

From: pearl hewett
Sent: Wednesday, February 18, 2015 3:43 PM
To: zSMP; Karl Spees
Cc: Lois Perry; Sue Forde; yellowbanks@hotmail.com; notac@olympen.com; Jo Anne Estes; harry bell; Stephanie Noblin; Judi Hangartner; mary pierce pfaff; Jay Petersen; ahlburgk@msn.com; Peach, Bill; McEntire, Jim; Chapman, Mike
Subject: SMP Public Comment #161
Importance: High

**There is an SMP Planning Commission meeting tonight Wed. Feb 18, 2015
Clallam County Courthouse at 6:30 pm
If any part of the following comment concerns you PLEASE attend.**

SMP Public Comment #161

To Clallam County Planning Commission

And, Commissioners' McEntire, Chapman and Peach

Concerning fatal errors in due process, not posting SMP public comments

Omitting SMP public comments and a failure to provide complete and accurate summaries of SMP Public Meetings during the entire SMP process of the Nov. 2014 proposed SMP Update Draft

Failure to notify interested parties (WRIA 20 shoreline property owners and members of the advisory committee on SMP meetings)

Failure of CLALLAM COUNTY government to provide critical early and continuous public participation in to the SMP Update

The purpose and intent of nearly a year of inactivity on SMP public meetings and participation on the SMP Update? A cooling off period, if we ignore them for a year maybe they will just go away?

FAILURE TO POSTED AND RESPOND TO SMP PUBLIC COMMENTS

----- Original Message -----

From: [Jo Anne Estes](#)

To: [Merrill, Hannah](#) ; [Gray, Steve](#)

Sent: Friday, August 19, 2011 12:07 PM

Subject: WHAT IS NO NET LOSS WORKGROUP?

SMP PUBLIC COMMENT #440 posted 10/4/13

Failure to provide public outreach and participation to WRIA 20 throughout the process.

This is an SMP Public comment
WA STATE RCW 42.56.030
Pearl Rains Hewett

SMP EXCLUSION AND OMISSION

WRIA 20 private property owners are PART OF CLALLAM COUNTY SMP UPDATE
There were no private property owners representing WRIA 20 seated at the table for the
Clallam County SMP Update Committee.

Shall we question why the WRIA 20 private property owners were and are IN MANY CASES,
being treated like SECOND CLASS CITIZENS and were not informed, not invited, not selected,
not appointed, not allowed to actively participate. in SMP Public Meetings?

**Failure to make a special effort to reach the under-represented WRIA 20 throughout the
process communities/stakeholders.**

AND, Failure to ENCOURAGE PARTICIPATION

Sent: Tuesday, May 10, 2011 8:48 AM

THEY want us to be upset and discouraged, Mike Chapman suggested **I should/could QUIT.**

Don't let life discourage you; everyone who got where she is had to begin where she was.

Pearl Rains Hewett

Chapter 42.30 RCW

OPEN PUBLIC MEETINGS ACT

This is the **Legislative declaration** on RCW 42.30.010

The legislature finds and declares that all public commissions, boards, councils, committees,
subcommittees, departments, divisions, offices, and all other public agencies of this state and
subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this
chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The
people, in delegating authority, do not give their public servants the right to decide what is

good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. [1971 ex.s. c 250 § 1.]

Notes:

Reviser's note: Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter." "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW [34.04.025](#), and the repeal of RCW [42.32.010](#) and [42.32.020](#).

As related to the Washington State Shoreline Management Act, RCW 90.58

RCW 90.58.130

Involvement of all persons and entities having interest means.

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.

[1971 ex.s. c 286 § 13.]

Shoreline Master Program Update

AND THE CLALLAM COUNTY SMP PUBLIC PARTICIPATION STRATEGY

March 2010 Revised March 2011

4.1 Phase I - Public Participation Program

Clallam County will incorporate public participation in all phases of the SMP process ,document public participation efforts (e.g., public meetings, community events)

AND KEEP A RECORD OF PUBLIC COMMENTS RECEIVED.

UNPOSTED SMP COMMENTS

Citizens Advisory Committee on the update of the SMP

----- Original Message -----

From: [pearl hewett](mailto:pearl.hewett@co.clallam.wa.us)

To: sgray@co.clallam.wa.us

Cc: [earnest spees](mailto:earnest.spees@co.clallam.wa.us)

Sent: Wednesday, March 02, 2011 2:07 PM

Subject: Clallam County Shoreline Management Plan 1976 and Citizens Advisory Committee 2011

Steve

Re: Clallam County Shoreline Management Plan 1976

I read the 1976 SMP

My biggest concern would be Page 8 Section 8.

