

Merrill, Hannah

From: zSMP
Subject: Shoreline Master Program

To: SMP@co.clallam.wa.us

This message was sent via the Clallam Website Email Form 04-17-2013.

Name: Ed Bowen

Email: SMP@co.clallam.wa.com

Subject: Shoreline Master Program

Comments: •PPS = Public Participation Strategy

WRIA 20 specific

Submitted to the Planning Commission on April 17th because no action and no details have been afforded to the citizens of WRIA 20 as to justifying the contracting of ESA for the NO NET LOSS/Cumulative Effect Analysis addendum for WRIA 20. The response from the third district county commissioner does not explain the commissioners' rational for accepting this approach. The public participation strategy approved by the county for this process mandates regional public forums, and specifically points out the requirement for the NO NET LOSS/Cumulative Effect component. Not only does the addendum process not afford a regional forum, it isn't even transparent as to how the analysis will be conducted...(based on what criteria?).

Maybe somewhere in the process the public will be engaged, but at this time I have to strongly assume the decisions have already been made and now that public hearings are probably coming up this spring the chance for meaningful discussion is gone; this addendum is just one example that draws that conclusion.

For transparency:

Doherty, Mike MDoherty@co.clallam.wa.us
Tue 4/2/2013 9:48 PM

Hi Ed. We discussed your concerns for 15 minutes or so this morning in the Board Work Session. Additional information from DCD representatives during the discussion addressed several of your issues. On a few of the issues, such as public outreach, DCD committed to increased efforts in this regard in WRIA 20. In the regular meeting the Board approved the contract. mike doherty

Sent: Friday, March 29, 2013 1:09 AM
To: Doherty, Mike; Jones, Jim; Miller, Sheila Roark
Subject: Commissioners Worksession Agenda concern

Dear County Commissioners and Director of Community Development

In regards to the matter that comes before the Board at the April 2nd Worksession and Board Meeting, Agenda item 9 and 2b respectfully, my objection to moving forward at this time with this action.

ESA has entered into a Professional Services Agreement (PSA) with Clallam County to assist with the Shoreline Management Program (SMP) update (Contract No. 332.10.030), signed on September 21, 2010.

This is misleading; the contract was for services directly related to assisting with the SMP update for Clallam County's portion of WRIA 17, along with WRIA 18 and 19. It did not and does not include contractual assistance to date for WRIA 20.

To enter into an amendment to this contract to now include a particular segment of the update for WRIA 20 is lacking in fair treatment of the process, and whether it is in the best interest of the citizens of WRIA 20 to add them to a contract where any applicable bid solicitation and other governmental practices haven't been applied (at least the intent); at a minimum it's questionable.

The county entered into an SMP Update agreement for assistance in WRIA 20 from the University of Washington's ONRC. Though I have reservations to the products to date created by the ONRC (such as the draft ICR report), it does not appear any inquiry has been attempted to amend that contract to include this action before you. I contest the logic in considering in favor of the proposed amendment for a contractor that has not been engaged in the SMP technical discussion/workshops/public meetings specifically WRIA 20. Supporting rationale is even the need to make this amendment has not been brought to the attention of the citizens of WRIA 20, at best lacking

announcing or discussion with the public process within WRIA 20. At best someone has to be a professional at reading and understanding the County's SMP web site. At best to intervene into this amendment would be taking an analysis process developed outside the geographic region of the Olympic Peninsula as a model, refined somewhat at best for the three eastern WRIsAs, and in essence applied carte blanche to the uniqueness of WRIA 20. All without due process to ground-truth any theories guiding the analysis.

