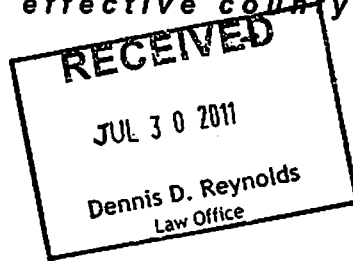




**KITSAP COUNTY BOARD OF COMMISSIONERS**

*Efficient, accessible and effective county services*

July 28, 2011



Dennis Reynolds  
Dennis D Reynolds Law Office  
200 Winslow Way W., Suite 380  
Bainbridge Island, WA 98110

Robert Gelder  
DISTRICT 1

Charlotte Garrido  
DISTRICT 2

Josh Brown  
DISTRICT 3

Dear Mr. Reynolds:

Thank you for your letter to this Board and to the Department of Community Development regarding public participation and the opportunity to clarify inaccuracies and misconceptions about the Shoreline Management Program (SMP) Update. Your letter raises three areas of concern: 1) Public Participation, 2) Science, and 3) Bias. Each will be addressed in turn.

With regard to Kitsap County's public participation process, the Board of County Commissioners believes efforts to engage the public are consistent with both the Shoreline Management Act (SMA), including RCW 90.58.130, and Ecology's Guidelines in Chapter 173-26 WAC. Furthermore, the County has provided ample opportunities, both early and often, throughout the update process conducted thus far.

First, the Public Participation Plan was developed early in the process and submitted to the Department of Ecology in accordance with grant requirements in 2009. To date, we've not heard any issues with the Plan and have been following it closely.

Second, Kitsap County began our outreach with five initial meetings in September-October 2009 to explain the SMP Update process and seek volunteers for the Citizen Task Force. Multiple meetings with individuals and groups have occurred since then. The schedule of key meetings can be found on Kitsap County's SMP Update website: [www.kitsapshoreline.org](http://www.kitsapshoreline.org).

Third, Kitsap County established a dedicated website for the update. In May 2010, postcards were sent to all shoreline parcel owners directing them to the website to monitor the Task Force's activities, to review draft documents, and to submit comments. The website clearly states that comments may be submitted at any time and on any subject. To date, we've had over 5,500 visits to the website and received over 95 comments about the update.

Fourth, we established a Shoreline Management Program Task Force of interested citizens and stakeholders. As you know, your client has membership on this Task Force and regularly submits the organization's position on the issues. As set forth in the Task Force's Charter and Ground Rules, the Task Force was assembled to review, comment on, and make recommendations related to the SMP. The Task

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Force works in a relatively informal fashion with the overall goal of engaging in a comprehensive discussion of the issues at hand. We are aware that KAPO continues to argue that the ten minute public comment period to the Task Force requires feedback from the Task Force. However, as was stated in the initiation of the Task Force, this public comment period was for Task Force members to hear and consider the public's support, issues, or concerns regarding the topic of the evening. This has occurred.

Fifth, when elements of the SMP are completed, they are passed to the Planning Commission for formal hearings. The Inventory and Characterization has been the only product to undergo this to date. Not only was this document considered at the Planning Commission's hearing in December 2010, but it was advertised for public comment as early as the summer before. Moreover, KAPO testified, along with many others, before the Planning Commission, who then deliberated and forwarded their recommendation to the Board of Commissioners. The Board also held a public hearing on this document in early 2011.

Finally, the SMA urges governments to develop strategies for early and continuous public participation. The County's strategies of using the SMP Task Force made up of citizens, using the website for continuous dissemination and collection of comments, and conducting dual public hearings through the Planning Commission and subsequently the Board of Commissioners provides ample opportunity for public participation. Accordingly, Kitsap County has clearly exceeded the public participation requirements of WAC 173-26-100 and will continue to do so throughout the update.

The second major issue in the letter regards science, particularly the validity of the Battelle's assessment of Kitsap County's nearshore.

First, to ensure that Kitsap County uses the most current, accurate, complete and applicable scientific and technical information available to develop shoreline policies and regulations, the County adopted a policy identifying a standard process by which scientific and technical information would be utilized. The policy clearly states that for something to be considered "science" it must be created through a valid scientific process and appropriately vetted, which includes peer review. The Kitsap Nearshore Assessment was published in a peer-reviewed, international journal (*Journal of Environmental Management. Volume 44 Number 4. Pp 712-731. October 2009*).

Second, KAPO claims the Battelle methodology is flawed. To date, however, the organization has failed to submit scientific data to support their position. Instead, the department has received an assessment by Dr. Don Flora. Pursuant to the County's Science Policy, this assessment is considered an opinion or comment to be considered, but does not carry the weight of science.

Third, KAPO claims that the public was not involved in the development of Battelle's assessment. However, this assessment was not conducted for the SMP Update. The County received a grant from the Salmon Recovery Funding Board to physically map all attributes along the County's shorelines, which was done in 2007-2008, for the purpose of determining the habitat functions currently or feasibly available for use

by salmon and to help prioritize restoration and protection projects. While the timing was wonderful so that this information could be used for the SMP update, it was done prior to the start of the SMP update process.

Finally, KAPO members assert that they possess doctorate degrees and therefore their opinion of Battelle's science should be considered. Again, other than Dr. Flora, none have presented written reviews backed up by the accepted process of "science." Thus, at this time, they are appropriately considered as comments by the staff.

The third issue is that the Department of Community Development has a "preferred position" regarding the SMP update. The only "preferred position" the Department takes, and which is shared by the Board of Commissioners and Ecology, is that the update comply with the SMA, the SMA Guidelines and the Ecology directives. Please remember that while Kitsap County is charged with the work of updating the County's SMP, the SMA has taken much of the discretion out of the hands of local government and placed it with Ecology who has the ultimate approval authority. Outside of this mandate, the Department has no stated position regarding the shoreline update.

You also say in your letter that Mr. Benze has communicated with Mr. Keeton on several issues and there had been no response at the time of your letter. While the Director is not mandated to do so, he has in fact responded to Mr. Benze regarding this same concern.

Finally, while KAPO may feel the process is not working toward their benefit, other members of the public feel differently. The Department of Community Development staff has been told repeatedly that this process has been the most open, most transparent, and more inclusive than many similar efforts in the past. We agree and are proud of the tremendous efforts of all involved, including the Department, the Task Force and the public at large. We believe that the end result will be a document that balances the varied interests regarding the use and protection of the shoreline and also complies with state law.

Sincerely,

A handwritten signature in black ink that reads "Charlotte Garrido". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Charlotte Garrido  
Chair, Board of County Commissioners

Cc: Commissioner Josh Brown  
Commissioner Rob Gelder  
Washington Department of Ecology  
Battelle Marine Laboratories  
Larry Keeton  
SMP Task Force