

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, April 15, 2026, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://clallamcountywa.gov/meetings>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** March 18, 2026
- F. ANNOUNCEMENTS:**
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None
- I. PUBLIC HEARING/COMMISSION ACTION:**
 - Current Use Assessment – Open Space applications
 - Continued Public Hearing of the Comprehensive Plan Update
- J. WORK SESSION ITEMS:** Continued work on the changes to the Comprehensive Plan Update
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Katina Hester

Warren Billups; Thomas Butler;

Jane Hielman; Ron Long; Kenneth Reandeau; Janice Wilson; Vacancy

Department of Community Development Staff:

Donella Clark, Principal Planner; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of Wednesday, April 1, 2026, 6:00 p.m.

A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE:

C. ROLL CALL: Members present were Chair Steve Gale, Vice-Chair Katina Hester, Commissioner Ron Long, Commissioner Kenneth Reandeau, Commissioner Janice Wilson, Commissioner Warren Billups, and Commissioner Thomas Butler. Commissioner Jane Hielman was absent. Bruce Emery, DCD Director, and Tim Havel, Deputy Director, represented staff from the Department of Community Development.

D. WELCOME: Chair Gale welcomed all in attendance.

E. APPROVAL OF MINUTES: Vice-Chair Hester moved to approve the minutes of March 18, 2026. Commissioner Reandeau seconded the motion. The minutes were approved with one abstention (Commissioner Long).

F. ANNOUNCEMENTS: None.

G. PUBLIC COMMENT ON AGENDA ITEMS: John Worthington asked whether this is the appropriate time to comment on Section I.

Heather Cantua submitted written comments regarding the West Region Comprehensive Plan. She expressed disagreement with Director Emery regarding Master Planned Resorts (MPRs) and their treatment and definition within the Growth Management Act (GMA). Reference was made to written testimony submitted.

Chad Wilkins commented regarding MPRs, requesting clarification from the County on how MPRs are defined. He expressed appreciation for West Region hearing input on this matter.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING/COMMISSION ACTION: Continued Public Hearing of the Comprehensive Plan Update.

John Worthington commented on the authority of the Planning Commission, noting that RCW, SEPA, SMA, CAO, and Zoning all apply to the submitted written testimony. He stated that the Comprehensive Plan needs this level of detail. He noted that no one signed off on the Dungeness plan. He stated that the current model is not working and that the Jimmycomelately Science (JCL) model works and should be utilized.

Virginia Shogren submitted written testimony regarding irrigation ditches being piped. She noted that established water rights are based on seniority. She requested that the County establish a moratorium to end the piping of ditches to preserve existing water rights. Chair Gale sought clarification, confirming that Ms. Shogren's request was to stop the piping of ditches, not the ditching itself. Ms. Shogren confirmed this was correct.

Commissioner Long moved to continue the public hearing to April 15, 2026. Vice-Chair Hester seconded the motion. Motion carried.

J. WORK SESSION ITEMS: Continued work on the changes to the Comprehensive Plan Update.

Director Emery presented the Public Engagement Report, detailing the efforts made to generate public engagement in the CPU process.

Director Emery reported that public testimony has been received. Table 3.2 summarizes new testimony and update of Table 3, as of March 25, 2026. The following items from Table 3.2 were discussed:

Testimony was received regarding development at Miller Peninsula State Park (items #32–35, #37, #39–44), including requests for removal of policy 31.03.195(10)(d) supporting the development of Miller Peninsula State Park. Staff recommends adopting language recommended in Testimony #36(c), with minor modifications. The Commission concurred.

The Commission considered whether to remove provisions for Master Planned Resorts. After discussion, it was agreed to retain the current policy.

Regarding Testimony #45, the Commission agreed with reexamination of use tables with the West Region, and establishment of policies regarding smaller-scale resort facilities. For the time being, it was agreed to consideration would apply only to the West End. The Commission also considered creation of a West End Advisory Council.

Director Emery noted the following additional work session items:

Night Sky — Draft language prepared and included as part of 31.06.100(5)(f).

Agricultural Accessory Use — Include language referencing WSDA. Discussion on the intent of the language followed.

Harvest Host — Discussion held.

K. PUBLIC COMMENT: John Worthington commented on the following: (1) The Elwha also needs Jimmycomelately Science — water is moving too fast and is too far downstream; (2) Lane mile taxes; (3) NODC, resorts, and economic development; (4) Nightshade issue — cannot have both mirrors and night sky.

Heather Cantua expressed appreciation for the deliberation and careful thought, especially around resorts. She noted that Under Canvas is another example of a resort company operating on Commercial Forest (CF) zoned land. She stated that a study shows only 1 in 10 counties make money off MPRs and encouraged limiting the rate of growth of resorts.

Darlene Schonfald expressed appreciation for the discussion regarding Miller Peninsula State Park, noting that development is not just housing but also includes commercial and other growth.

L. DISCUSSION OF PUBLIC COMMENTS: Vice-Chair Hester noted John Worthington's comments and asked whether there is an ask that the Commission should be addressing. Discussion followed.

Commissioner Butler agreed with Heather Cantua's comments, noting that all the small resorts are a problem. He also noted that economic development may not come from MPRs as expected.

M. GOOD OF THE ORDER: Commissioner Reandeau noted comments regarding warm, dry conditions continuing.

Vice-Chair Hester noted Virginia Shogren's comments regarding pipelines and asked whether staff can provide context.

Chair Gale agreed with the comments regarding the moratorium on piping and expressed appreciation for the written testimony.

Commissioner Reandean noted that this is a water issue across eastern County and asked where we are headed.

N. ADJOURNMENT: The meeting adjourned at 8:13 p.m.

Staff Report to the Clallam County Planning Commission
2025 2nd Half Current Use Assessment Applications
April 8, 2026

BACKGROUND

The Clallam County Open Space Code (CCC 27.08) was adopted pursuant to RCW 84.34, commonly known as the Open Space Tax Act. The purpose of the Open Space Tax Act is to promote the preservation of open space, natural features, natural resources, scenic beauty, and public recreation for the social well-being of the state and its citizens by valuing property based on its current use, rather than its highest and best use. Open Space properties are assessed based on Public Benefit Resources as identified and adopted by the local legislative authority. The tax burden resulting from approval in the program is shifted to other taxpayers in that taxing district. The intent is that the tax shift is offset by the public benefit derived by maintaining the property in its current use according to the chapter.

Attached are the packet items for review in preparation for the public hearing regarding the 2025 Current Use Assessment (CUA) applications (reclassifications).

- Statistical Summary Tables
- Data Spreadsheet for Reclassification Applications (Table 2)
- Draft Decision Documents
- Individual Staff Reports

See below for a description of each section.

APPLICATION DATA

Table 2 contains the summary information for the reclassification applications under consideration: name, parcel number, acreage, and tax effect.

DRAFT DECISION DOCUMENT

Chapter 27.08 does not require that the Planning Commission prepare Findings of Fact and Conclusions of Law when making a recommendation to the Board of County Commissioners for action on CUA Applications. However, it is important to ensure that any recommendation of the Planning Commission is well documented, and that the intent of the recommendation is clearly stated to the Board of County Commissioners for their consideration and action. That is why this Draft Decision Document has been submitted for your consideration. These documents summarize the applications currently under consideration.

Notwithstanding any additional changes, staff would recommend that this document be cited when making final recommendations on this matter. Certainly, if there are any changes that affect the outcome or decisions reached on any application, staff will modify this document accordingly to ensure it reflects the record.

STAFF REPORTS

Staff reports for each application review under consideration are included in the Planning Commissioner's packets. Applications, professional reports and other supporting documents are not included, but available online. To read individual applications, go to

clallamcountywa.gov, select "Services" at the top of the webpage, and then select "Permit System Online".

STATISTICAL SUMMARIES

The table below provides a summary of the reclassification reviews under consideration in this cycle and the corresponding tax shift as a result of approval of staff recommendations. The Staff Reports provide case-specific data that shows how the property owners will be affected should staff's recommendations be approved by the Planning Commission. Staff is recommending approval of the Reclassification reviews presented in this round (2 parcels).

Table 1: 2 nd Half 2025 Open Space Application Summary	
ACREAGES WITH TAX INCREASES (reclassification to O/S from other program)	0
DOLLAR AMOUNT OF TAX INCREASES TO OWNERS, DECREASES TO THE PUBLIC	\$0
ACREAGES WITH TAX DECREASES (new to O/S)	46.15
DOLLAR AMOUNT OF TAX DECREASES TO OWNER, INCREASES TO THE PUBLIC	\$5,560.59

Table 2: 2025 2nd Half Current Use Assessment Open Space Applications

Application Number	Applicant Name	Parcel Number	Parcel Acres	Acreage added to Program	Program Applied For	Tax Shift
PCUA2026-00001	Richard Kelly	053012-418030	17.14	17.14	O/S New Classification	\$2,006.25*
PCUA2026-00002	Ward & Rita Willits	033131-259045	62.14	62.14	O/S New Classification	\$3,554.34*

*Tax shift from owner to public.

Respectfully Submitted,

Enrique Valenzuela, Planner II

Department of Community Development, Clallam County

2nd Half 2025 Current Use Assessment Applications Decision Document of the Clallam County Planning Commission

April 8, 2026

BACKGROUND

The Clallam County Open Space Code (CCC 27.08) was adopted pursuant to RCW 84.34, commonly known as the Open Space Tax Act. The purpose of the Open Space Tax Act is to promote the preservation of open space, natural features, natural resources, scenic beauty and public recreation for the social well-being of the state and its citizens by valuing property based on its current use, rather than the highest and best use. An Open Space application's tax valuation is based on Public Benefit Resources as identified by the Ratings Table and adopted by the Planning Commission. The tax burden resulting from approval in the program is shifted to tax payers not enrolled in the program within the respective taxing district. The intent is the tax shift is offset by the public benefit derived by maintaining the property in its current use.

In the second half of 2025, the Clallam County Assessor's Office received one application for classifying one parcel into the County's Open Space Program from the Farm and Agriculture classification and one application for classifying one parcel into the County's Open Space Program for a Conservation Easement- Diminished Development Rights classification.

In accordance with the Clallam County Open Space Code (CCC 27.08), Planning Agency (CCC 26.01), and Title 31, Clallam County Comprehensive Plan, the Planning Commission held a duly advertised public hearing on April 15, 2026.

Following the close of the public hearing and after consideration of the applications, staff recommendation, public testimony, and other information provided at the public hearing, the Clallam County Planning Commission by a vote of _____ hereby recommends that the Board of Clallam County Commissioners take action on the 2025 2nd Half Current Use Assessment Applications consistent with Table 2.

Respectfully Submitted,

Enrique Valenzuela, Planner II

Department of Community Development, Clallam County

Staff Report to the Planning Commission
Current Use Assessment PCUA2026-00001

April 8, 2026

*Prepared by the Clallam County Department of Community Development, Planning Division
223 East Fourth Street, Port Angeles (360) 417-2271*

1. PROJECT INFORMATION:

- A. Applicant: Richard Kelly
1022 E 8th St
Port Angeles, WA 98362
- B. Property IDs: 053012-418030 (geographic) 86209 (property)
- C. Parcel Acreage: 17.14 acres
- D. Acreage Under Review: 17.14 acres
- E. Home Site: Yes, proposed
- F. Abbreviated Legal Description: Parcel C Anderson Large Lot Subdivision V2 P65
- G. Zoning: AR, Agricultural Retention
- H. Review Synopsis: Property is being reviewed as a new classification request to Current Use.

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.
- 2. The parcel is granted a percent reduction in tax valuation for containing *Farm and Agriculture Conservation Land* as defined in CCC 27.080.060 (5). Properties which conserve agricultural lands for future commercial agriculture use while allowing the farm to lay fallow until such time as agricultural practices occur on the property. The property must meet the definition above and either be subdividable or at least four acres of zoned agriculture retention (CCC 33.07.010). This property is zoned agricultural retention. The land is not fallow; it is actively hayed but does not currently meet the requirement of commercial agriculture outlined in RCW 84.34. The act of haying the land is considered conserving agricultural land for future commercial agriculture use, therefore meeting the *Farm and Agriculture Conservation Land* definition as defined in CCC 27.080.060 (5).
- 3. This review grants 60% discount on the eligible acreage. See below table for tax summary:

Current Assessed Value*	Value if Approved**	2026 Levy Rate (per \$1000 of Value) tax area 202	Tax on Current Assessed Value	Estimated Tax if Approved	Estimated Tax Shift to Other Taxpayers
\$385,434	\$154,174	\$8.674	\$3,343.25	\$1,337	\$2,006.25

3. PLANNING DIVISION ANALYSIS AND RECOMMENDED ACTION:

The parcel is eligible for a single category under the Public Benefit Rating System (PBRs) CCC 27.08.070.

The subject parcel qualifies for a 60% reduction in valuation under the Farm and Agriculture Conservation Land category.

A. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the reclassification Review for current use assessment subject to the following condition:

1. The acreage under review must be converted to productive farmland which meets the requirements of commercial agriculture as outlined in RCW 84.34 within seven years from the date of approval of this application. If the acreage under review is not returned to commercial agricultural production, the property will be subject to removal from the current use program and applicable back taxes, interest and penalties pursuant to CCC 27.08.040 (6).

The subject areas are eligible for a 60% reduction in land valuation for 17.14 acres total. Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271.

FARM AND AGRICULTURE CONSERVATION LAND AGREEMENT

I am applying for the Open Space Tax Classification under the category of Farm and Agriculture Conservation Land pursuant to CCC 27.08.060(5)(c).

By submitting this application, I understand and agree to the following:

- This acreage is required to be converted to productive farmland that meets the requirements of commercial agriculture as outlined in RCW 84.34 within **seven** years from the date of approval of this application.
- This agreement will be recorded at my expense upon approval of this Open Space application.
- It is my responsibility to contact the Assessor's Office to coordinate the transition of my acreage from Open Space to the Agriculture Tax Classification within the seven year period.
- If my property is not returned to qualifying commercial agriculture production within the seven-year time frame, the acreage will be subject to removal from this Open Space Program. Upon removal, applicable back taxes, interest, and penalties pursuant to RCW 84.34.108 will be applied.
- It is my responsibility to review and comprehend the legislative rules and codes, both listed and not listed here, that apply to the Open Space and Agriculture Tax Classifications - WAC 458-30, RCW 84.34, Clallam County Code 27.08.

RICHARD C. KELLY

Printed Name

Richard C. Kelly

Signature

2/17/86

Date

Application for Classification or Reclassification
Open Space Land
Chapter 84.34 RCW

File With The County Legislative Authority

Name of Owner(s): Richard C Kelly Phone No: 541-639-2234
Email Address: rickelly128@gmail.com / mblizzard519@gmail.com 541-306-0269
Address: 1022 E. 8th St. Port Angeles, WA 98362

Parcel Number(s): (Property ID # 86209) 05301348030

Legal Description: Parcel C Anderson LL SUBD V2P65

Total Acres in Application: 17

Indicate what category of open space this land will qualify for:

- ☐ Conserve or enhance natural, cultural, or scenic resources
- ☐ Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- ☐ Protect soil resources, unique or critical wildlife, or native plant habitat
- ☐ Promote conservation principles by example or by offering educational opportunities
- ☐ Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- ☐ Enhance recreation opportunities
- ☐ Preserve historic or archaeological sites
- ☐ Preserve visual quality along highway, road, street corridors, or scenic vistas
- ☐ Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- ☐ Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- ☒ Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1 Describe the present use of the land

Agricultural - use is raising hay for feed

2 Is the land subject to a lease or agreement which permits any other use than its present use?

☐ Yes ☒ No

If yes, attach a copy of the lease agreement.

3 Describe the present improvements (residence, buildings, etc.) located on the land.

None

4 Is the land subject to any easements?

☒ Yes ☐ No

If yes, describe the type of easement, the easement restrictions, and the length of the easement.

Road easement (providing access to this parcel) runs across the north boarder of the parcel.

5 If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land. The 17 acre parcel is part of a larger (approximately 80 acre) section of land that has been farm land for many years. The current lessee has raised grass hay there for the entire time I have owned it as well as raising hay there before it was subdivided. It is my intention to keep it as hay ground and continue to lease it.