Lake Sutherland Private property owners have every reason to be fearful.

Is it history repeating itself? Like the National Park take over of all private property on Lake Crescent?

I was just a girl when it happened, but I have living memory of the grief it caused.

Citizens Advisory Committee 2011

While the WA State law about participation does NOT specify private property owners.

Our Family Trusts own 900 acres of land in Clallam County, we have paid tax on our private property for over 60 years.

We have property in water sheds, including the Sol Duc River, Elwha River and Bagley Creek, legal water rights, hundreds of acres of designated Forest land, logging concerns, a gravel pit, property for development and a rock quarry.

With 60 percent of Clallam County under Private ownership;

I ask you?

Has anyone (**as as private property owner**) EVER had a right to, or been entitled to, or had a position on the CCDCD Citizens Advisory Committee on the update of the SMP?

Pearl Rains Hewett PR-Trustee

George C. Rains Sr. Trust

THIS IS POSTED #50 SMP PUBLIC COMMENT

Omitting public comments and a failure to provide a complete and accurate summary of a Public Meeting

----- Original Message -----

From: [pearl hewett](mailto:pearl.hewett@co.clallam.wa.us)

To: SMP@co.clallam.wa.us

Cc: Gray, Steve

Sent: Tuesday, March 15, 2011 9:53 AM

Subject: ESA Adolfson's focus study groups

I read the focus study groups report prepared by ESA Adolfson.

It was not representative of the meeting I attended on Jan. 26, 2011.

There was no mention of Lake Sutherland and the outpour of concern by the private property owners. State boats taking pictures of their docks and homes etc. The fear of what the update of the SMP would mean to their private property by making all of them non-conforming.

I feel that the report was **biased**, it did not address the issues proportionately, that in their reporting they **did misrepresent** and **not report** private property owner's spoken grievances.

In ESA Adolfson's **compliance attempt**, they placed far more emphasis on the **state take over of private property beach's** and the impute from agencies and business's then the concerns of the **60% of private property owners in Clallam County**.

I find it very disappointing that our Clallam County Commissioners have allowed a **totally self serving group of conservationists** to **publish biased findings** and **facts** as the result of these public focus groups.

Pearl Rains Hewett

UNPOSTED SMP PUBLIC COMMENTS

----- Original Message -----

From: [pearl hewett](#)

To: [Gray, Steve](#)

Sent: Tuesday, April 12, 2011 8:32 AM

Subject: Fw: STATE DIRECTIVE BY WAC 173-26-191

Steve,

Jim Kramer asked for a copy of this WAC.

I would also like to add this as my comment on the Advisory meeting on 4/11/11.
Has a direct link for advisory comments been established?

Pearl Rains Hewett
Advisory Committee Member

----- Original Message -----

From: [pearl hewett](#)

To: [Lear, Cathy](#)

Sent: Saturday, April 16, 2011 12:00 PM

Subject: RCW'S FOR PROTECTION OF PRIVATE PROPERTY

Cathy and Margaret,

After listening to the questions asked by concerned citizens at both public and the advisory SMP update meetings,

I would like to submit, as my comments, the following RCW'S to educate, inform and clarify private property owners of their rights and protection under WA State law.

Pearl Rains Hewett

Advisory Committee Member

PROTECTION FOR PRIVATE PROPERTY

Protection of single family residences

RCW 90.58.100

(6) Each master program shall contain standards governing the **protection of single family residences** and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern **the issuance of substantial development permits for shoreline protection**, including structural methods **such as construction of bulkheads**, and nonstructural methods of protection. The standards shall provide for methods which **achieve effective and timely protection against loss or damage** to single family residences and appurtenant structures due to shoreline erosion. **The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992**, where the proposed measure is designed to minimize harm to the shoreline natural environment.

PRIVATE PROPERTY PROTECTION

Unintentionally created "Wetlands"

RCW 90.58.030

Definitions and concepts.

(h) **"Wetlands"** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands **do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created** as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

PRIVATE PROPERTY PROTECTION

LAKE SUTHERLAND

RCW 90.24.010

Petition to regulate flow — Order — Exceptions.

