DEMOCRATIC CHAIRMAN**

**From: John Marrs [clallamdemchair@gmail.com]**

Sent: Tuesday, February 09, 2010 7:24 PM

To: Merrill, Hannah Subject:

Re: SMP Public Participation Strategy

#### **(2) WHO IS FUTUREWISE? (see attachment)**

From: Dean Patterson [Dean@futurewise.org]

Sent: Wednesday, February 24, 2010 4:20 PM

To: Merrill, Hannah; Merrill, Hannah

Subject: Futurewise comments on

Clallam SMP Public Participation Strategy

#### **(3) QUILEUITE NATION**

From: Katie Krueger [katie.krueger@quileutenation.org]

Sent: Thursday, March 04, 2010 2:25 PM

To: Merrill, Hannah

Cc: mel.moon@quileutenation.org; 'Kris Northcut'; frank.geyer@quileutenation.org

Subject: Shoreline Master Program for Clallam

Attachments: SMP-DRAFT-

PublicParticipation Strategy FEB-8-2010+.pdf

#### **(4) CLALLAM MARINE RESOURCE COMMITTEE**

From: Lyn Muench [lynmuench@olypen.com]

Sent: Monday, March 08, 2010 11:15 AM

To: Merrill, Hannah

Subject: Re: Comment period extended -

SMP Update Public Participation Strategy

#### **(5) DOE DEPARTMENT OF ECOLOGY**

From: Stewart, Jeff R. (ECY) [jste461@ECY.WA.GOV]

Sent: Tuesday, March 09, 2010 4:04 PM

To: Merrill, Hannah  
Subject: RE: Comment period extended -  
SMP Update Public Participation Strategy

**(6) WASHINGTON STATE DNR**

From: AMIOTTE, LALENA (DNR) [Lalena.Amiotte@dnr.wa.gov]  
Sent: Monday, November 08, 2010 11:59 AM  
To: Merrill, Hannah  
Cc: FLORES, HUGO (DNR)  
SMP Update Public Participation Strategy

If you opened and read the attachment, you know what and who FUTUREWISE represent. They represent a special interest group and it concerns me that they were USED by Clallam County **to comment on/approve our SMP Update Public Comments.**  
Pearl

- 1. The appointment by the County Commissioners of the ESA Adolfson Group to update the SMP is clearly prejudicial.**
- 2. The County Commissioners accepted approximately \$1,000,000 to impose NNL on the Clallam County. This is blatant prejudicial governmental misconduct. \*kes**
- 3. The actions of Hanna Merrill, DCD, County Employee is clearly prejudicial.** (Hanna may be acting on behalf of those she perceives to be her bosses. kes)

**The DoE and the Clallam County Commissioners have opened a legal/illegal can of worms. The DCD Director and Commissioners need to go into the damage control mode.**

**The best way to avoid further compromising the County and the State in future judicial actions/hearings will be to:**

- 1. Reject/Dismiss No Net Loss of Ecological Function (NNL) out of hand.**
- 2. 'Extension of setbacks' needs to be rejected out of hand. (Relaxation of some of the current setbacks could be codified and used.)**
- 3. Declare 'an Update of the SMP without change'.**

**Karl Spees - CAPR representative of the SMP advisory group.**

\*KES - The County Commissioners accepted a million dollar State Grant to impose NNL on the County. NNL has not been defined. Like Obamacare and Nancy Pelosi 'You have to pass it, to find out what's in it.' This is the equivalence of signing a blank check and giving it to the DoE which is a Partisian Appointed State Agency that is clearly out of control and acting against the State's Citizens best interests.

Karl Spees - Concerned Citizen of Clallam County