NOTICE:

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

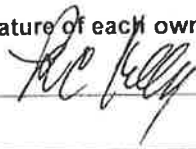
The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:

Signature of each owner:

Date

Richard C Kelly



8/20/25

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
 - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
 - (b) Interest upon the amounts of the difference in (a), paid at the same statutory rate charged on delinquent property taxes; plus
 - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1)
2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:
 - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
 - (c) A natural disaster such as a flood, windstorm, earthquake, wildfire, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
 - (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
 - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).
 - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
 - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
 - (l) The discovery that the land was classified in error through no fault of the owner.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received _____ By: _____

Amount of processing fee collected: \$ _____

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☐ Yes ☐ No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☐ No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

- ☐ Application approved ☐ In whole ☐ In part
☐ Application denied ☐ Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

To ask about the availability of this publication in an alternate format for the visually impaired, please call 360-705-6705. Teletype (TTY) users may use the Washington Relay Service by calling 711. For assistance, contact your local county assessor's office

REV 64 0021e (6/26/19)

REV 64 0021 (08/02/17)

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- This agreement will be recorded at my expense upon approval of this Open Space application.
- It is my responsibility to contact the Assessor's Office to coordinate the transition of my acreage from Open Space to the Agriculture Tax Classification within the seven year period.
- If my property is not returned to qualifying commercial agriculture production within the seven-year time frame, the acreage will be subject to removal from this Open Space Program. Upon removal, applicable back taxes, interest, and penalties pursuant to RCW 84.34.108 will be applied.
- It is my responsibility to review and comprehend the legislative rules and codes, both listed and not listed here, that apply to the Open Space and Agriculture Tax Classifications - WAC 458-30, RCW 84.34, Clallam County Code 27.08.

RICHARD C. KELLY

Printed Name

Richard C. Kelly

Signature

2/17/26

Date



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Clallam County Area, Washington



September 18, 2025

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1	Agnew silt loam, 0 to 8 percent slopes	17.2	100.0%
Totals for Area of Interest		17.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clallam County Area, Washington

1—Agnew silt loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2gf8
Elevation: 50 to 400 feet
Mean annual precipitation: 20 inches
Mean annual air temperature: 48 degrees F
Frost-free period: 170 to 200 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Agnew and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Agnew

Setting

Landform: Terraces
Parent material: Glaciomarine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 46 inches: silty clay loam
H3 - 46 to 60 inches: stratified sandy loam to silty clay loam

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 24 to 43 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: High (about 11.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: F002XA004WA - Puget Lowlands Forest
Forage suitability group: Soils with Few Limitations (G002XN502WA)
Other vegetative classification: Soils with Few Limitations (G002XN502WA)
Hydric soil rating: No

Minor Components

Bellingham

Percent of map unit: 5 percent
Landform: Depressions
Other vegetative classification: Wet Soils (G002XN102WA)
Hydric soil rating: Yes

Custom Soil Resource Report

Puget, undrained

Percent of map unit: 5 percent

Landform: Terraces

Other vegetative classification: Wet Soils (G002XN102WA)

Hydric soil rating: Yes

Staff Report to the Planning Commission

Current Use Assessment PCUA2026-00002

April 8, 2026

Prepared by the Clallam County Department of Community Development, Planning Division
223 East Fourth Street, Port Angeles (360) 417-2271

1. PROJECT INFORMATION:

- A. Applicant: Ward & Rita Willits
8740 Salty Dr NW
Olympia, WA 98502
- B. Property IDs: 033131-259045 (geographic) 85854 (property)
- C. Parcel Acreage: 30.01 acres
- D. Acreage Under Review: 29.01 acres
- E. Home Site: Yes
- F. Abbreviated Legal Description: Lot 2 Dolan Short Plat V34 P60
- G. Zoning: R5, Rural Low
- H. Review Synopsis: Property is being reviewed as a new classification request to Current Use.

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.
2. The parcel is granted a percent reduction in tax valuation for containing *Conservation Easement- Diminished Development Rights* as defined in CCC 27.080.060 (1) and recorded under AFN 2012-1288082. Properties which contain a conservation easement in perpetuity and diminish at least one development right shall qualify for a reduction (CCC33.07.010).
3. This review grants 90% discount on the eligible acreage. See below table for tax summary:

Current Assessed Value*	Value if Approved**	2026 Levy Rate (per \$1000 of Value) tax area 202	Tax on Current Assessed Value	Estimated Tax if Approved	Estimated Tax Shift to Other Taxpayers
\$455,300	\$45,530	\$8.674	\$3,949.27	\$394.93	\$3,554.34

3. PLANNING DIVISION ANALYSIS AND RECOMMENDED ACTION:

The parcel is eligible for a single category under the Public Benefit Rating System (PBRs) CCC 27.08.070. See discussion in Findings.

The subject parcel qualifies for a 90% reduction in valuation under the Conservation Easement- Diminished Development Rights category.

A. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the reclassification Review for current use assessment subject to the following condition:

1. The conservation easement for the property recorded under AFN 2012-1288082 shall remain in force in perpetuity. Any violation of the terms of the conservation easement shall remove the property from the current use classification with the additional taxes, interest, and penalties pursuant to CCC 27.08.040 (6).

The subject areas are eligible for a 90% reduction in land valuation for 29.01 acres total. Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271.

**Application for Classification
Open Space Land
Chapter 84.34 RCW**

Submit application and fee to Clallam County Assessor's Office.

Name of Owner(s): WARR W. WILLITS & RITA M. WILLITS Phone No: 360 866 1820
Email Address: W3WILLITS@AOL.COM
Address: 8740 SALLY DR NW OLYMPIA, WA 98502

Parcel Number(s): 033131254040' 45
Legal Description: LOT 2 OF DELAH SHORT PLAT, RECORDED OCTOBER 18, 2012 IN VOLUME 34 OF SHORT PLATS, PAGE 60,
UNDER A CLALLAM COUNTY RECREATION NO. 2012 - 128590%, BEING A PORTION OF BRUSH DONATION LAND CLAIM NO. 37 AND
OF COVELEIGH LOTS 2, 3, AND 4, AND OF THE HEREIN FIRST QUARTER OF CORNER SW CORNER OF SECTION 31 TOWNSHIP 21 NORTH
RANGE 2 WEST, W. 11, CLALLAM COUNTY, WASHINGTON
Total Acres in Application: 30

Indicate what category of Open Space this land will qualify for:

☐ **Restoration or Enhancement of Sensitive Ecological Resources – Pursuant to Clallam County Code 27.08.060(6)**

- Eligible lands are those properties that provide documentation from a qualified Clallam County Consultant, Federal, or State Agency that verifies the existence, location, extent, method of restoration or enhancement, expected outcome of restoration or enhancement, and implementation schedule. The restored/enhanced resource shall be maintained and documentation of continued success of the project when requested. Failure to provide documentation of project completion shall be grounds for removal.

1. Describe the present use of the land.

PROPERTY IS USED TO INCREASE WILDLIFE HABITAT BY PLANTING BARLEY, MOWING UNPLANTED FIELDS & POND IN SUMMER.
CONTROL OF WEEDS & BLACK BEARIES.

2. Is the land subject to a lease or agreement which permits any other use than its present use?

☐ Yes ☒ No

If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.

GRASS LANDING STRIP, NOT USED SINCE PURCHASE OF PROPERTY. FENCES ON PORTIONS OF PROPERTY. ACCESS ROAD TO BUILDING. AGRICULTURAL BUILDING AS PERMITTED BY CONSERVATION EASEMENT. UNDERGROUND POWER LINE.

4. Is the land subject to any easements?

☒ Yes ☐ No

If yes, describe the type of easement, the easement restrictions, and the length of the easement.

RIGHT-OF-WAY EASEMENT GRANTOR PLD #, OF CHALLAM COUNTY. PERPETUAL EASEMENT FOR UNDERGROUND POWER. AIRSTRIP FOR USE BY ONE INDIVIDUAL, HIS USE ONLY WHILE LIVING ON ADJACENT PROPERTY. CONSERVATION EASEMENT WITH MOUNTAIN OLYMPIC LAND TRUST, PERPETUAL. NO SUBDIVISION OF PROPERTY. COPY INCLUDED.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

NOTICE:

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:

Signature of each owner:

Date

WARD H WILLITS

W. Willits

19 DEC 2025

RITA M WILLITS

Rita M. Willits

12-21-25

The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

Date application received: 12/23/25

By: Pm

Amount of processing fee collected: \$ 900

- Is the land subject to a comprehensive land use plan adopted by a city or county? ☐ Yes ☐ No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? ☐ Yes ☐ No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

☐ Application approved ☐ In whole ☐ In part

☐ Application denied ☐ Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

To ask about the availability of this publication in an alternate format for the visually impaired, please call 360-705-6705. Teletype (TTY) users may use the Washington Relay Service by calling 711. For assistance, contact your local county assessor's office.

☒ Conservation Easement – Diminished Development Rights – Pursuant to Clallam County Code 27.08.060(1)

- A property which has a conservation easement in perpetuity and diminishes at least one development right shall qualify for a reduction. The applicant must submit documentation of the conservation easement that clearly demonstrates diminishment of at least one development right including a map that shows the area the conservation easement applies to. Reductions in assessed value for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the conservation easement and has at least one diminished development right. For example, a 10-acre parcel zoned R5 with a conservation easement that covers 7 of the 10 acres will receive a reduction in tax valuation for the portion of the property that would have been available for development prior to the conservation easement.

2012-1285082

Page 1 of 30

Easement

Olympic Peninsula Title Company

Clallam County Washington

12/17/2012 11:56:32 AM



When recorded return to:

Josh W. Fox
Platt Irwin Law Firm
403 South Peabody
Port Angeles, WA 98362

MISSING LINK FARM GRANT DEED OF CONSERVATION EASEMENT

Grantors: **WARD W. WILLITS, AND RITA M. WILLITS, HUSBAND AND WIFE**

Grantee: **NORTH OLYMPIC LAND TRUST**

EASEMENT OVER

Legal Description: **LT 2 DOLAN SP V34 P60.**

Additional legal description is on **Exhibit A** attached to this document

Assessor's Property Tax Parcel Account Number: 033131259040

THIS GRANT DEED OF CONSERVATION EASEMENT (hereafter referred to as the "Easement") is made this 14th day of December, 2012, by **Ward W. Willits and Rita M. Willits, husband and wife** (hereafter referred to as "Grantors"), in favor of the **North Olympic Land Trust**, a Washington nonprofit corporation qualified to do business in Washington (hereafter referred to as "Grantee")

I. RECITALS

A. **Ward W. Willits and Rita M. Willits, husband and wife**, are the sole owners in fee simple of certain real property in Clallam County, Washington, more particularly described in **Exhibit A**, attached hereto and incorporated herein, and shown on a survey recorded under Clallam County Auditor Number 2012-1285408, Volume 34 and Page 60, and shown on **Exhibit D**, attached hereto and incorporated herein. Collectively, the parcel is known as the "Property". The Property consists of approximately thirty (30.010) acres of land located in Clallam County, Washington. Site maps of the Property are attached as **Exhibits B and C**. Existing improvements on the Property include ditches ("Ditches"), and an airstrip ("Airstrip"), the approximate locations of which are shown on **Exhibit B and C**.

B. The Property possesses natural, agricultural, open space, wildlife and plant habitat, (collectively "Conservation Values") of great importance to Grantors, Grantee, the people of Clallam County and the people of the State of Washington.

C. The Property has the following functions and values: farmland, wildlife habitat,

wetland habitat, open space, and groundwater recharge.

D. The Property shares its northern and southern boundary with land which is already protected by conservation easements in favor of Grantee, and is part of a conservation corridor. This Property fits within the Land Trust's focal area, the Lower Dungeness area, and approximately 550 acres is conserved in that area, by Grantee and other entities.

E. The Property contains freshwater emergent wetlands and freshwater forested/shrub wetlands, the Wetland Area, shown on Exhibit C, or wetlands documented by a subsequent wetland delineation prepared in accordance with accepted standards in the field of jurisdictional wetland determination and delineation (hereafter referred to as "Wetland Area"). Restrictions on development and other uses of the Property would benefit the Wetland Area.

F. In the Washington State Open Space Tax Act, Chapter 84.34 RCW (hereafter referred to as the "Open Space Act"), the legislature has declared ". . . that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crop, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well being of the state and its citizens." Under the Open Space Act, lands eligible for preferential real property tax treatment include lands designated by the County such as the subject Property where the preservation in its present use would conserve and enhance natural resources and promote conservation of wetlands, forest lands and farm lands. Pursuant to this legislative directive, Clallam County has adopted an Open Space Tax Program, Ordinance No. C.C.C. 27.08, which recognizes the importance of and provides preferential tax treatment for the following resources that occur on the Property: for conservation of agricultural lands, wildlife habitat, and open space.

G. The specific Conservation Values of the Property are documented in an inventory of relevant features of the Property, on file at the offices of Grantee and incorporated by this reference (hereafter referred to as "Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

H. Grantors intend that the Conservation Values of the Property be preserved and maintained by the continuation of land uses on the Property that do not interfere with or substantially disrupt those Conservation Values. These current uses include the agricultural, and wildlife habitat uses consistent with this Easement.

I. Grantors, as sole owners in fee of the Property, have the right to identify, protect, and preserve in perpetuity the Conservation Values of the Property.

J. Grantors intend to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity.

K. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified

under Section 501(c)(3) and 170(h) of the Internal Revenue Code, and also qualified as a nonprofit nature conservancy corporation under RCW 64.04.130 and RCW 84.34.250 whose primary purpose is to help ensure a stewardship of the natural resources, cultural heritage and beauty of the North Olympic Peninsula for the benefit of present and future generations.

L. Grantee agrees by accepting this Easement to honor the intentions of the Grantors stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come.

II. CONVEYANCE AND CONSIDERATION

A. For the reasons stated above, and in consideration of the mutual covenants contained herein, Grantors do hereby voluntarily grant, convey, and warrant to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent set forth in this Easement.

B. This conveyance is a conveyance of an interest in real Property under the provisions of RCW 64.04.130, and is made as an absolute, unconditional, unqualified, and completed gift subject only to the mutual covenants and terms, conditions, and restrictions hereinafter set forth, and for no other consideration whatsoever.

C. Grantors expressly intend that this Easement runs with the land and that this Easement shall be binding upon Grantors' personal representatives, heirs, successors, and assigns.

III. PURPOSE

It is the purpose of this Easement to assure that the Property will be retained forever predominantly in its current natural, scenic, open space, wetland, agricultural, and wildlife habitat condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. The primary purpose is to protect waterfowl habitat and wetlands, and the natural and scenic features of the Property. This includes conserving wetland values, and the quality of the soils, encouraging habitat enhancement projects and ensuring that land management is beneficial to waterfowl. The secondary purpose is to assure the sustained, natural capacity of the Property and its soils to support agricultural uses, and require that any agricultural uses are designed to complement the primary purpose of protecting wetland and waterfowl habitat. Grantors intend that this Easement will confine the use of the Property to such activities that are consistent with these purposes and will prohibit and prevent any use of the Property that will materially impair or interfere with the Conservation Values, more particularly described in the recitals incorporated herein. Hereafter these purposes will be known as the "Conservation Purposes." Unless specifically provided for herein, this Easement shall not be construed as affording to the general public physical access to the Property.

IV. RIGHTS CONVEYED TO GRANTEE

To accomplish the Conservation Purposes, the following rights are conveyed to Grantee by this Easement:

A. Identification and Protection. To identify, preserve and protect in perpetuity and to enhance by mutual agreement the Conservation Values of the Property;

B. Access. To enter upon the Property to monitor Grantors' compliance with and otherwise enforce the terms of this Easement, and to enter upon the Property to exercise the other rights conveyed to Grantee by this Easement, provided that such entry shall be upon prior notice to Grantors, and shall not unreasonably interfere with Grantors' use and quiet enjoyment of the Property;

C. Injunction and Restoration. To enjoin any activity on, or use of, the Property inconsistent with the Conservation Purposes and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use;

D. Scientific Studies. To make scientific studies of the Conservation Values of the Property, provided that such studies shall be upon proper reasonable notice to Grantors, and shall not unreasonably interfere with Grantors' use and quiet enjoyment of the Property; and

E. Assignment. To assign, convey, or otherwise transfer Grantee's interest in the Property in accordance with Section XIV herein.

