

## Merrill, Hannah

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**From:** Stewart, Jeff R. (ECY) [jste461@ECY.WA.GOV]  
**Sent:** Thursday, July 12, 2012 5:06 PM  
**To:** 'pearl hewett'; zSMP; Ehlers, Paula (ECY); Skowlund, Peter (ECY); White, Gordon (ECY)  
**Cc:** Karl Spees; Jay Petersen; harry bell; Katie Krueger; robert crittendend; Lois Perry; Sue Forde  
**Subject:** RE: JEFEREE STEWARD legal WRITTEN request for DOE WRITTEN answers

**Dear Ms. Hewett:**

Thanks for your reminder about several questions raised via email which are in the message below. As I indicated during Tuesday's (7/10/12) Advisory Group meeting, in an effort to understand concerns you and others have expressed, Ecology representatives drove to Port Angeles in June, meeting with you and several Clallam County concerned citizens whom you had invited. That meeting was meant to address some of your concerns directly, and I thought we had a pretty good and frank exchange. Evidently, based on statements made since, you found our meeting somewhat less satisfactory.

You have raised a number of pointed questions and asked for written responses. You have asked for "scientific papers" on a variety of subjects. You say my agency (and me specifically) has been "ignoring" your request. That is not my intent. Please understand, my job is to help Clallam County as well as several other jurisdictions to make progress in meeting legislatively required comprehensive updates to their Shoreline Master Programs. This various and complex work has to be done within limited timelines and budgets.

I do appreciate the passionate engagement you demonstrate by active participation in the Advisory Committee. Ecology has limited resources and lots of responsibilities- we have to make choices that keep our focus on the work we have to do. Please remember that Ecology's SEA Program leadership team did make an extra effort, driving to and from Port Angeles, listening to you and your colleagues, and sharing perspectives directly, face to face. We found that exchange helpful. We hope you and your colleagues also gained some understanding about the state's perspective. At least that was our intention-and we had hoped it would be better received than just writing back and forth on details best addressed in other venues.

I understand that you believe ecological functions have "improved" in Clallam County since 1976. And it is clear you believe the Department of Ecology is required to prove otherwise, point by point as noted. I did forward your message to Paula Ehlers. She and I discussed the request, and we both agree that, from what we have seen, Clallam County and their consultants are doing very competent and conscientious work in addressing the necessary scientific underpinnings that a shoreline program has to be based on. We also recognize the County has been actively listening to and recording the concerns of all interested citizens and organizations, yours among them, and working those concerns in as the SMP update proceeds. We see our proper role as helping and encouraging the County in doing that work. We will proceed in doing that work.

Again, thanks for your focus and engagement with Clallam County shoreline master program concerns. I hope we can continue to communicate as the work proceeds, showing mutual respect, and allowing for differences in perspective about what needs to be done.

Sincerely,

Jeffrey Stewart  
Shoreline Specialist  
Washington Department of Ecology  
360-407-6521

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**From:** pearl hewett [REDACTED]  
**Sent:** Wednesday, July 11, 2012 2:30 PM  
**To:** zSMP; Stewart, Jeff R. (ECY)  
**Cc:** Karl Spees; Jay Petersen; harry bell; Katie Krueger; robert crittendend; Lois Perry; Sue Forde  
**Subject:** JEFEREE STEWARD legal WRITTEN request for DOE WRITTEN answers

I submit this as my SMP comment

With questions directed to

Clallam County DOE Shoreline Specialist Jefferee Stewart

Pearl Rains Hewett Trustee

George C. Rains Estate

Member SMP Advisory Committee

**This email is my legal WRITTEN request for WRITTEN answers** to my questions from DOE Jeffree Stewart and/or, Paula Ehlers and/or Gordon White.

**DOE representatives have consistently ignored written questions**, on WRIA 17-19 SHORELINE INVENTORY AND CHARACTERISTICS REPORT, and The Clallam County SMP Update, asked and requested on the SMP public comment section on the Clallam County SMP Update website.

Jeffree Stewart informed me yesterday 7/10/12 (in front of Steve Gray) that if I want answers to questions I would have to send him a letter of request. Emails are a legal form of communication.

My other option is DEPARTMENT OF ECOLOGY **REQUEST FOR PUBLIC RECORD I have the form filled out and ready to email.**

**I am requesting answers to the following questions to comply with the core principles of Due Process.**

**DOE SMP taking of private property in Clallam County.**

**(1) Please provide copies of the scientific papers that definitively identify, the cause of marine and freshwater contamination?**

**(2) Please provide copies of the scientific papers that definitively identify what caused the marine and freshwater contamination? People, development or industry or by birds, wild mammals or naturally present in the environment?**

**(3) I am requesting a copy of the scientific papers on the DNA testing for impairment and contamination at the mouth of the**

Dungeness River.

**(4) Were ANY of the contaminated or impaired sites caused by? or as a result of? Clallam County 1976-2012 SMP failure to protect NNL of ecological function?**

**(5) Please provide scientific papers on how the Clallam County SMP from 1976-2012 has failed to protect NNL of ecological function?**

**(6) Please provide scientific papers on why DOE is demanding wider setbacks and buffer zones to protect NNL of ecological function?**

**(7) Please provide scientific papers on how many single family residence were destroyed on Clallam County marine and freshwater shorelines, by rivers or tidal action as a result of? or caused by? or a failure? of Clallam County 1976-2012 SMP?**

**(8) Please provide scientific papers on how many ecological disasters occurred as a result of? or caused by? or failure of? Clallam County 1976-2012 SMP?**

**(9) Please provide scientific papers on how many injuries or deaths occurred as a result of? or caused by? or failure of? Clallam County 1976-2012 SMP?**

**(10) As a member of the Clallam County SMP Advisory Committee I am asking for the exact location of every specific contaminated site and the full identity of EVERY contaminator.**

**UNTIL the DOE can prove with site specific scientific papers that the Clallam County SMP 1976-2012 has caused any loss of ecological function, the current setbacks and buffer zones should remain in place or reduced.**

**Unanswered questions?**

Sent: Tuesday, July 12, 2011 7:57 AM

SMP COMMENT ON CONTAMINATED SITES

WRIA 17-19 SHORELINE INVENTORY AND CHARACTERISTICS

On the 18 Marine reaches

Contaminated sites

they found (3)

On the 64 Freshwater reaches

(that I counted)

Contaminated sites

(1) contaminate site on the R3 Dungeness,

**(Several) on R1 Elwha (how many is several?)**

(2) on the R2 on the Hoko.

With all of the SMP concern about contaminated sites

These are the incomplete, censored scientific facts

Why is Green Crow the only contaminator mentioned by name?

**(10) As a member of the Clallam County SMP Advisory Committee I am asking for the exact location of every specific contaminated site and the full identity of EVERY contaminator.**

Pearl Rains Hewett

**Sent:** Tuesday, July 12, 2011 7:30 AM

**Subject:** COMMENT ON WRIA 17-19 SHORELINE INVENTORY AND CHARACTERISTICS

**COMMENT ON**

**WRIA 17-19 SHORELINE INVENTORY AND CHARACTERISTICS**

**On the 18 Marine reaches**

**Contaminated sites**

they found (3)

Impaired water quality sites (12)

Impaired water caused by **temperature** (4)

**On the 64 Freshwater reaches**

**Contaminated sites**

(1) contaminate site on the R3 Dungeness,

**Several on R1 Elwha (how many is several?)**

(2) on the R2 on the Hoko.

(29) impaired water quality sites (based on how many factors?)

**On the 64 Freshwater reaches**

**(34) sites are described as impaired water caused by temperature.**