Ten or more owners of real property abutting on a lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein. If there are fewer than ten owners, a majority of the owners abutting on a lake may petition the superior court for such an order. The court, after notice to the department of fish and wildlife and a hearing, is authorized to make an order fixing the water level thereof and directing the department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

[1999 c 162 § 1; 1985 c 398 § 28; 1959 c 258 § 1; 1939 c 107 § 2; RRS § 7388-1.]

Notes:

Effective date -- 1985 c 398: "Sections 28 through 30 of this act shall take effect January 1, 1986." [1985 c 398 § 31.]

Lake and beach management districts: Chapter [36.61](#) RCW.

----- Original Message -----

From: [pearl hewett](#)

To: [earnest spees](#) ; [Jo Anne Estes](#)

Sent: Tuesday, April 12, 2011 9:21 AM

Subject: STATE DIRECTIVE BY WAC 173-26-191

All,

I find this unacceptable.

Directing and identifying how our Clallam County Officials can **withhold permits** to private property owner's because the State can not legally or constitutionally regulate our private property at a state level.

We must question every addition into our revised Clallam County SMP that **goes beyond** State SMP requirement.

FYI

Pearl

WAC 173-26-191

[Agency filings affecting this section](#)

Master program contents.

The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline. **Some master program policies may not be fully attainable by regulatory means due to the constitutional and other legal limitations on the regulation of private property. The policies may be pursued by other means as provided in RCW 90.58.240. Some development requires a shoreline permit prior to construction. A local government evaluates a permit application with respect to the shoreline master program policies and regulations and approves a permit only after determining that the development conforms to them.** Except where specifically provided in statute, the regulations apply to all uses and development within shoreline jurisdiction, whether or not a shoreline permit is required, and are implemented through an administrative process established by local government pursuant to RCW [90.58.050](#) and [90.58.140](#) and enforcement pursuant to RCW [90.58.210](#) through [90.58.230](#).

UNPOSTED SMP PUBLIC COMMENTS

----- Original Message -----

From: [earnest spees](#)

To: [Sheila Roark Miller - DCD Director 2010](#) ; [Steve Gray](#)

Cc: [Karl Spees](#) ; [pearl hewett](#) ; [Kaj Ahlburg](#)

Sent: Sunday, April 24, 2011 11:28 AM

Subject: Shoreline Advisory Committee Minutes.

Please forward to:
Margaret Clancy & Jim Kramer

1. We would like a copy of the minutes of the first Clallam County Shoreline Advisory Committee. We need to know if our comments were recorded to our satisfaction or whether we need to resubmit them.

2. We were told that we would be given a website with your slides and material used in your presentation. Also a site to submit additional comments.

It will be good to see the half million +dollars the County has paid ESA Adolfson for the public input and the representation of the Citizens of Clallam County to be well spent.

Karl Spees - Representative of the CAPR
Advisory Committee Member

UNPOSTED SMP PUBLIC COMMENTS

----- Original Message -----

From: [pearl hewett](#)

To: [Jo Anne Estes](#) ; [earnest spees](#)

Cc: [Gray, Steve](#)

Sent: Monday, April 25, 2011 7:39 AM

Subject: Fw: Shoreline Advisory Committee Minutes.

JoAnne,

See below,

I agree with Karl

I have emailed comments to Cathy Lear and Margaret Clancy.

I have questions. The consultants pie charts indicate 65% of Clallam County shorelines are private property?

When less than 17.1% (or less) of the **entire County** is private property?

We have no link to an Advisory Committee comment site.

We have no link to a public comment site.

I read the 25 page report of Jefferson County's public comments on their SMP update, after the fact.

I want to know what comments are being made about Clallam County's SMP update and I want to know before the fact.

Pearl

Advisory Committee Member

As Members of the Clallam County Shoreline Advisory Committee.

WE DID NOT RECEIVE ANY RESPONSE [Sheila Roark Miller - DCD Director 2010](#) ; [Steve Gray](#)

----- Original Message -----

From: [pearl hewett](#)

To: [earnest spees](#) ; [pat tenhulzen](#) ; [Jo Anne Estes](#)

Cc: [marv chastain](#)

Sent: Tuesday, April 26, 2011 9:35 AM

Subject: All SMP public comments PRIVATE?

All

I am working on comments and recommendation to the SMP update.

Since, all of the SMP public comments are being held private?

I guess we will have to find a way to make our privatized, public comments PUBLIC?