V. PROHIBITED USES

A. General. Any use on, or activity on, the Property inconsistent with the Conservation Purposes are prohibited, and Grantors acknowledge and agree that they will not conduct, engage in, or permit any such use or activity. Grantors and Grantee recognize that changes in land management technologies and practices may result in an evolution of use of the Property. Such evolution may be permitted so long as it is consistent with the intent of this Easement and the Conservation Purposes and does not in any way materially impair or interfere with the Conservation Values of the Property. Without limiting the generality of the foregoing, the following uses of, or activities on, the Property, though not an exhaustive list of inconsistent uses or activities, are inconsistent with the purposes of this Easement and shall be prohibited, except as expressly provided in Section VI below.

B. Subdivision. The legal or "de facto" subdivision of the Property is prohibited. The Property currently consists of one (1) legal parcel. Subdivision of the Property, whether by physical or legal process, or by other means, is prohibited. The Property shall remain in unified ownership without division, partition, subdivision, or other legal or de facto creation of lots or parcels in separate ownership.

C. Nuisance and Off-Road Vehicles. Any use or activity that would constitute a public nuisance through the emission of pollutants, noise and/or offensive odors is prohibited, including but not limited to a shooting range, or recreational operation of motorcycles, dune buggies, snowmobiles, all-terrain vehicles or other types of off-road motorized recreational vehicles, except as provided for in Section VI M.

D. Development Rights. Transfer of any development right that is now or hereafter allocated to, implied, reserved, or inherent in the Property (hereafter referred to as "Development Rights") to any other property not within the Property is prohibited. Grantors shall not use, or allow to be used, the Property or the Development Rights for the purpose of calculating the permissible lot yield of any property (a) that is not within the Property or (b) that includes property that is not within the Property.

E. Construction. The placement or construction of any buildings, including residential buildings, structures, dikes or other improvements of any kind including, without limitation, fences, roads, and parking lots except as provided in Section VI herein is prohibited. This paragraph shall not be construed to prohibit the repair or replacement of proposed new structures provided for in Section VI herein.

F. Paving and Road Construction. No portion of the Property shall be paved or otherwise be covered with concrete, asphalt or any other paving material. Construction of roads is prohibited, except as provided in Section VI.F.

G. Alteration of Land. The alteration of the surface of the land, including, without limitation, the excavation or removal of soil, sand, gravel, rock, peat, or sod is prohibited, except as necessary to (a) preserve or protect the Conservation Values of the Property, (b) for the creation of ponds as provided in Section VI, and (c) for restoration of the Wetland Area, and enhancement of habitat as provided in Section VI herein. Grantee approval is required, and Grantors shall furnish a plan for such activities at least 30 days prior to commencement. Grantors are encouraged to work in cooperation with another qualified conservation organization including Ducks Unlimited, the Clallam Conservation District, Natural Resource Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, and the Jamestown S'Klallam Tribe, however, Grantors may prepare plans themselves, without cooperation of said entities.

H. Mining. The exploration for, or development and extraction of minerals and hydrocarbons on or below the surface of the Property is prohibited.

I. Erosion or Water Pollution. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters is prohibited.

J. Alteration of Water Courses. The draining, filling, dredging, ditching, or diking of the Wetland Area, the alteration or manipulation of ponds and water courses, or the creation of new wetlands, water impoundments, or water courses is prohibited, except as necessary to (a) preserve or protect the Conservation Values of the Property, (b) for the creation of ponds as provided in Section VI, and (c) for restoration of the Wetland Area, and enhancement of habitat as provided in Section VI herein. Grantee approval is required, and Grantors shall furnish a plan for such activities at least 30 days prior to commencement. Grantors are encouraged to work in cooperation with another qualified conservation organization including Ducks Unlimited, the

OLYMPIC PENINSULA TITLE COMPANY

Clallam Conservation District, Natural Resource Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, and the Jamestown S'Klallam Tribe, however, Grantors may prepare plans themselves, without cooperation of said entities.

K. Removal of Trees and Other Vegetation. The pruning, cutting down, or other destruction or removal of live and dead trees and other vegetation located on the Property is prohibited, except as deemed necessary by Grantee to protect fences, and to preserve or protect the Conservation Values of the Property, including maintaining the Wetland Areas for the benefit of waterfowl, maintaining vegetation planted incidental to Section VI.E., or incidental to other uses and activities allowable under Section VI. Prior approval by Grantee is required, unless the purpose of removal is pursuant to Section VI.K.

L. Waste Disposal. The disposal, release, or storage of rubbish, garbage, debris, unregistered vehicles, abandoned equipment, parts thereof, or other unsightly, offensive, or other unsightly, offensive, or hazardous waste or material on the Property is prohibited.

M. Utilities. The above-ground installation of new utility systems is prohibited, including, without limitation, water, sewer, power, fuel, and communication lines and related facilities. This shall not prevent the installation of below-ground utility systems, permitted in Section VI.

N. Signs. The placement of commercial signs, billboards, or other advertising material on the Property is prohibited, except as expressly provided in Section VI below.

O. Hunting and Trapping. Hunting and trapping, except as permitted in Section VI is prohibited. Waterfowl may be hunted on the Property.

P. Wildlife Disruption. The disruption or disturbance of wildlife breeding, nesting, foraging or nesting activities is prohibited. This Section is not intended to inhibit Agricultural Activities as provided in Section VI.D., on the Property, provided those activities do not adversely and materially impact wildlife breeding, nesting, or foraging activities.

Q. Commercial and Industrial Uses. Commercial and industrial uses are prohibited, except that a de minimis use may be made of the Property for a commercial activity, as such terms are defined by Section 2031(c)(8)(B) of the Internal Revenue Code, and except as provided in Section VI.

VI. PERMITTED USES

A. General. Grantors reserve for themselves and their members, successors, and assigns, any use of, or activity on, the Property which is not inconsistent with the Conservation Purposes and which is not prohibited herein. Without limiting the generality of the foregoing, Grantors specifically reserve for themselves and their members, successors, and assigns, the following uses and activities.

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B. Hunting, Trapping, and Recreational Use. To conduct recreational activities such as hiking, bird watching, horse-back riding, and hunting of waterfowl on the Property, provided that such activities are conducted in a manner and intensity that does not adversely and materially impact wildlife habitat and the wetland functions of the Property. Only waterfowl may be hunted on the Property. Trapping may occur if U.S. Fish and Wildlife Service, or Washington Department of Fish and Wildlife, their agents, or their successor agencies, determine it is necessary.

C. Improvements.

1. Agricultural Structure. Grantors reserve the right to install one minor agricultural structure for permitted Agricultural Activities as defined in Section VI.D including, but not limited to, an equipment shed. Said structure shall not exceed 1,200 square feet total footprint, in the location shown on **Exhibit B**, hereafter referred to as the "Agricultural Structure Building Envelope". Primary use of said structure is for storage of agricultural equipment; however, a portion of it may be used as an office and living quarters. Prior to construction, Grantors must submit a design to Grantee for review and approval. Construction shall proceed only with Grantee's prior written approval, which shall not be unreasonably withheld.

2. Accessory Structures. To construct, maintain, renovate, or replace Accessory Structures with prior approval by the Grantees, provided it is located within the Agricultural Structure Building Envelope.

3. Fences. Grantors may remove any fence presently in existence at the site, as shown on **Exhibit B**. New fences may be constructed along the exterior Property boundary, and within the Property if necessary for Agricultural Activities permitted in Section VI.D, or as necessary to preserve or protect the Conservation Values of the Property, including the Wetland Areas.

4. Ditches and Culverts. Existing drainage ditches, shown on **Exhibit C**, may be maintained. Culverts may be installed as necessary for permitted uses. Prior to construction, Grantors must submit a design to Grantee for review and approval. Construction shall proceed only with Grantee's prior written approval, which shall not be unreasonably withheld.

D. Agricultural Activities. Grantors may maintain low level agricultural activities, provided (a) that such activities are carried out in accordance with a farm plan prepared in cooperation with the Clallam Conservation District or its successor agency or by another qualified conservation professional approved by the Grantee. Said plan shall be approved by the Grantors and Grantee; (b) in compliance with federal, state, and local regulations, and (c) in a manner that does not impact the integrity of the Wetland Area, watershed, water quality and quantity, wildlife and fish habitat, and the natural scenic qualities of the Property. Proposed agricultural uses include: maintaining pasture land and/or hay production; grain production; and other agricultural production that is complementary to the primary purpose of conserving wetland and waterfowl habitat. The following limitations apply to agricultural activities:

1. Agricultural practices must be limited to those that are complementary to the primary purpose of conserving wetland and waterfowl habitat.

2. Livestock shall be allowed, provided that such use minimizes the adverse effect upon the Conservation Values of the Property and to avoid any impairment of ecosystems or the Wetland Area. Grantors shall exercise the best management practices, as recommended by the Clallam Conservation District or its successor agency, available to protect the Wetland Area from adverse impacts by any such livestock. Grazing in the Wetland Area shall not be allowed during wet seasons of the year, October through May.

3. The establishment or maintenance of a commercial feedlot is prohibited. For purposes of this Easement, a commercial feedlot is defined as a permanently constructed confined area or facility within which the land is not grazed or cropped annually, and that is used to receive livestock that are confined solely for the purpose of growing or finishing. However, seasonal confinement of animals raised on the Property and year-round confinement for commercial beef cattle on the Property is expressly permitted. Furthermore, nothing in this Section shall prevent Grantors from leasing pasture for the grazing of livestock owned by others.

4. Agricultural chemicals may be used on the Property only in the amounts and with the frequency constituting the minimum necessary to accomplish reasonable agricultural objectives. The use of such chemicals shall be conducted in such a manner as to minimize the adverse effect upon the Conservation Values of the Property and to avoid any impairment of the wetland and waterfowl habitat. Agricultural chemicals may not be used in the Wetland Area. This shall not prevent the application of herbicides to manage invasive species in the Wetland Area.

5. Prior to initiating any new agricultural activity, Grantors must submit a plan to Grantee for review and approval. The plan must indicate the desired location and nature of the activities and describe practices that will ensure that the activities will not interfere with the Conservation Values of the Property. The conservation plan shall be prepared in cooperation with the Conservation District or its successor agency or by another qualified conservation professional approved by the Grantee. Said plan shall be approved by the Grantors and Grantee.

E. Introduced Vegetation and Tree Planting. Planting and maintenance of trees and introduced vegetation on the Property is permitted, provided that the following limitations apply:

1. The introduction of non-native, non-invasive species on the Property is permitted, with Grantee's prior written approval, which shall not be unreasonably withheld. Grantors and Grantee will work with the Clallam County Noxious Weed Board or its successor agency in determining whether a species is invasive or not.

2. The Grantors may plant and maintain non-native, non-invasive species listed in **Exhibit E**, and Grantors may plant and maintain other tree species, without prior approval of Grantee or Clallam County Noxious Weed Board, provided that planting is located (a) in the Agricultural Structure Building Envelope shown on **Exhibit B**, (b) along Property borders for security, and (c) internally for waterfowl habitat development.

3. Trees may also be planted in a location reviewed and approved by the Grantee, provided that said location does not impair the primary Purpose of wetland and waterfowl habitat.

F. Road Construction. Construction of roads is permitted as follows: (a) to connect adjacent properties; (b) to access the Agricultural Structure Building Envelope, shown on **Exhibit B**; (c) to create an access road in the location shown on **Exhibit D**, (d) for other Agricultural Activities provided in Section VI.D; and (e) for habitat enhancement activities provided in Section VI.K. Approval by Grantee is required prior to construction. Construction shall proceed only with Grantee's prior written approval, which shall not be unreasonably withheld.

G. Airstrip. The existing airstrip, shown on **Exhibit B** may be maintained and used by John Dolan, as long as he is leasing the Property. After John Dolan ceases tenancy, the airstrip shall be deactivated, but may be used and maintained as a road.

H. Ditches, Wells and Water Supply. To dig wells or otherwise supply water to the Property for use on the Property, and to maintain the existing ditches on the Property, shown on **Exhibit C**, provided that such activities are carried out in compliance with federal, state and local regulations and in a manner that does not impact the integrity of the watershed, water quality, and wildlife habitat. No new ditches may be constructed without approval of Grantee.

I. Utilities. The below-ground installation of new utility systems, including, without limitation, water, sewer, power, fuel, and communication lines and related facilities.

J. Signage. To place on the Property signs restricting entry; "for sale or lease" signs; signs identifying the conservation and/or historic values of the Property; signs for any other permitted use of the Property; signs identifying the Grantors as owner of the Property and Grantee as holder of this Easement; and/or any other similar temporary signs, provided that such signs are located to preserve, as much as possible, the undisturbed Conservation Values of the Property. Signs in excess of four (4) square feet in area need prior approval by Grantee of sign location and design.

K. Ponds and Habitat Enhancement. With the approval of the Grantee and appropriate regulatory agencies, the Property may be improved and modified for purposes of improving and restoring riparian and wildlife habitat, including the construction of ponds. Plans for such activities shall first be submitted to the Grantee for Grantee's approval consistent with the Conservation Purposes. Such improvement may specifically include the Wetland Area. Maintenance of ponds and maintenance of habitat enhancement projects shall not require Grantee's approval.

L. Ecosystem Services Credits and Functions. Grantors reserve the right to sell, trade or exchange quantifiable ecosystem service credits associated with the Property, including, but not limited to, stream bank restoration, biodiversity mitigation, carbon sequestration, and wetland and stream mitigation, provided that such developments are not inconsistent with the Conservation Purposes, in conflict with the restrictions set forth in this Easement, and provided that thirty (30) days notice is provided to Grantee. Grantee is not responsible for monitoring any such activities for compliance with permits therefore, and Grantee has no obligation to enforce the permits. Grantors and Grantee acknowledge and agree that this reserved right does not include the right to exchange, trade, extract, license, lease, transfer, or sell topsoil, minerals, or

water located on the Property.

M. Off-Road Vehicles. Grantors or their designated representative may use a properly muffled all-terrain vehicles or other types of off-road motorized vehicles for (a) security, (b) wetland rehabilitation and habitat enhancement permitted in Section VI.K., (c) Agricultural Activities permitted in Section VI.D.; (d) Property maintenance; and (e) for travel across the Property to adjoining properties

N. Emergencies. To undertake other activities necessary to protect public health or safety on the Property, or which are actively required by and subject to compulsion of any governmental agency with authority to require such activity, provided that any such activity shall be conducted so that interference with the Conservation Values of the Property is avoided.

VII. NOTICE AND APPROVAL

A. Notice. The purpose of requiring Grantors to notify Grantee prior to undertaking certain permitted uses and activities is to afford Grantee an opportunity to ensure that the use or activity in question is designated and carried out in a manner consistent with the Conservation Purposes of this Easement. Whenever notice is required, Grantors shall notify Grantee in writing not less than thirty (30) days prior to the date Grantors intend to undertake the use or activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

B. Approval. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within thirty (30) days of receipt of Grantors' written request for approval. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the Conservation Purposes of this Easement. Grantee's approval may include reasonable conditions which must be satisfied in undertaking the proposed use or activity. If Grantors must undertake emergency action to protect health or safety on the Property or must act by and subject to compulsion of any governmental agency, Grantors may proceed with such action without Grantee's approval. Grantors must still notify Grantee of such action as soon as is reasonably practical under the circumstances.

C. Grantee's Failure to Approve Within the Required Time. Where Grantee's approval is required, and if Grantee does not grant or withhold its approval in the time period and manner set forth herein, Grantors may assume Grantee's approval of the permitted use or activity in question.