As an example, it appears the County may have engaged this contractor on how small landowner parcels that exist within the proposed Resource Protection zone, predominate industrial timber lands, would be affected by such designation. It appears this issue hasn't ever been responded to in any of the materials to date, and even though brought up in several WRIA 20 public events there is no recognition this issue even exist in the Update's analysis/drafts to date. This is a significant feature throughout WRIA 20, and I speculate at a more significant level than in the other three WRIsAs. If there was a proper logic to now include the contractor in the WRIA 20 portion of the update, the history of how the contractor addressed previously identified needs of the update for WRIA 20 should be in order; I therefore claim the contractor is not prepared to provide a clear and fair analysis for cumulative effect and no-net-loss. I clearly have a concern if the contractor is adequate (capable) when the result from the scope of work assumes:

...performing relatively simple GIS analyses using readily available datasets with direction and guidance from ESA. (Task 3.4)

This claim is further supported to remotely believe that a \$5,000 amendment would make up for the claimed lapse in services, let alone bringing in to the discussion a reasonable person's perception of what is needed to catch this contractor up to the times on just what is the WRIA 20 landscape...beyond just from discussion with an advisory committee existing for the eastern county issues or county staff providing their own personal opinions. I don't even know where the \$5,000 is coming from, who is going to pay for that? I've always

been concerned with what I consider to be funding from the EPA to create a model by focusing on the eastern portion of the county, for if this use of EPA provided funding is even proper/authorized by the US Congress. If the \$5,000 is a component of the EPA funds, there again the disconnect with being open and transparent to the citizens of WRIA 20.

Open and Transparent to the citizens of WRIA 20, regarding this subject. To date there hasn't been outreach to inform the citizens of this topic.

- Cumulative Effect has only been briefly mentioned in WRIA 20 public meetings, but never explored/specific comments solicited/or explained to the effects on citizens by addressing cumulative effect in the update.
- No-Net-Loss. Never explained
 - o The definition of what it means and specifically within the geographic uniqueness of WRIA 20 (It's never even been defined to the people)
 - o The question of No-Net-Loss from what point in time, the original SMP establishment, this update, or some other time reference point
 - o The ability to offset to the equation of No-Net-Loss the possibility and locations of an actual Net-Gain, and where those gains are measured from in reference to time.
 - o The action addendum to the scope of work, Task 4.3, doesn't consider this need and even the assumptions and deliverables have no specifics that would lead a reasonable person to the perception their interest was being positively represented.

I do not have confidence the contractor is even capable of solving this open and transparent need, let alone can do that with a \$5000 budget; I believe this is even a worse condition than the claimed statement of county staff:

The Department needs assistance to prepare the WRIA 20 CIA/NNL Report Addendum due to limited staff resources.

This is also imposing an unfunded mandate on the citizen base to solve all this on our own because the intent of the public outreach policy approved by the Board isn't being adhered to. This action has not been noticed to the public prior to the release of the Board's March 26th worksession agenda on or about March 21; with the furlough day there wasn't opportunity to check in for details/questions in a timely manner prior to the worksession. Then to appear at the worksession and the topic is pushed to a last minute point in the worksession, due time was not afforded resulting in basically push it to a later date for discussion. That later date is now on the April 2 worksession (last item again, will it get lost in the eastern county discussion items again) for movement to approve at the Board meeting immediately following. Again, a furlough day stands in the way of reasonable discussion; there has been no effort to discuss this topic with the public in WRIA 20 that I am aware of this past week.

In addition, this action has not been noticed in the two previous WRIA 20 groups solicited on the update: North Pacific Coast Lead Entity and the WRIA 20 water management plan Implementing Body. Nor has this need/action been briefed to the Clallam County Planning Commission, either as demonstrated in the meeting summary for March 6th or at the March 20th meeting (why wasn't this even brought up at that public event given its close proximity to this action date and the same requesting staff was at that meeting too?)

You may feel the need to approve this, it's not that big of a thing probably on the scale of issues you have to deal with...even on the subject of the SMP Update. However, this action is indicative of the scale that is occurring within WRIA 20 with this update, lack of representation and active engaged public outreach and discussion. With that occurring, a reasonable person couldn't begin to grasp the bigger scale and direction to getting to an acceptable update to the SMP that serves the people of WRIA 20.

I objected to this action at the Board's meeting of March 26th, haven't heard a word about my concern since; and now it's on the Board's agenda. So the time I have had to spend today compiling these particulars doesn't come cheap; I've already made a trip in to the courthouse once, on my dime. Time for the Board to represent my interest. Please don't approve this amendment, please take it back to the people of WRIA 20 and give a sincere chance to be engaged in this update.

I request this be a matter of record and a written response. Thank you.