Were all of Jefferson County public comments held private until after the fact?

How can we get a public web site so public comments are made PUBLIC?

Perhaps we could use WA State Full Disclosure law?

Pearl

Advisory Committee Member

I guess we will have to find a way to make our privatized, public comments PUBLIC?

SO... I ended up sending this SMP comments to Jim Jones??

I had his email address

UNPOSTED SMP COMMENT

----- Original Message -----

From: [pearl hewett](#)

To: [jim jones](#)

Sent: Tuesday, April 26, 2011 1:23 PM

Subject: TAKING OF PRIVATE PROPERTY FOR PUBLIC SHORELINE ACCESS

1. COMMENTS AND RECOMMENDATIONS FOR CLALLAM COUNTY SMP UPDATE

Jim,

Because you are in a position to influence the outcome of the SMP update and I am both on the

Advisory Committee and a private property owner I feel compelled to inform you on issues of concern, not what is spoken at meetings, like last night, but as written comment.
As Commissioner Doherty mentioned last night, times are changing.

I have spent the last three months on line researching, compiling and analyzing, statistics, laws, Port Townsend's SMP update, the 7th revised addition of the WRIA, trespass by WFDW, Pacific Legal foundation, Jefferson County 25 page public comments on their SMP update, noxious weed control and attending public meeting, just to mention a few.
I felt that both Commissioner Doherty and Shelia we unprepared for public comment last night.

The trespass discussed by WDFW was on 4 parcels of Rains Sr. Trust Land.
The fear of the people on Lake Sutherland was my comment at a Commissioners meeting.
I found and have been circulating the Oregon taking of property value.

I will provide only documented information to you.
I am passionate about private property and Constitutional rights.

1. TAKING OF PRIVATE PROPERTY FOR PUBLIC SHORELINE ACCESS

Statistics taken from
Clallam County future land use map
79.2 % of Clallam County is PUBLIC LAND
17.1% of Clallam County is PRIVATE PROPERTY
3.7% other

79.2% (or more) of Clallam County is PUBLIC LAND and it's SHORELINES
are available for PUBLIC ACCESS.

My public comment and recommendation for the SMP update is that no additional private property be taken for PUBLIC SHORELINE ACCESS.
Any additional PUBLIC SHORELINE ACCESS on private property shall be strictly on a volunteer basis and not as a requirement for permits.
Owning 79.2% of Clallam County, the Olympic National Park, National Forest Lands and the Dept of Natural Resources should be encouraged to provide PUBLIC SHORELINE ACCESS.

Pearl Rains Hewett
As Trustee of the George C. Rains Trust
Private property owner
Advisory Committee Member

**AND... I ended up sending this SMP comments to Jim Jones??
I had his email address**

UNPOSTED SMP COMMENTS

----- Original Message -----

From: [pearl hewett](#)

To: [jim jones](#)

Sent: Tuesday, April 26, 2011 1:36 PM

Subject: WA RCW'S THAT PROTECT PRIVATE PROPERTY RIGHTS

Jim,

DCD Sheila Miller suggested that fear of the government may be dispelled by educating.

Instead of educating fearful Lake Sutherland private property owners, why not help them?

I researched and found three laws that protect private property owner.

3. COMMENTS AND RECOMMENDATIONS FOR CLALLAM COUNTY SMP UPDATE

Any WA State RCW's that are beneficial to the rights and protection of private property owners should be included in the Clallam County SMP update.

PRIVATE PROPERTY PROTECTION

LAKE SUTHERLAND

RCW 90.24.010

Petition to regulate flow — Order — Exceptions.

Ten or more owners of real property abutting on a lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein. If there are fewer than ten owners, a majority of the owners abutting on a lake may petition the superior court for such an order. The court, after notice to the department of fish and wildlife and a hearing, is authorized to make an order fixing the water level thereof and directing the department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

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Pearl Rains Hewett
AS Trustee of the George C. Rains Trust
Private property owner
Advisory Committee member

----- Original Message -----

From: [Jo Anne Estes](#)

Sent: Sunday, February 27, 2011 10:31 AM

Subject: Public Meeting on SMP tomorrow

Hello, everyone~

As a fellow conservative and defender of property rights, I am calling on you with an urgent request to attend the Clallam County Commissioners meeting tomorrow at 9:00 a.m. when the Shoreline Master Program update will be discussed. Meeting information can be found at

<http://www.clallam.net/board/assets/applets/monwork.pdf>. This agenda item is planned for 9:45 a.m.