D. Optional Consultation. If Grantors are unsure whether a proposed use or activity is prohibited by this Easement, Grantors may consult Grantee by providing Grantee a written notice describing the nature, scope, design, location, timetable, and any other material aspect of the proposed use or activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement and to provide comments thereon to Grantors. This section does not itself impose a requirement of prior approval of the activity

described in any such notice; however, if Grantee does not provide written objections within forty-five (45) days after receipt of Grantors' notice, Grantee shall be deemed to have approved of the proposed use or activity.

E. Addresses for Notice. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors: Ward W. Willits and Rita M. Willits
3403 Steamboat Island Road NW
PMB 596
Olympia, WA 98502

To Grantee: North Olympic Land Trust
104 N. Laurel St., Suite 104
Port Angeles, WA 98362

or to such other address as either party from time to time shall designate by written notice to the other.

VIII. DISPUTE RESOLUTION

A. Preventive Discussions. Grantors and Grantee will promptly give the other notice of problems or concerns arising in connection with the other's actions under this Easement or the use of or activities or conditions on the Property, and will meet as needed, but not later than fifteen (15) days after receipt of a written request for a meeting, to minimize the same.

B. Optional Alternative Dispute Resolution. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, and the Grantors agree not to proceed with the use or activity pending resolution of the dispute, either party may refer the dispute to mediation or arbitration by request made in writing upon the other. Within thirty (30) days of the receipt of such a request, the parties shall select a single mediator or arbitrator to hear the matter, which mediator or arbitrator shall have had prior experience in such position. In the event mediation is requested and the parties cannot agree on a single mediator within such thirty (30) day period, then arbitration shall be required and the parties shall have an additional thirty (30) days to select a single arbitrator. In the event the parties cannot agree on a single arbitrator within the applicable thirty (30) day period, the matter shall be determined by three arbitrators, each of whom shall have had prior experience as an arbitrator. Two of the arbitrators will be appointed within ten (10) days following the expiration of the applicable thirty (30) day period and in the following manner: One by the Grantors, one by the Grantee. The third arbitrator shall be appointed by the other two within ten (10) days of the expiration of the initial ten (10) day appointment term. The Grantors and the Grantee shall each pay the fees of their own arbitrator and shall share equally the compensation of the third appointed arbitrator. The matter shall be settled in accordance with the Washington State mediation or arbitration statute then in effect, and an arbitration award may be entered in any

court having jurisdiction thereof. If the arbitration is pursued, the prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for all its costs and expenses related to such arbitration, including, without limitation, the fees and expenses of the arbitrator and attorney's fees, which shall be determined by the arbitrator or any court of competent jurisdiction that may be called upon to enforce or review the award.

IX. GRANTEE'S REMEDIES

A. Notice of Violation, Corrective Action. If Grantee determines that Grantors are in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by Grantee.

B. Grantors' Failure to Respond. If Grantors:

1. Fail to cure the violation within thirty (30) days after receipt of notice thereof from Grantee;
2. Under circumstances where the violation cannot reasonably be cured within the thirty (30) day period, fail to begin curing such violation within the thirty (30) day period; or
3. Fail to continue diligently to cure such violation until finally cured;

Grantee may bring an action as provided in subsection C.

C. Grantee's Action.

1. Injunctive Relief. Grantee may bring an action at law or in equity in a court having jurisdiction to enforce the terms of this Easement:

- a. To enjoin the violation, ex parte as necessary, by temporary or permanent injunction; and
- b. To require the restoration of the Property to the condition that existed prior to any such injury.

2. Damages. Grantee shall be entitled to recover damages for violation of the terms of this Easement or injury to any Conservation Values protected by this Easement, including, without limitation, damages for the loss of environmental values. Without limiting Grantors' liability in any way, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking corrective or restoration action on the Property.

D. Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this section without prior notice to Grantors or without waiting for the period provided for cure to expire.

E. Scope of Relief. Grantee's rights under this section apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantors agree that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

F. Costs of Enforcement. In the event Grantee must enforce the terms of this Easement, the costs of restoration necessitated by acts or omissions of Grantors, their agents, employees, contractors, family members, invitees or licensees in violation of the terms of this Easement and Grantee's reasonable enforcement expenses, including consultants' fees, shall be borne by Grantors or those of their personal representatives, heirs, successors, or assigns, against whom a judgment is entered. In the event that Grantee secured redress for an Easement violation without initiating or completing a judicial proceeding, the costs of such restoration and Grantee's reasonable expenses, including reasonable attorney's fees, shall be borne by Grantors and those of their personal representatives, heirs, successors, or assigns who are otherwise determined to be responsible for the unauthorized use or activity. If litigation is pursued, the prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for all its costs and expenses related to such litigation, including, without limitation, reasonable attorney's fees.

G. Grantee's Discretion. Enforcement of the terms of this Easement shall be at the discretion of the Grantee, and any forbearance by the Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantors, their agents, employees, contractors, family members, invitees and licensees, shall not be deemed or construed to be a waiver by Grantee of such term of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver.

H. Waiver of Certain Defenses. Grantors acknowledge that they carefully reviewed the Grant Deed of Conservation Easement and have consulted with and been advised by counsel of its terms and requirements. In full knowledge of the provisions of the Grant Deed of Conservation Easement, Grantors hereby waive any claim or defense they may have against Grantee or its successors in interest under or pertaining to this Grant Deed of Conservation Easement based upon waiver, laches, estoppel, or prescription.

I. Acts Beyond Grantors' Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantors to abate, correct, or restore any condition on the Property or to recover damages for any injury to or change in the Property

resulting from causes beyond Grantors' control, including, without limitation, natural changes, fire, flood, storm, or earth movement, or from acts of trespassers, that Grantors could not reasonably have anticipated or prevented or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantors could not reasonably have anticipated or prevented, and Grantors have not undertaken suit themselves, Grantors agree, at Grantee's option, to join in any suit, to assign their right of action to Grantee, or to appoint Grantee their attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

J. Estoppel Certificates. Upon request by Grantors, Grantee shall within thirty (30) days execute and deliver to Grantors any document, including an estoppel certificate, which certifies Grantors' compliance or lack thereof with any obligation of Grantors contained in this Easement and otherwise evidences the status of this Easement as requested by Grantors.

X. ACCESS BY PUBLIC

Access by the general public to any portion of the Property is generally not allowed and may only be authorized through special arrangement with the Grantee and the Grantors. Should the Property ever be owned by a public entity, the terms and conditions of public access shall remain subject to mutual agreement of the Grantors and Grantee and must be consistent with the purpose of the Easement. While the current Grantors do not desire public access, Grantors have no objection to future owners allowing public access.

XI. COSTS, LIABILITIES, TAXES AND INDEMNIFICATION

A. Liabilities and Insurance. Grantors retain all responsibilities and shall bear all costs and liabilities of any-kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Such insurance shall include Grantee's interest and name Grantee as an additional insured and provide for at least thirty (30) days notice to Grantee before cancellation and that the act or omission of one insured will not invalidate the policy as to the other insured party. Grantors shall keep the Property free of any liens arising out of any work performed for, material furnished to, or obligations incurred by Grantors.

B. Taxes. Grantors shall pay before delinquency all taxes, assessments, fees, charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon three (3) days prior written notice to Grantors, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest at the maximum rate allowed by law until paid by the Grantors.

C. Indemnification. Grantors hereby agree to release and hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the personal representatives, heirs, successors, and assigns of each of them (collectively Indemnified Parties) from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys and consultants fees, arising from or in any way connected with:

1. Injury to or the death of any person, or physical damage to any Property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property that is not a consequence of any activity of any of the Indemnified Parties undertaken under the rights granted to Grantee under this Easement;

2. Violations or alleged violations of, or other failure to comply with, any federal, state or local environmental law or regulation relating to pollutants or hazardous, toxic or dangerous substances or materials, including, without limitation, CERCLA (42 U.S.C. 9601 et seq.) and MTCA (ch. 70.105D RCW), by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Property, unless such violations or alleged violations are due to the acts of omissions of any of the Indemnified Parties on the Property;

3. The presence or release in, on, from, or about the Property, at any time of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulations, or requirement as hazardous, toxic or dangerous to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused solely by any of the Indemnified Parties;

4. The obligations, covenants, representations and warranties specified in this section.

D. Environmental Representations and Warranties.

Grantors represent and warrant that, after reasonable investigation and to the best of Grantors' knowledge:

1. Grantors and the Property are in compliance with all federal, state, and local laws, regulations, and requirements, applicable to the Property and its use, including without limitation all federal, state, and local environmental laws, regulations, and requirements;

2. There has been no release, dumping, burying, abandonment or migration from off-site onto the Property of any substances, materials, or wastes that are hazardous, toxic, dangerous, or harmful or are designated as, or contain components that are, or are designated as, hazardous, toxic, dangerous, or harmful and/or that are subject to regulation as hazardous, toxic, dangerous, or harmful by any federal, state or local law, regulation, statute, or ordinance;

3. There is no pending or threatened litigation affecting the Property or any portion of the Property that will materially impair the Conservation Values of the Property. No civil or criminal proceedings have been instigated or are pending against Grantors or their

predecessors by government agencies or third parties arising out of alleged violations of environmental laws, and neither Grantors nor their predecessors in interest have received any notices of violation, penalties, claims, demand letters, or other notifications relating to a breach of environmental laws.

E. Remediation. If, at any time, there occurs, or has occurred, a release in, on, or about the Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic or dangerous to the air, water or soil, or in any way harmful or threatening to human health or environment, Grantors agree to take all steps necessary to assure its containment and remediation, including any cleanup that may be required, unless the release was caused by Grantee, in which case Grantee shall be responsible for remediation.

F. Control. Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantors' activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), as amended, and the Model Toxics Control Act ("MTCA"), as amended.

XII. SUBSEQUENT TRANSFER OR EXTINGUISHMENT

A. Extinguishment. This Easement may be terminated or extinguished, whether in whole or in part, before expiration of the term of the Easement only under one or more of the following circumstances:

1. All or any of the Property is taken by exercise of the power of eminent domain or acquired in lieu of condemnation, whether by public, corporate, or other authority. Grantors and Grantee shall act jointly to recover the full value of the interest in the Property subject to the taking or in lieu purchase and all direct or incidental damages resulting from the taking or in lieu purchase. All expenses reasonably incurred by Grantors and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount received.

2. Grantors and Grantee agree that the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Washington law at the time, in accordance with Article XII Section B of this Easement.

B. Valuation. This Easement constitutes a real property interest immediately vested in Grantee, which, for the purpose of Article XII of this Easement, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in the value after the effective date of this Easement attributable to improvements) by the ratio of the purchase price for the Easement to the fair market value of the Property, without deduction for the purchase price for the Easement, as of

the effective date of this Easement. A copy of any appraisals done by either party to establish the value of the Easement as of the effective date of the Agreement shall be provided to the other party. For purposes of this section, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement is evidenced by that certain real property appraisal prepared by Russ E. Mellon, R.E. Mellon & Associates, dated August 8, 2012, on file with Grantee. For purposes of this Section, the ratio of the value of this Easement to the value of the Property unencumbered by the Easement is fifty percent (50%) and shall remain constant.

C. Subsequent Transfers. Grantors agree to:

1. Incorporate the terms of this Easement by reference in any deed or other legal instrument by which they divests themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest;
2. Describe this Easement in and append it to any executory contract for the transfer of any interest in the Property;
3. Give written notice to Grantee of the transfer of any interest in all or a portion of the Property no later than forty-five (45) days prior to the date of such transfer. Such notice to Grantee shall include the name, address, and telephone number of the prospective transferee or the prospective transferee's representative.

The failure of Grantors to perform any act required by this subsection shall not impair the validity of this Easement or limit its enforceability in any way.

XIII. AMENDMENT

If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantors and Grantee are free to jointly amend this Easement; provided that no amendment shall be allowed that shall affect the qualification of this Easement or the status of Grantee under any applicable laws, including RCW 64.04.130, Chapter 84.34 RCW, or Section 170(h) of the Internal Revenue Code, as amended, and any amendment shall be consistent with the purpose of this Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Clallam County, Washington, and any other jurisdiction in which such recording is required.

XIV. ASSIGNMENTS

A. Assignment. This Easement is transferable, but Grantee may assign its rights and obligations under this easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under RCW 64.04.130 or RCW 84.34.250 (or any successor provision then applicable). As a condition of such transfer, Grantee

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shall require that the Conservation Purposes that this Easement is intended to advance continue to be carried out by the transferee. Grantee shall notify Grantors in writing, at Grantors' last known address, in advance of such assignment. The failure of Grantee to give such notice shall not affect the validity of such assignment nor shall it impair the validity of this Easement or limit its enforceability in any way.

B. Succession. If at any time it becomes impossible for Grantee to ensure compliance with the covenants, terms, conditions and restrictions contained in this Easement, or Grantee ceases to exist or to be authorized to acquire and hold conservation easements under RCW 64.04.130 and 84.34.250, or any successor provision(s) then applicable, and to be a qualified organization under Section 170(h) of the Internal Revenue Code of 1986, as amended, or any successor provision then applicable, then Grantee's rights and obligations under this Easement shall become vested and fall upon the following named entities to the extent that they shall accept this Easement, in the following order:

1. Ducks Unlimited;
2. American Farmland Trust;
3. Such other entity, with purposes similar to the North Olympic Land Trust, constituting a "qualified organization" within the meaning of the Internal Revenue Code of 1986 (or corresponding provision of any future statute).

provided that if such vesting in the entities named above is deemed to be void under the Rule Against Perpetuities, the rights and obligations under this Easement shall vest in such organization as a court of competent jurisdiction shall direct, pursuant to the applicable Washington law and the Internal Revenue Code (or corresponding provision of any future statute) and with due regard to the Conservation Purposes of this Easement.

XV. RECORDATION

Grantee shall record this instrument in a timely fashion in the official records of Clallam County, Washington, and in any other appropriate jurisdictions, and may re-record it at any time as may be required to preserve its rights in this Easement.

XVI. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B. Liberal Construction. Any general rule of construction notwithstanding, this Easement shall be liberally construed in favor of the grant to affect the purpose of this Easement and the policy and purpose of RCW 64.04.130, Chapter 84.34 RCW, and the purposes of the Grantee as stated in its Articles of Incorporation. If any provision is found to be ambiguous, an

interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any other interpretation that would render it invalid.

C. Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

D. Entire Agreement. This agreement sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements related to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be binding unless contained in an amendment that complies with section XIII herein.

E. No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

F. "Grantors" - "Grantee". The terms "Grantors" and "Grantee", wherever used herein, and any pronouns used in the place thereof, shall be held to mean and include, respectively the above-named Grantors, and their personal representatives, heirs, successors, and assigns, and the above-named Grantee, its successors and assigns.

G. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, and successors, and shall continue as a servitude running in perpetuity with the Property.

H. Termination of Rights and Obligations. A party's rights and obligations terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

I. Captions. The captions in this instrument shall be inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

J. Counterparts. The parties may execute this Easement in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

XVII. SCHEDULE OF EXHIBITS

- A. Legal Description of Property Subject to Easement
- B. Site Map - Improvements
- C. Site Map – Conservation Values
- D. Survey Map
- E. Non-Native, Non-Invasive Species that may be planted without Grantee approval

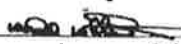
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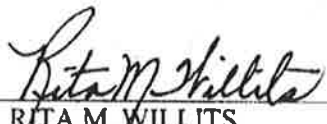
TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF the undersigned Grantors have executed this instrument on this 14th day of December, 2012.

Grantors:
WARD W. WILLITS

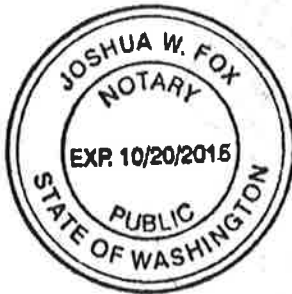
RITA M. WILLITS

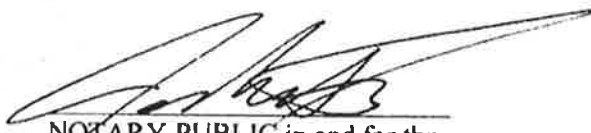
By: 
WARD W. WILLITS

By: 
RITA M. WILLITS

STATE OF WASHINGTON)
) ss.
COUNTY OF CLALLAM)

I certify that I know or have satisfactory evidence that Ward W. Willits and Rita M. Willits, are the people who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledge it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



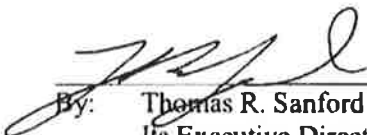

NOTARY PUBLIC in and for the
state of Washington.
My Commission Expires: 10/20/2015

OLYMPIC PENINSULA TITLE COMPANY

The North Olympic Land Trust does hereby accept this Grant Deed of Conservation Easement.

Grantee:

NORTH OLYMPIC LAND TRUST


By: Thomas R. Sanford
Its Executive Director

STATE OF WASHINGTON)
) ss.
COUNTY OF CLALLAM)

On this 14th day of December, 2012, before me the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared Thomas R. Sanford, to me known to be the Executive Director of North Olympic Land Trust, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.




NOTARY PUBLIC in and for the
state of Washington.
My Commission Expires: 10/20/2015

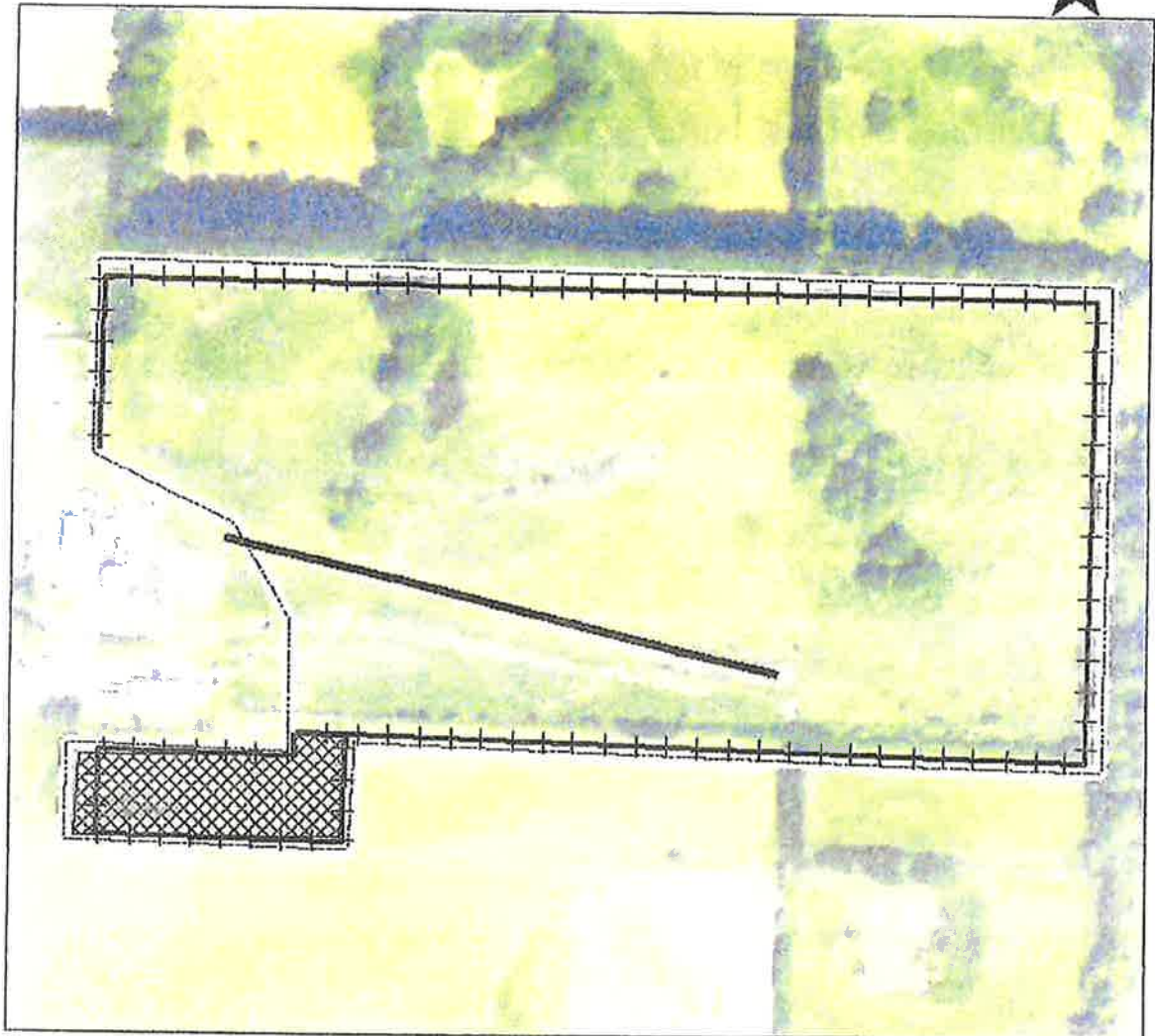
Exhibit A
Legal Description of Property Subject to Easement

A CONSERVATION EASEMENT OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY.

LOT 2 OF DOLAN SHORT PLAT, RECORDED OCTOBER 18, 2012 IN VOLUME 34 OF SHORT PLATS, PAGE 60, UNDER CLALLAM COUNTY RECORDING NO. 2012-1285408, BEING A PORTION OF THE BROWN DONATION LAND CLAIM NO. 37, AND OF GOVERNMENT LOTS 2, 3 AND 4, AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

Exhibit B
Site Map - Improvements



Legend

- Missing Link - 30.010 acres
- Agricultural Structure Building Envelope
- Fence
- Airstrip

*2011 NAIP aerial imagery

0 0.035 0.07 0.14 Miles

This map created by Michele d'Hemecourt with the North Olympic Land Trust. The information contained was generated from GIS data maintained by different sources and agencies. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying, or engineering standards.

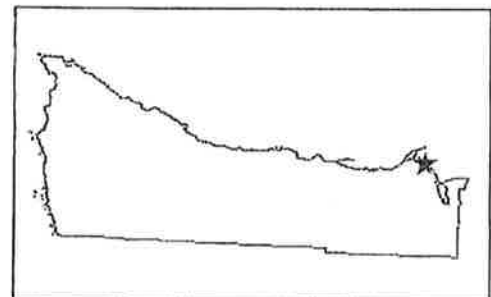
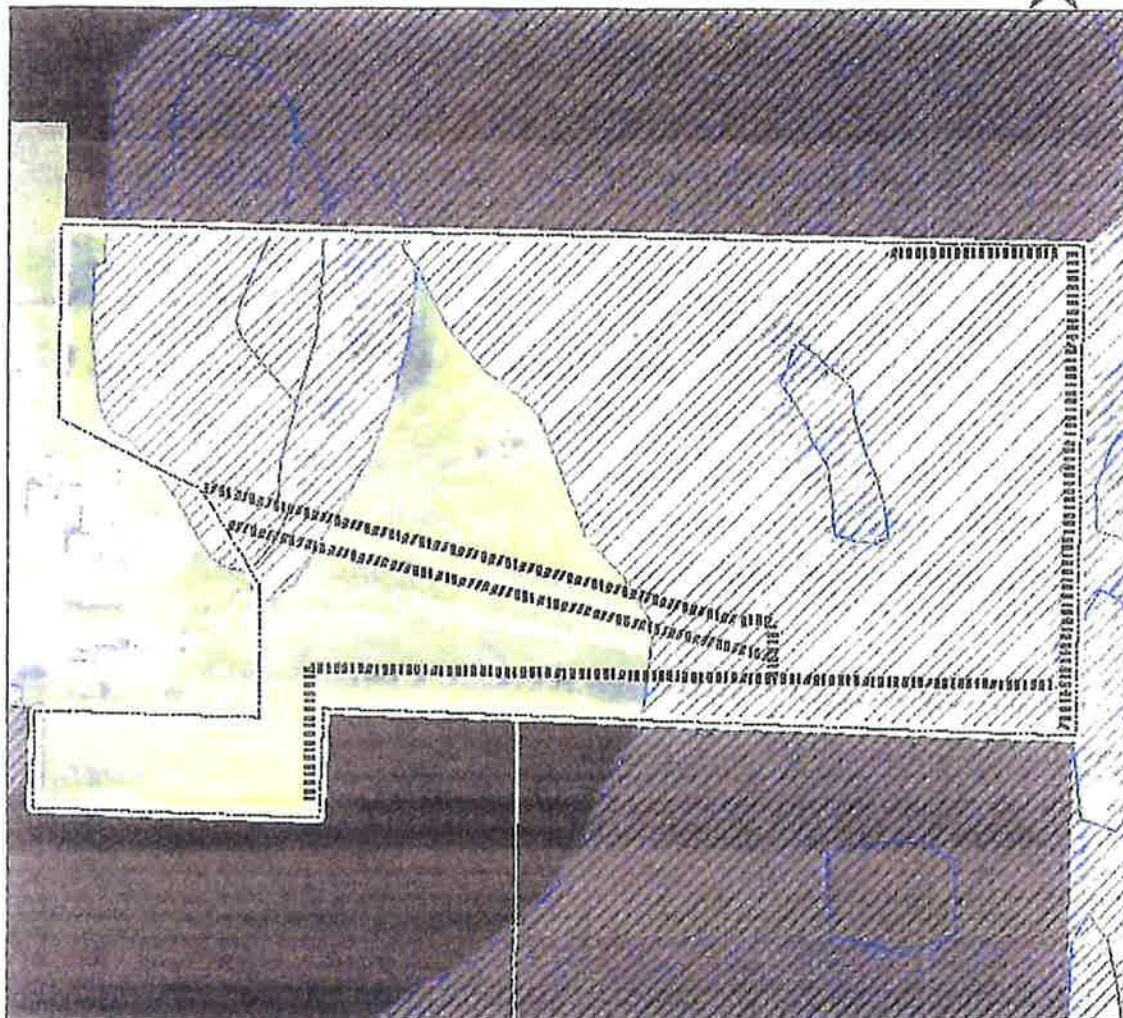


Exhibit C
Site Map - Conservation Values and Hydrologic Features



Legend

- Ditches
- Missing Link - 30.010 acres
- Wetland Area** - Clallam County data
- Conserved Land

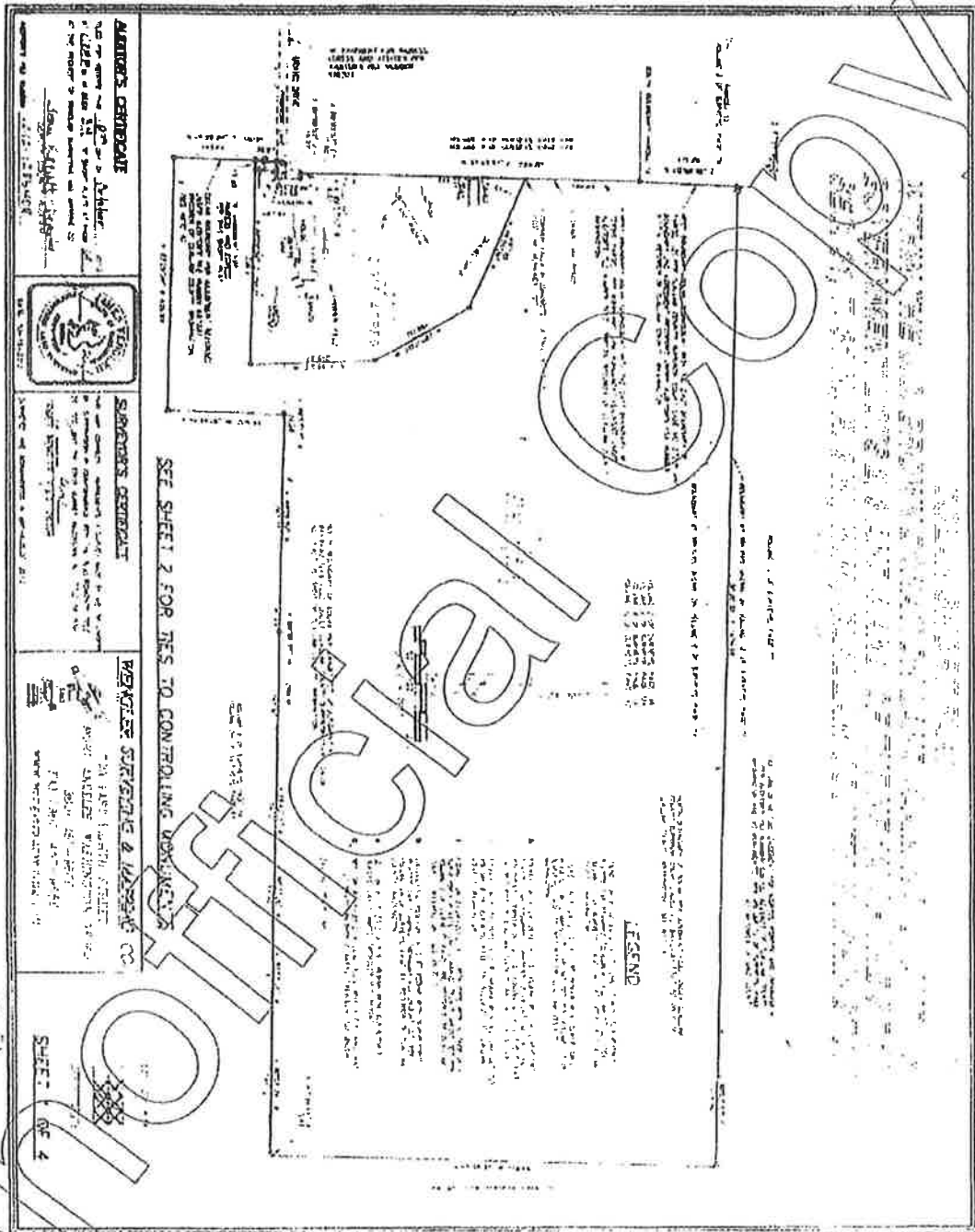
0 0.035 0.07 0.14 Miles

This map created by Michele d'Hemecourt with the North Olympic Land Trust. The information contained was generated from GIS data maintained by different sources and agencies. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying, or engineering standards.

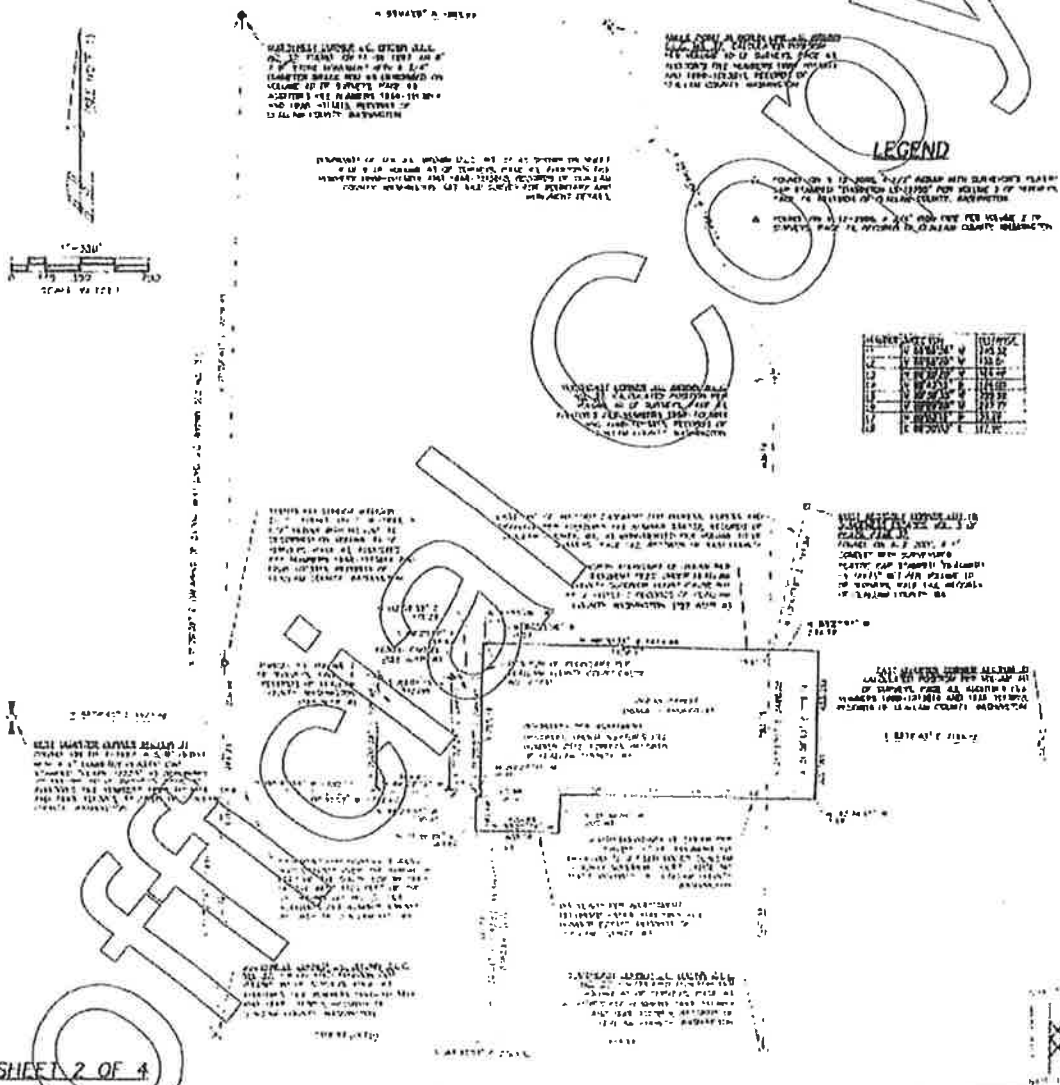
*2011 NAIP aerial imagery

** The Wetland Area is defined as the Wetland Area shown on this Exhibit, or wetlands documented by a subsequent wetland delineation prepared in accordance with accepted standards in the field of jurisdictional wetland determination and delineation (Section I.E.)