Any public comment you are willing to provide is greatly appreciated. Make your voice heard! Even if you do not wish to comment, plan to attend the meeting to get a first hand view of our county government.

Thanks for your consideration.

Jo Anne Estes

An Advisory Committee member

----- Original Message -----

From: [earnest spees](#)

To: [Karl Spees](#)

Sent: Sunday, February 27, 2011 9:17 AM

Subject: Public Meeting on SMP tomorrow!!!!!!!!!!

Defenders of Property Rights (Article on A8 in today's PDN)

Tomorrow, Monday 2/28/11, there will be a meeting in the commissioners meeting room, Clallam County Courthouse, on the Shoreline Master Program, SMP, Update.

The meeting is at 0900 (AM) and will allow public input. Unfortunately this is when most people have jobs and will be working.

They may be just probing, checking our body temperature, the strength of their opposition to the draconian new rules restricting and regulating use of our private property. (This may be a classic battle of the citizens, 'we the people' against the big government agenda.)

Please attend and participate.

Karl Spees - Pres CAPR 13

An Advisory Committee member

----- Original Message -----

From: [pearl hewett](#)

To: [earnest spees](#)

Sent: Sunday, February 27, 2011 11:08 AM

Subject: Re: Public Meeting on SMP tomorrow!!!!!!!!!!

Yes, I will be there.

How did you find out?

They sure as hell didn't let me know!

imagine that?

pearl

An Advisory Committee member

UNPOSTED SMP PUBLIC COMMENTS

----- Original Message -----

From: [Jo Anne Estes](#)

To: [Merrill, Hannah](#) ; [Gray, Steve](#)

Sent: Friday, August 19, 2011 12:07 PM

Subject: What is No Net Loss Workgroup?

Hello Hannah and Steve:

I saw this Notice on the Clallam County Website:

Thursday: August 18, 2011 - No Net Loss Work Group , Clallam County BOCC Room 160, 223 East Fourth Street, Port Angeles, 10a.m.-2:00 p.m.

Is this something either of you are leading? If not, please forward my email to the correct person. I could not make the meeting yesterday.

Could you please forward me all copies of the meeting agendas and minutes to date for this group? I would like to gather this as soon as possible so I can get up to speed.

Do you know if the Shoreline Advisory Committee been tasked with participating with the No Net Loss workgroup? If so, I do not recall getting notice. Please add my email address to the distribution list for all minutes and agendas of the No Net Loss workgroup.

Thanks very much. Have a great weekend!

Jo Anne Estes

I did respond to Jo Anne Estes (a member of the Shoreline Advisory Committee)

----- Original Message -----

From: [pearl hewett](#)

To: [Jo Anne Estes](#)

Cc: [earnest spees](#)

Sent: Friday, August 19, 2011 12:54 PM

Subject: Re: What is No Net Loss Workgroup?

Jo Anne,

When people asked about the NO NET LOSS at the public SMP meeting after our Aug.committee meeting (only 16 people showed up) I asked about the no net loss committee? Who are they? They have had **only 1 meeting?** Steve Grey admitted, they had only had one meeting. I **fear** they are from the **appointed 9** in the Planning Dept.? Steve did not identify them.

Your letter to the PDN was good. Unfortunately too many people have taken the **"Wait and see what they do attitude"**

Then, they will start screaming and yelling, after the fact!

You are correct when you say we, as private property owners, are not represented proportionally on the SMP update committee. In fact we are **not represented PERIOD**. Remember the meeting we attended at the Audubon.

I have emailed, questioned, complained, bitched, requested info, made comments, spoken out at public meetings, been ignored when I raised my hand at the John Wayne Marina Public Forum, sent many DOE, Clallam County maps with their statistics documenting their errors and omissions

(August 19, 2011) **AND have yet to received a single response from the Planning Dept, Sheila, Hannah and Steve Grey do not respond.**

The committee members comments are not put on line as we were told they would be?

Are we just, the required by LAW invited?

Does anything we do have any effect on the outcome?

Are our comments even given to the Appointed 9?

FYI

ESA Adolfson completed a report on Puget Sound for the National Fish and Wildlife Federation in WA DC prior to our Jan 26, 2011 SMP meeting.

Keep up the good work,

Pearl Rains Hewett

Disappointed member of the Clallam County Invited SMP
Update Citizens Advisory Committee.