Exhibit D
Survey Map



WITHIN THE LC BROWN INDIAN LAND CLAIM NO. 37 AND OF
GOVERNMENT LOTS 2, 3 AND 4, 1/4 OF THE NE 1/4 OF THE SE 1/4
SE 1/4- 37, T. 34 N., R. 3 E., W. 2 E., S. 4 E. 1/4, LINCOLN COUNTY, WASHINGTON



SHEET 2 OF 4

AUDITOR'S CERTIFICATE

[Faint, mostly illegible text from a document page]



SURVIVOR'S CERTIFICATE

1. The first part of the document is a list of names and their corresponding dates of birth. The names are: John Doe, Jane Smith, and Bob Johnson. The dates of birth are: 1980-01-01, 1985-02-02, and 1990-03-03.

WENGLER SURVEYING & MAPPING CO.

**701 EAST EIGHTH STREET
PORT ANGELES, WASHINGTON 98101
(206) 457-0000
FAX (206) 457-7600
www.boughphotography.com**

WITHIN THE J.C. BROWN DONATION LAND CLAIM NO. 35 AND OF
GOVERNMENT LOTS 2, 3 AND 4 AND OF THE NE 1/4 OF THE SE 1/4
SEC. 39, T. 37 N., R. 3 W., WM. CLALLAM COUNTY, WASHINGTON

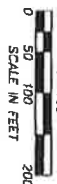
Exhibit E

Non-Native, Non-Invasive Species that may be planted without Grantee approval

- Fruit Trees such as: Apple (*Malus domestica*), plum (*Prunus spp.*), pear (*Pyrus spp.*), and cherry (*Prunus avium*, *Prunus cerasus*, and other species).
- Leyland Cypress (*Cupressus x leylandii*)
- Sequoia (*Sequoiadendron giganteum*)
- Redwood (*Sequoia sempervirens*)
- Ponderosa pine (*Pinus ponderosa*)
- Lombardy Poplar (*Populus nigra*)
- Hooker Willow (*Salix hookeriana*)

WITHIN A PORTION OF THE J.C. BROWN D.L.C. NO. 37 & THE NE 1/4 AND SE 1/4 OF SECTION 31, T. 31 N., R. 3 W., W.M., CALLAM COUNTY, WASHINGTON

5 0755



- ROAD: ON 5-24-2012, A 1ST CONDUIT WITH SURVEYORS PLASTIC CAP STAMPED "ALBERTA 11, 1449" SET PER RECORD OF CALULAN COUNTY, WISCONSIN.
- △ ROAD: ON 5-24-2012, A 3RD REBAR WITH SURVEYORS PLASTIC CAP STAMPED "5, 18104" SET PER RECORD 12 OF WISCONSIN.
- ROAD: ON 5-24-2012, A 1ST REBAR WITH A SURVEYORS PLASTIC CAP STAMPED "ALBERTA 11, 18104" SET PER RECORD 14 OF CALULAN COUNTY, WY. (NOT OF RECORD).
- CALULAN REGION OF 3RD REBAR WITH SURVEYORS PLASTIC CAP STAMPED "ALBERTA 11, 18104" SET PER VALUE 54 OF SURVEY, PAGE 19, RECORDS OF CALULAN COUNTY, WISCONSIN.

*****EXISTING FENCE LINE

NOT TO SCALE

DATE: 6-13-2012

WENGLER SURVEYING & MAPPING CO.

703 EAST EIGHTH STREET
PORT ANGELES, WASHINGTON 98362

(360) 457-9600

www.wenglersurveying.com

Return Address:
P.U.D. NO. 1 OF CLALLAM COUNTY
Post Office Box 909
Sequim, WA 98382

COPY

RIGHT-OF-WAY EASEMENT

Reference # (if applicable)	_____	Additional on page	_____
Grantor(s) Last name first; then first and initials	Willits, Ward W. Willits, Rita M.		
Additional on page	_____		
Grantee(s) Last name first; then first and initials	P.U.D. No. 1 of Clallam County		
Legal Description:	LT2 DOLAN SP V34 P60		
		Additional on page	2
Assessor's Tax Parcel #:	033131259040		

For good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, owners of the land below described, hereby grant(s) to PUBLIC UTILITY DISTRICT NO. 1 OF CLALLAM COUNTY, a municipal corporation, a perpetual easement on, over, under, and across said land for the right to place, locate, construct, reconstruct, repair, maintain, replace, and keep clear thereon an overhead and/or underground electric transmission and distribution line or system, together with such communications lines and equipment as may be placed upon the poles or other structures thereof by the grantee or by others with its consent, including the right to cut and trim trees to the extent necessary to keep them clear of such line or system and to cut down, from time to time, all dead, weak, leaning, or dangerous trees that are tall enough to strike the wires in falling.

The land referred to is in Section 31, Township 31 North, Range 3 West, W.M., Clallam County, Washington; and the easement is more specifically described as follows:

The north fifteen feet of the west 352.51 feet of the parcel lying south of Dolan Short Plat, Lot 1.
Easement is for buried power cable and pad mounted equipment.

LOT 2 OF DOLAN SHORT PLAT, RECORDED OCTOBER 18, 2012 IN VOLUME 34 OF SHORT PLATS, PAGE 60, UNDER CLALLAM COUNTY RECORDING NO. 2012-1285408 BEING A PORTION OF THE BROWN DONATION LAND CLAIM NO 37, AND OF GOVERNMENT LOTS 2, 3, AND 4 AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

Grantee shall at all times have the right to full and free ingress to and egress from said property for all purposes herein mentioned and to remove at any time any and all of the poles, wires, and other articles constituting such electrical system.

DATED 5/7/13

Rita M. Nichols

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

GIVEN under my hand and official seal this 2TH day of MAY, 2013.

C. E. Reed
NOTARY PUBLIC in and for the State of Washington,
residing at SEQUIM



PRIVATE USE NON-COMMERCIAL
AIRSTRIP AGREEMENT

This Airstrip Use Agreement, dated November 5, 2012, between WARD W. WILLITS and RITA M. WILLITS, hereinafter referred to as "Willits," and JOHN C. DOLAN, hereinafter referred to as "Dolan," witnesseth:

1. This Agreement shall terminate on the earlier of the parties' mutual agreement or whenever Dolan no longer resides on the adjoining subdivided retained parcel.

2. Willits hereby acknowledges the existence of a landing strip for the benefit of Dolan located on the property legally described as:

LOT 2 OF DOLAN SHORT PLAT, RECORDED OCTOBER 18, 2012 IN VOLUME 34 OF SHORT PLATS, PAGE 60, UNDER CLALLAM COUNTY RECORDING NO. 2012-1285408, BEING A PORTION OF THE BROWN DONATION LAND CLAIM NO. 37, AND OF GOVERNMENT LOTS 2, 3, AND 4, AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 3 WEST, W.M., CLALLAM COUTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

3. Further, Willits hereby acknowledges that Willits shall not interfere with Dolan's landing strip rights, specifically reserved in a deed recorded under Clallam County Auditor's File No. ** N/A **.

4. The purpose of this Agreement is to allow Dolan access for non-commercial aviation activities.

5. Dolan shall have the right of ingress and egress to the airstrip using designated access locations as defined within the contemporaneously executed Farm Lease between the parties dated November 5, 2012 and via Lot 1 of the Dolan Short Plat. The airstrip is located within the property subject to the Farm Lease and Lot 1 of the Dolan Short Plat.

6. Access is for Dolan's use only and cannot be transferred or assigned.

7. Dolan hereby agrees to accept the landing strip on an "as-is" basis. Further, Willits hereby disclaims, and Dolan accepts such disclaimer, of any warranty, either expressed or implied of the condition and usability of taxiway and/or runway. Further, all maintenance of the airstrip is solely the responsibility of Dolan.

8. Dolan covenants and agrees that he will not hold Willits, any of their agents or employees responsible for any loss occasioned by fire, theft, rain, windstorm, hail, or other

NON-COMMERCIAL AIRSTRIP AGREEMENT

natural disaster, whether said cause be the direct, indirect, or merely a contributing factor in producing the loss to any airplane, parts or supplies that may be temporarily located on the airstrip.

9. Dolan agrees to indemnify, defend and save Willits, it agents, officers, representatives, and employees, harmless from and against any and all liability or loss resulting from claims or court action arising directly out of the activities of Dolan relating to the use of the airstrip, including Dolan's agents, servants, guests or business visitors under this agreement by reason of any act or omission of such person.

10. Further, Dolan agrees to at Dolans own expense, obtain and maintain general aviation liability insurance of all aircrafts Dolan shall use.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.



Ward W. Willits



Rita M. Willits



John C. Dolan

OPEN SPACE NEW APPLICATION

ASSESSOR OFFICE

DATE: 12/23/2025

INITIALS: Pm

PID(S) 85854

PARCEL NUMBER: 033131259045

TAXPAYER NAME: Ward and Rita Willets

OPEN SPACE FEE

ASSESSOR 0100.211.34141.00.0020 \$300.00

DCD 00100.334.34141.00.002 \$600.00

TOTAL \$900.00

TOTAL CASH \$

TOTAL CHECKS \$ 900.00

#5235



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2323
Fax: (360) 417-2443
bruce.emery@clallamcountywa.gov

Memorandum

Date: April 8, 2026
To: Clallam County Planning Commission
From: Bruce Emery, Director of Community Development
Re: Planning Commission CPU Continued Public Hearing, 04/15/2026

Hello, Planning Commission Members. The public hearing for the CPU will continue on April 15, 2026.

Packet Items. Your packet includes the following:

- Memorandum dated April 6, 2026, regarding the tightlining of irrigation ditches in the Sequim-Dungeness Valley.
- Letters of Testimony, #51 through 66.
- Excerpt Table 3.3 with written testimony summaries and staff recommendations (Testimony #51 through 66).

Public Testimony and Response (Table 3.3). New written testimony has been received since the last packet (3/25/26) to the Planning Commission. To concisely summarize comments and staff's recommendation for a policy response, a Table "3.3" has been included in your packet along with policy responses.

Draft Policy Edits. In follow up to the discussion on 4/1/26, the following definition for "resort" is proposed under 31.06.120(39):

- (39) "Resort" means a building or group of buildings under unified ownership or control that provides overnight accommodations, activities and amenities, primarily for outdoor recreation and typically sited in an area with significant natural attributes. This definition does not mean, and is distinguishable from, a master planned resort as defined by RCW 36.70A.360(1).

Also, the following language is being proposed as a new policy under 31.02.120(9), to address ongoing monitoring and implementation of what the state considered acceptable agricultural uses:

- Continue to monitor changes from the Washington State Department of Agriculture and the Growth Management Act with respect to how the state considers agricultural

use and acceptable accessory uses. Where appropriate and advantageous, adopt changes to Comprehensive Plan policies and development regulations on an ongoing basis to provide advantage to local farms.

Continued discussion on Agricultural accessory uses. There still remains discussion concerning wineries, cideries, breweries and distilleries (WCB&Ds). We examined the State Supreme Court's decision in King County v. Friends of Sammamish Valley earlier on in our CPU review. The case history sets a specific and high bar for analysis, referencing impacts to viable agricultural land, transportation impacts, and impacts to rural character to name a few. In the decision, the State Supreme Court found that King County erred in allowing wineries, breweries and distilleries outright in agricultural designations, without clear ag protection standards, and that the county failed to provide adequate analysis in their SEPA review for the change. Although our SEPA Threshold Determination could be amended, Clallam County lacks the resources to provide an environmental analysis of the scope of potential development that could be experienced if such uses were allowed outright. Further, without clear and objective standards, the proliferation of such uses could result in significant impacts to the transportation network, rural character, and the County's effort to protect agricultural land.

The potential scope of these uses suggest that analysis on a case-by-case basis would be the best approach to ensure the scope is truly subordinate to the agricultural operation, and the impacts are addressed through SEPA review. For these reasons, the following language is suggested as new policy under 31.02.115(3)(h):

(h) Clallam County should support the promotion of agritourism as a means for expanding farm operations and diversifying the local agricultural business model. In addition to the policy articulated under CCC 31.02.115(3)(c), agriculturally related businesses, such as wineries, cideries, distilleries and breweries, along with tasting rooms, restaurants, or other retail components, could be considered in certain settings if appropriately scaled and designed to fit a supporting role in the broader agricultural operation. Such developments would likely require the conditional use permitting process to ensure impacts from traffic, noise, scope of development, protection of agricultural land and rural character, and other operational characteristics were addressed.

Other Items. Other items originating at the February 18th meeting, and since, include:

- Draft Findings: Conclusion 4 addresses only compliance with GMA but does not incorporate visioning, which is also part of the CPU process. Since GMA compliance is addressed in Conclusions #2 & 3, and visioning under Conclusion #5, my recommendation is we simply eliminate Conclusion #4.
- Notice to title for known archaeological sites. I discussed the matter with Legal Counsel. They advised that, because notice through SEPA only applies to development of a specific size and scope (Commercial development > 4,000 SF,

subdivisions greater than four units, etc.), the policy could not be applied uniformly in all situations. A person could apply for a SEPA-exempt building permit to place a home on a parcel, and no archaeological review would occur. That same person could apply for a subdivision of the property, and SEPA review would include notice to the Department of Archaeological and Historic Preservation and area tribes. That process could indicate a high probability of artifacts, leading to the need for an archaeological survey. If artifacts are found, presumably, that's when notice to title would be required. Because of this difference, significant liability exists on part of the County. He recommends not pursuing notice to title for the presence of artifacts.

- Amended AR Zone section (33.07.010(1)), ending in same note about suspension as in other locations referencing the TDR Program:

[NOTE: in accordance with policy 31.02.283(3)(i), the Transfer of Development Rights (TDR) program is currently suspended, pending the monitoring and emergence of economic conditions that are conducive to its success. The provisions of this subsection related to the TDR program are also hereby suspended.]

Thank you all again for your dedication and hard work. If you have any questions regarding this information, please contact me at 360-417-2323 or at bruce.emery@clallamcountywa.gov.

Sincerely,



Bruce Emery, Director
Clallam County DCD



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2323
Fax: (360) 417-2443
bruce.emery@clallamcountywa.gov

Memorandum

Date: April 6, 2026
To: Clallam County Planning Commission
From: Bruce Emery, Director of Community Development
Re: Public Testimony concerning the tightlining of irrigation ditches in the Sequim-Dungeness Valley

Oral and written testimony has been received under the CPU process expressing concerns about the impacts of the Clallam Conservation District and Dungeness River Agricultural Users Association's actions under their Comprehensive Water Conservation Plan—specifically, the tight-lining of irrigation ditches as a means of reducing water withdrawal from the Dungeness River. Testimony from the April 1, 2026, Public Hearing requested a moratorium on the tightlining project due to potential impacts to groundwater, wetlands, and stream corridors; and that the remaining ditches receive historic structure status due to their cultural significance to the history of the Sequim-Dungeness Valley.

With the designation of Puget Sound Chinook, Hood Canal Summer Chum and Bull Trout (and later, steelhead) as threatened with extinction under the Endangered Species Act (ESA), the member organizations of the Dungeness River Water Users Association (WUA) and the Department of Ecology entered a Memorandum of Understanding (MOU) on April 14, 1998, pursuant to RCW 90.42. The MOU established a framework for the organizations to work cooperatively towards conservation measures to increase efficiencies and reduce water diversions from the Dungeness River. The MOU also committed to a 50% reduction in water diversion by the irrigators with the intent of preserving water rights allocation pursuant to RCW 90.14.140. The WUA took further action in 1999 by adopting their Comprehensive Water Conservation Plan, which included several conservation measures including the tight-lining of irrigation ditches to eliminate loss to evaporation and infiltration. The steps identified in the Plan were also memorialized in the WRIA 18 Watershed Plan (Section 3.1.8) and was later endorsed by the Board of Clallam County Commissioners in a letter of support dated December 7, 2021.

The MOU and subsequent Conservation Plan were promulgated, in part, by mounting pressure from the National Marine Fisheries Service (NMFS), who had been engaged in developing an official response to the new listings of salmonids. On July 10, 2000, the Agency issued by final rule, new regulations concerning the Dungeness River under Section 4(d) of the ESA. Within the rule, diversions during the low flow periods of August and September coincided with the presence of spawning salmon and found that

such diversions were harmful to the species. Based on the Rule, NMFS has the authority Under Section 9(a)(1) for “take” under the ESA to restrict or eliminate water diversions due to harm caused to listed species. However, In their final Rule, NMFS recognized organizations who were taking proactive measures to conserve instream flows to avoid harm to fish and even recognized that such measures could achieve greater protections than simply restricting diversions. Because of the measures the WUA was already taking to conserve water and the timing of diversions, NMFS withheld imposing the “take” provisions of Section 9(a)(1).

The Department of Ecology completed a Final Environmental Impact Statement (FEIS) for the Water Conservation Plan in November 2003. The FEIS evaluated the full range of probable impacts resulting from the proposed conservation measures, including the expected reduction in ground water levels, reduction in water availability for area streams, and related wetlands. These impacts were estimated due to the quantity of irrigation water that was artificially recharging area groundwater, and tail-out water, which discharges across the landscape at the end of the irrigation ditch system. The FEIS concluded that the corrective measures identified in the Water Conservation Plan were necessary if fish stocks were to recover (FEIS, Section 2.1).

Although testimony received indicated the project may impair “senior water rights,” pursuant to RCW 90.14.220, “[n]o rights to the use of surface or ground waters of the state affecting either appropriated or unappropriated waters thereof may be acquired by prescription or adverse use.” The argument that the condition created by the wasteful supplemental discharge of appropriated irrigation water conveys a right that such a condition should remain is not valid under the law. As noted in the FEIS, there are areas where the ground water table is higher, the wetlands are larger, and the streams flow with more water as a result of supplemental water coming from the irrigation network. But this creates no right or expectation that such conditions are obligated to remain.

If a moratorium were enacted for the tight-lining project, the WUA runs the risk of having sanctions imposed under Section 9(a)(1) of the ESA to address the “take” of habitat (instream flow) essential for the recovery of listed salmonids. Not only would such sanctions curtail irrigation water for the WUA and harm local agricultural operations, but it would also eliminate the very source of water that resulted in the elevated ground water, stream and wetland areas of the district. Even with the tight-lining project, some level of groundwater recharge will be experienced through routine irrigation practices. Under Section 9(a)(1) sanctions, even that source of groundwater recharge would be eliminated.

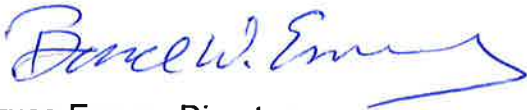
In summary, consideration of a moratorium or designation of the irrigation ditch system as a historical structure is not appropriate for the CPU and is not advisable for the following reasons:

- The development of the WUA's Comprehensive Water Conservation Plan was, in part, to avoid sanctions under Section 9(a)(1) under the Endangered Species Act.

- In their 7/10/2000 Rule, NMFS specifically refrained from applying sanctions to agencies who had implemented conservation measures reducing the need for applying unpermitted "take" restrictions in accordance with Section 9(a)(1).
- As an organization member, the Sequim Prairie-Tri Irrigation Association's proposed irrigation system improvements are consistent with those identified in the Conservation Plan and the WRIA 18 Watershed Plan.
- Under threat of sanctions pursuant to Section 9(a)(1), failure to proceed with completion of the project could result in conditions with far less recharge effect on area ground water and surface water environments.
- Pursuant to RCW 90.14.220, the conditions that currently exist are not a basis for implementing any moratorium or otherwise opposing the implementation of the district's proposed conservation measures.

If you have any questions regarding this information, please contact me at 360-417-2323 or at bruce.emery@clallamcountywa.gov.

Sincerely,



Bruce Emery, Director
Clallam County DCD

Notes and Excerpts from Documents and Regulations affecting the WUA Ditch Tightlining Project

Final EIS, Dungeness River Agricultural Water Users Association, Comprehensive Water Conservation Plan

- Promulgated as part of the Dungeness River Agricultural Water Users Association Comprehensive Water Conservation Plan, November 25, 2003 (Draft EIS, 11/27/2002).
- “The purpose of the Dungeness River Agricultural Water Users Association Comprehensive Water Conservation Plan (Conservation Plan)...is to reduce diversion of water by Water Users Association (WUA) member companies and districts from the Dungeness river for irrigation and domestic uses to the minimum practicable. This will increase streamflow in the Dungeness River and will increase the chances of survival of federally listed species of salmonids, including chinook salmon, Hood Canal summer chum, bull trout, [steelhead] and other stocks of concern, such as pink salmon (FEIS, 1.1).”
- “Conservation Plan is itself a large mitigation plan to minimize the impacts of continued diversion of Dungeness River water. Any direct or indirect use of Dungeness River water to mitigate for impacts...would reduce the effectiveness of this mitigation plan and could decrease the chances for recovery of salmonid species dependent on the river (FEIS, 101).”
- “Reducing diversions from the Dungeness River is proposed as a proactive measure to avoid sanctions that could be imposed by the National Oceanic and Atmospheric Administration (NOAA) Fisheries [NMFS] in the future under Section (9)(a) of the Endangered Species Act for unpermitted ‘take’ of threatened species. This Conservation Plan represents the next critical step in compliance with the terms and conditions of the 4(d) rules promulgated for the threatened salmonid species that use the Dungeness River during part of their lifecycle (65FR42421) (FEIS, 2.1).”

NMFS Final Rule on Take of 14 Threatened Salmon and Steelhead Evolutionary Significant Units (ESUs), 7/10/2000, per 50 CFR Part 223 (64 FR 14308 and 14508).

- NMFS is required to issue regulations necessary for the protection of threatened species under the ESA.
- With adjustments to practices that may otherwise harm threatened species, NMFS is authorized to limit the “take” restrictions under ESA Section 9(a)(1).
- In their Rule, NMFS recognized 13 programs for which “take” restrictions were not necessary, including “(8) state, local and private habitat restoration activities...”
- Under their Rule, NMFS specifically states “[i]f take is likely to occur, then the jurisdiction, entity or individual should modify its practices to avoid take of threatened species...”
- NMFS specifically recognized the programs within the State of Washington intended to address threaten species protections, including “Comprehensive Irrigation District Management Plans (CIDMP), [and] Ditch Maintenance Plans (DMPs).

State Regulations

- **RCW 90.14.220: No rights to be acquired by prescription or adverse use.** No rights to the use of surface or ground waters of the state affecting either appropriated or unappropriated waters thereof may be acquired by prescription or adverse use.
- **RCW 90.03.005: State water policy—Cooperation with other agencies—Reduction of wasteful practices.** It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and the retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights. Consistent with this policy, the state supports economically feasible and environmentally sound development of physical facilities through the concerted efforts of the state with the United States, public corporations, Indian tribes, or other public or private entities. Further, based on the tenet of water law which precludes wasteful practices in the exercise of rights to the use of waters, the department of ecology shall reduce these practices to the maximum extent practicable, taking into account sound principles of water management, the benefits and costs of improved water use efficiency, and the most effective use of public and private funds, and, when appropriate, to work to that end in concert with the agencies of the United States and other public and private entities.
- **RCW 90.03.400: Crimes against water code—Unauthorized use of water.**
 - (1)(a) The unauthorized use of water to which another person is entitled or the willful or negligent waste of water to the detriment of another, is a misdemeanor.
 - (b) For instances of the waste of water under this subsection, the department may alternatively follow the sequence of enforcement actions as provided in RCW 90.03.605.
 - (2) The possession or use of water without legal right shall be prima facie evidence of the guilt of the person using it.
 - (3) It is also a misdemeanor to use, store, or divert any water until after the issuance of permit to appropriate such water.
- [Do a series addressing preemption of permitting.]

WRIA 18 Watershed Plan. Excerpts from Section 3.1.8:

B. Implement the 1998 Trust Water Memorandum of Understanding.

1. Continue improved water management and conservation so as to provide that no less than 50% of the instantaneous flow, as measured at the USGS gauge at River Mile 11.8, will remain instream.
2. Once conservation measures have been fully implemented, complete the transfer of conserved water. Issue a State trust water certificate for instream flow purposes, and issue superseding certificates to the individual irrigation companies and districts for adjudicated uses that reflect water savings.

C. Complete and implement a Comprehensive Irrigation District Management Plan to ensure compliance with both the Endangered Species Act and the Clean Water Act.

1. Ensure that outtakes and tailwaters are upgraded where necessary to minimize impact on salmonids.

3. Continue to seek and implement efficiencies to the irrigation system, such as piping leaky irrigation ditches and establishing reregulating reservoirs where appropriate.
 4. Implement the WUA's Comprehensive Water Conservation Plan.
 5. Recognizing that the DQ Plan recommended target flows (see definition on following page) of 100 cfs, which are often in excess of 50% of the instream flow in the late summer, review data and negotiate achievable flow targets for seasonal time periods necessary to protect and restore salmon now listed as threatened under the Endangered Species Act.
- F. In light of the critical status of Dungeness fish stocks, prohibit the intentional diversion of irrigation water from the Dungeness for augmenting wetlands or small streams.

(51)

Emery, Bruce

From: Ozias, Mark
Sent: Friday, March 27, 2026 12:46 PM
To: Emery, Bruce
Subject: Fw: Miller Peninsula State Park

Mark Ozias

Clallam County Commissioner

** Please note my new email address: mark.ozias@clallamcountywa.gov*

** This correspondence may be subject to disclosure under the Public Records Act.*

From: Patty McManus <patty.mcmanus50@gmail.com>
Sent: Thursday, March 26, 2026 6:00 PM
To: Ozias, Mark <mark.ozias@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; French, Mike <Mike.French@clallamcountywa.gov>
Subject: Miller Peninsula State Park

[You don't often get email from patty.mcmanus50@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am very disappointed that you all have included language in the Comprehensive Plan that approves of developing the Miller Peninsula State Park Property.

The public is already able to access and enjoy the park. Minimal development, such as educational markers, restrooms, etc., would enhance the outdoor experience, but the state intends to build roads, campsites, structures and other unneeded things that will degrade the entire area. This is a unique gem. Don't ruin it.

Please reconsider your decision. Your local constituents do not welcome this development.

Patty McManus
230 Simpson Rd.
Sequim

Sent from my iPhone

52



**DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT**
152 W. Cedar Street, Sequim, WA 98382

March 26, 2026

Bruce Emery
Clallam County Department of Community Development
223 E. 4th Street, Suite 5
Port Angeles, WA 98362

Subject: City-County Coordination under the Growth Management Act for 2025 Comprehensive Plan periodic update

Dear Bruce:

This letter memorializes the coordination between the City of Sequim and Clallam County in meeting the requirements of the Washington State Growth Management Act (GMA), including ongoing collaboration related to Urban Growth Areas (UGAs), housing allocations, and land capacity.

Under the GMA, counties and cities are required to coordinate planning efforts, particularly with respect to the designation and review of UGAs. Pursuant to RCW 36.70A.130(3)(a), UGAs must be reviewed and, if necessary, revised as part of the periodic update process to ensure sufficient land capacity for projected growth. These periodic updates are required every ten years under RCW 36.70A.130(5)(b).

Consistent with these requirements, the City and County have engaged in substantial coordination throughout the current periodic update cycle, including:

- **Population and Housing Targets (2024):** The County coordinated with all cities on the allocation of population and housing growth targets, including distribution by income band, consistent with GMA housing requirements.
- **Land Capacity Analysis (LCA) Methodology (2025):** The County shared its development and coordination of land capacity analysis methodology, including population, housing and jobs allocations.
- **City Land Capacity Analysis Results (2025):** The City's completed LCA demonstrated that existing land within the current city limits is sufficient to accommodate the City's allocated growth. Accordingly, no expansion of the City's UGA is warranted.
- **Select UGA Land Designation Changes (2025):** the County conducted outreach and coordination in Fall 2025 regarding proposed select Sequim UGA areas needing a land use designation change in order to accommodate the County's housing allocations across income bands. The City reviewed these proposals at the time, reviewed them again as currently presented on the County's website, and has no objection to the County's approach.
- **Emergency Housing / Bed Allocation (2025):** The City coordinated with the County regarding emergency housing needs, including a re-allocation of 27 emergency beds.

The City appreciates the County's ongoing partnership and the collaborative environment that has supported this work.

Please feel free to contact me if additional information is needed.

Sincerely,


Karla Boughton
Director

Emery, Bruce

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Monday, March 30, 2026 9:10 AM
To: FEMA-R10-Info; FEMA-R10-CongQ; FEMA-OCR-ECRD; fema-r10-newsdesk@fema.dhs.gov; French, Mike; Ozias, Mark; Johnson, Randy; Emery, Bruce; City Clerks; hhals@jamestowntribe.org; Baumann, Cheryl; kathleen.wells@noaa.gov; NOAA.Staff.Directory@noaa.gov; Todd Myers; Mielke, Todd
Subject: Salmon Restoration or Salmon exploitation

March 30, 2026.

Federal Emergency Management Agency (FEMA) Region X Clallam County Board of Commissioners Dungeness River Management Team (DRMT) North Olympic Peninsula Resource Conservation & Development Council (NODC) North Olympic Salmon Coalition (NOSC) Jamestown S'Klallam Tribe Council

Re: Public Record – Repeated Mismanagement of Dungeness River Flood Control and Salmon Recovery Funding

Dear FEMA Region X, Clallam County Commissioners, Dungeness River Management Team, NODC, NOSC, and Jamestown S'Klallam Tribal Council,

I am a resident of Sequim in Clallam County writing to formally memorialize the repeated mismanagement of salmon recovery and flood control efforts on the Dungeness River.

For four to five years, I have presented the proven Jimmycomelately Creek restoration model in multiple public forums in webinar chat, email and public testimony in three minute increments. That 2005 project used a new meandering channel with baffles to achieve a perfect blend of sediment with an effective spawning of 3% grade, in fixed exaggerated meandering coils that slowed the water and delivered slower, deeper channels, large sediment baffling, with planted trees for shade not hotel logs which create rechanneling and interfere with flood protection, water conservation, and optimal salmon spawning conditions.....all in one integrated design. It increased summer chum returns 900-fold while protecting nearby property, including the tribe's own gas station and casino at the Longhouse in Blyn. All that was mission was a hybrid section for kings and silvers to congregate and thrive before they went out to sea.

Despite this success, which the Jamestown S'Klallam Tribe continues to maintain and benefit from on Jimmycomelately Creek itself, the Dungeness River Management Team, Clallam County, and tribal partners have consistently avoided scaling this model to the Dungeness. Instead, they pursued a Dungeness reservoir project that received FEMA grant funding but contained **no meaningful flood protection element** — only a water conservation component for salmon. That grant has now been misused or lost altogether because it failed to address the dual threats of flooding and drought that the Jimmycomelately approach was specifically designed to solve together.

This avoidance continues even as rivers, especially the Dungeness which experience 1–3 feet of bed build-up (aggradation) over the past 14 years due to loss of irrigation ditches, the lack of baffles and 3% grade control. Open irrigation ditches once filtered large alluvium, but widespread piping removed that natural function without upstream grade control, worsening sediment loads and reducing water conservation. Adding to side

channels has lowered the level of the river and there have been reports of mechanized removal of large sediment, a practice that is forbidden to most people or governments. Culvert projects (Johnson Creek, Ennis Creek, unnamed tributaries) waste millions by opening access to fast, unsuitable channels at steep grades where storms prevent wild spawning...not for spawning but for "replacing aging bridges and infrastructure" and for "good methane" Not to be confused with "bad methane."

At the most recent Clallam County Commissioner meeting after a formal request was made to respond officially to the Jimmycomelately science argument, Mike French publicly stated that "all rivers are different therefore all salmon spawning is different" and that he "trusted the expert and tribal expert.". Then when asked to have the "expert and tribal expert he trusted" place that scientific finding on an 'agency letterhead' for an "APA challenge, Mr. French admitted he did not want me to be able to file a lawsuit regarding these issues. This statement is now part of the public record. Mr. French echoed the comments of Hansi Hals, Cheryl Bowman and Randy Johnson of Jamestown tribe, who have constantly said "all rivers are different therefore all salmon spawning is different." Hansi Hals is on record at the Clallam County water conservation district saying, "they were employing Jimmycomelately science." Then later at the DRMT she contradicted that statement and stated "all rivers are different therefore all salmon spawning is different" In other words she said the same thing, Mr. Fencvh said, and what Mr. Randy Johnson of JKT stated the day he complained about me "being a crack pot" for bringing up his own Jimmycomelatly science he himself advocated for not only at the Jimmycomelately but while he worked for the University of Washington... The meandering channel with baffles to achieve a perfect blend of sediment with an effective spawning of 3% grade, in fixed exaggerated meandering coils that slowed the water and delivered slower, deeper channels, large sediment baffling, flood protection, water conservation, and optimal salmon spawning conditions — all in one integrated design.

The people of Clallam County deserve projects with accountability, not with flubber and magic bean explanantions for civic projects. Current salmon funding is being used in part to acquire properties rather than to build serious spawning habitat projects with a water conservation and flood protection element. The tribe continues to enjoy the benefits of the Jimmycomelately model in Blyn, while Dungeness property owners are left to live with flooding risks, the tribe itself does not have to endure.

The posture of local leadership is one of contempt, open hostility, and dishonesty. They march on without showing any commitment to any responsibility or the ability to pivot, all under the oppression Olympics banner, with a complete removal of the APA process.

I ask that this letter be entered into the official records of FEMA, Clallam County, the Dungeness River Management Team, NODC, NOSC, and the Jamestown S'Klallam Tribe. I further request that all future salmon recovery and flood control funding decisions for the Dungeness River be required to include a formal, public evaluation of the Jimmycomelately model before any grant or appropriation is approved.

Sincerely,

John Worthington Sequim, Washington

Emery, Bruce

From: Eric Fehrmann <efehrm_3@hotmail.com>
Sent: Monday, March 30, 2026 11:01 AM
To: john worthington; FEMA-R10-Info; FEMA-R10-CongQ; FEMA-OCR-ECRD; fema-r10-newsdesk@fema.dhs.gov; French, Mike; Ozias, Mark; Johnson, Randy; Emery, Bruce; City Clerks; hhals@jamestowntribe.org; Baumann, Cheryl; kathleen.wells@noaa.gov; NOAA.Staff.Directory@noaa.gov; Todd Myers; Mielke, Todd
Subject: Re: Salmon Restoration or Salmon exploitation

I have witnessed this presentation and the rejection during Clallam County Commissioner meetings for over two years. The rejection of the Jimmy Come Lately science seems to be unsubstantiated. Only statements from two commissioners that dispute it without presenting facts and only stating their belief in other science. Another example of bias toward those with "standing", looking at things with blinders.
Eric Fehrmann

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Monday, March 30, 2026 9:10 AM
To: FEMA-R10-Info <fema-r10-info@fema.dhs.gov>; FEMA-R10-CongQ <fema-r10-congq@fema.dhs.gov>; FEMA-OCR-ECRD <fema-ocr-ecrd@fema.dhs.gov>; fema-r10-newsdesk@fema.dhs.gov <fema-r10-newsdesk@fema.dhs.gov>; French, Mike <mike.french@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>; Randy Johnson <randy.johnson@clallamcountywa.gov>; Emery, Bruce <bruce.emery@clallamcountywa.gov>; City Clerks <clerk@sequimwa.gov>; Hansi Hals <hhals@jamestowntribe.org>; Cheryl <cheryl.baumann@clallamcountywa.gov>; kathleen.wells@noaa.gov <kathleen.wells@noaa.gov>; NOAA.Staff.Directory@noaa.gov <noaa.staff.directory@noaa.gov>; Todd Myers <tmyers@washingtonpolicy.org>; Mielke, Todd <todd.mielke@clallamcountywa.gov>
Subject: Salmon Restoration or Salmon exploitation

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Sincerely,

John Worthington Sequim, Washington

Master Planned Resorts - Congruency between state law and county code

Prepared for Clallam County Planning Commission | April 1, 2026

By Heather Cantua, Sol Duc Valley Resident

I. The GMA's Foundational Rule: No growth in rural areas

The GMA's first two goals are: direct development into urban areas and prevent its spread into rural lands.ⁱ

II. Certain Rural Development Is Permitted — With Express Exemptions

Counties can permit development in rural areas subject to certain restrictions, such as assuring visual compatibility and reducing the conversion of undeveloped land into sprawl, through a permit process.ⁱⁱ But the ability to permit rural development **expressly exempts MPRs**.ⁱⁱⁱ Those uses must go through a separate statutory framework. This carve-out signals that MPRs occupy a different legal category entirely.

III. Master Planned Resorts (MPRs) are Expressly Exempted as Urban Growth in a Rural Setting

The GMA says so directly: an MPR *constitutes urban growth outside of an urban growth area*.^{iv} That is why the ordinary rural permitting process cannot permit them. They require their own framework.

IV. The MPR Definition is a Character Test Focused on Short-Term Rentals Combined with Recreation in Nature

The GMA defines an MPR as: *a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities*.^v

This is a description of what a development is — focused on the particular commercial nature of bringing visitors to places of natural beauty and provides them with onsite recreational activities. There is no consideration of how large the development is.

V. The County Code Sets Minimum Standards — It Does Not Define the MPR

CCC Ch. 33.25 is titled "*Minimum Standards*" and opens: "*The following minimum standards apply to all master planned resorts*." Each item in the list must be read the same way:

- Must be outside a UGA → a resort inside a UGA is a prohibited MPR, not a non-MPR.^{vi}
- Roads must be adequate → inadequate roads prohibit it, don't reclassify it.^{vii}
- 40% open space required → less open space prohibits it, doesn't reclassify it.^{viii}
- Must be on 240+ contiguous acres → fewer acres prohibits it, doesn't reclassify it.^{ix}

The 240-acre requirement prohibits non-conforming MPRs. It does not define what an MPR is.

VI. The County's Contrary Reading Produces Absurd Results

Under the county's view, every minimum standard functions as a definitional escape hatch: a resort inside a UGA simply isn't an MPR and may proceed by CUP. A resort on an inadequate road isn't an MPR either. These results are irreconcilable with the GMA's framework — and they guarantee proliferation of urban-density resort development on smaller and smaller rural parcels, right up to the lot lines of existing homesteads.

VII. What Striking Ch. 33.25 Would Actually Do

The Sierra Club proposes deleting the MPR ordinance entirely. That would completely prohibit development of MPRs — which might be a wise decision. However, we then must be clear on exactly what it is that is being prohibited.

Elimination of CC 33.25 will result in dependence on County's interpretation of the GMA's definition of MPR in determining the development of resorts in the county. When I recently asked Bruce Emery for facts or law to support his conclusion that the Grouse Glen development was not "self-contained" or "fully integrated", he did not respond. It appears the County's position is that the question of what constitutes a "self-contained," "fully integrated" resort can be resolved by individual staff and examiners, case by case, with no guiding standards and no written opinion. The exercise of his discretion on this interpretation has enormous impact on the future development of resorts.

Before voting to remove Ch. 33.25, the Commission should require one thing: a precise, written answer from staff on how they will apply the GMA's MPR definition going forward. Without that, the county is not restricting resort development. It is removing the only framework constraining those judgments — and replacing it with nothing.

Endnotes — Statutory & Code References

All Clallam County Code citations refer to CCC Ch. 33.25, Master Planned Resorts, and CCC 31.02.270.

All RCW citations refer to Chapter 36.70A RCW, Growth Management Act.

- ⁱ **RCW 36.70A.020(1)–(2)** GMA planning goals: "(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development."
- ⁱⁱ **RCW 36.70A.070(5)(a)** The rural element shall contain "rural development and protect the rural character of the area..."
- ⁱⁱⁱ **RCW 36.70A.070(5)(e)** "This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365."
- ^{iv} **RCW 36.70A.360(1)** "Counties . . . may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section."
- ^v **RCW 36.70A.360(1)** "A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities."
- ^{vi} **CCC 33.25.030(2)** "Master planned resorts must be located outside urban growth areas."
- ^{vii} **CCC 33.25.030(4)** "Existing state or county roads are adequate, or need minimal improvements, to serve the development."
- ^{viii} **CCC 33.25.030(6)** "At least forty (40) percent of the total of the acreage for all approved master planned resorts, shall be dedicated to a mixture of permanent open space, natural areas, and/or active recreational areas, excluding streets and parking areas."
- ^{ix} **CCC 33.25.030(3)** "The resort, including buffers and open space under the control of the development, is sited on a parcel or parcels of land no less than 240 contiguous acres."

RCW 36.70A.070. Comprehensive plans—Mandatory elements.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

- (a) Growth management act goals and local circumstances.** Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.
- (b) Rural development.** The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.
- (c) Measures governing rural development.** The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
- (i) Containing or otherwise controlling rural development;
 - (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.
- (d) Limited areas of more intensive rural development.** Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:
- (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
 - (A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.
 - (B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection

(5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(i) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use, unless the retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the retail space must not exceed the footprint of the previously occupied space or 10,000 square feet, whichever is greater; and
(II) Any included retail or food service space must not exceed 2,500 square feet for a new use, unless the new retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the new retail space must not exceed 10,000 square feet;

For the purposes of this subsection (5)(d), "essential rural retail services" means services including grocery, pharmacy, hardware, automotive parts, and similar uses that sell or provide products necessary for health and safety, such as food, medication, sanitation supplies, and products to maintain habitability and mobility;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to *RCW 36.70A.030(35). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government

according to *RCW 36.70A.030(35). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5)(d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

RCW 36.70A.360

Master planned resorts.

(1) Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(2) Capital facilities, utilities, and services, including those related to sewer, water, stormwater, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

Nothing in this subsection may be construed as: Establishing an order of priority for processing applications for water right permits, for granting such permits, or for issuing certificates of water right; altering or authorizing in any manner the alteration of the place of use for a water right; or affecting or impairing in any manner whatsoever an existing water right.

All waters or the use of waters shall be regulated and controlled as provided in chapters 90.03 and 90.44 RCW and not otherwise.

(3) A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(4) A master planned resort may be authorized by a county only if:

(a) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forestland or agricultural land under RCW 36.70A.170;

(d) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(e) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

[1998 c 112 s 2; 1991 sp.s. c 32 s 17.]

NOTES:

Intent—1998 c 112: "The primary intent of this act is to give effect to recommendations by the 1994 department of community, trade, and economic development's master planned resort task force by clarifying that master planned resorts may make use of capital facilities, utilities, and services provided by outside service providers, and may enter into agreements for shared facilities with such providers, when all costs directly attributable to the resort, including capacity increases, are fully borne by the resort." [1998 c 112 s 1.]

Clallam County Chapter 33.25 - MASTER PLANNED RESORTS

33.25.010 Purpose.

The purpose of a master planned resort is to enhance and diversify the recreational and economic opportunities in Clallam County through the development of master planned resorts that complement the natural and cultural attractiveness of the area without significant adverse affect on environmental and natural features, cultural or historic resources and their settings, existing residential developments, and other significant resources. The master planned resort chapter allows for the development of planned destination resorts which provide a designed mixture of visitor-oriented accommodations, including a variety of residential, recreational, and commercial facilities, consistent with the comprehensive plan.

It is the intent of this section to establish procedures and standards for developing large-scale recreational communities while ensuring that all applicable land use requirements are achieved and available resources are used productively and efficiently. The aim of this code section is to encourage imaginative design and layout of recreational and residential facilities in a manner that:

- (1) Reflects sensitivity to the natural environment;
- (2) Preserves open space and wildlife habitat;
- (3) Promotes compatibility among land uses within the development;
- (4) Utilizes the highest quality architectural design and a harmonious use of materials; and
- (5) Results in a positive and aesthetic contribution to the community.

33.25.030 Minimum standards.

The following minimum standards apply to all master planned resorts:

- (1) A master planned resort, when approved in accordance with this chapter, is established as an overlay zone and as such, does not alter the existing, underlying zoning designation. Development standards of this chapter shall, as applied to an approved master planned resort, supersede those of the underlying zone.
- (2) Master planned resorts must be located outside urban growth areas.
- (3) The resort, including buffers and open space under the control of the development, is sited on a parcel or parcels of land no less than 240 contiguous acres.
- (4) Existing state or county roads are adequate, or need minimal improvements, to serve the

development.

(5) Capital facilities, utilities, and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts; provided, that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities; provided, that such facilities and utilities serve only the master planned resort or urban growth areas.

(6) At least forty (40) percent of the total of the acreage for all approved master planned resorts, shall be dedicated to a mixture of permanent open space, natural areas, and/or active recreational areas, excluding streets and parking areas.

(7) Active recreational uses such as golf courses, pools, tennis courts and playing fields shall be provided to adequately meet the needs of the residents and guests of the master planned resort.

(8) The maximum density for residential dwellings including hotel and motel units shall not exceed two (2) units per gross acre of the overall master planned resort. Residential dwellings for long-term occupancy shall be limited to no more than ten (10) percent of the total number of residential units.

(9) Parking shall be provided for in accordance with a transportation management plan as submitted with the application and approved for the project.

(10) The minimum lot area, width, frontage and yard requirements, setback standards, street standards, and building heights otherwise applying to development in the underlying zone(s) may be modified consistent with the master planned resort, as approved in conformance with this chapter.

(11) The tract or tracts of land included in a proposed master planned resort must be in one ownership or control or the subject of a joint application by the owners of all the property included.

(12) All uses within the master planned resort shall be harmonious with each other through the use of special design, placement, or screening.

(13) Unless otherwise approved in accordance with applicable sign regulations, on-premises signs and off-premises signs shall be designed and erected in conformance with design guidelines, as submitted and approved with the project and off-premises signs shall be limited to those necessary for directional purposes.

(14) Commercial services provided as part of the master planned resort shall be contained within the development and shall be oriented to serve the master planned resort. The protection of public views shall be considered in orienting such commercial services.

JIMMYCOMELATELY SCIENCE HYBRID ON DUNGNESS

This section must be kept clear of hotel logs and heavy gravel/sediment so a fine sediment and silt only flows through the slow coil, so "rechannelling" does not divert creek to the longhouse or casino and so less water is used.

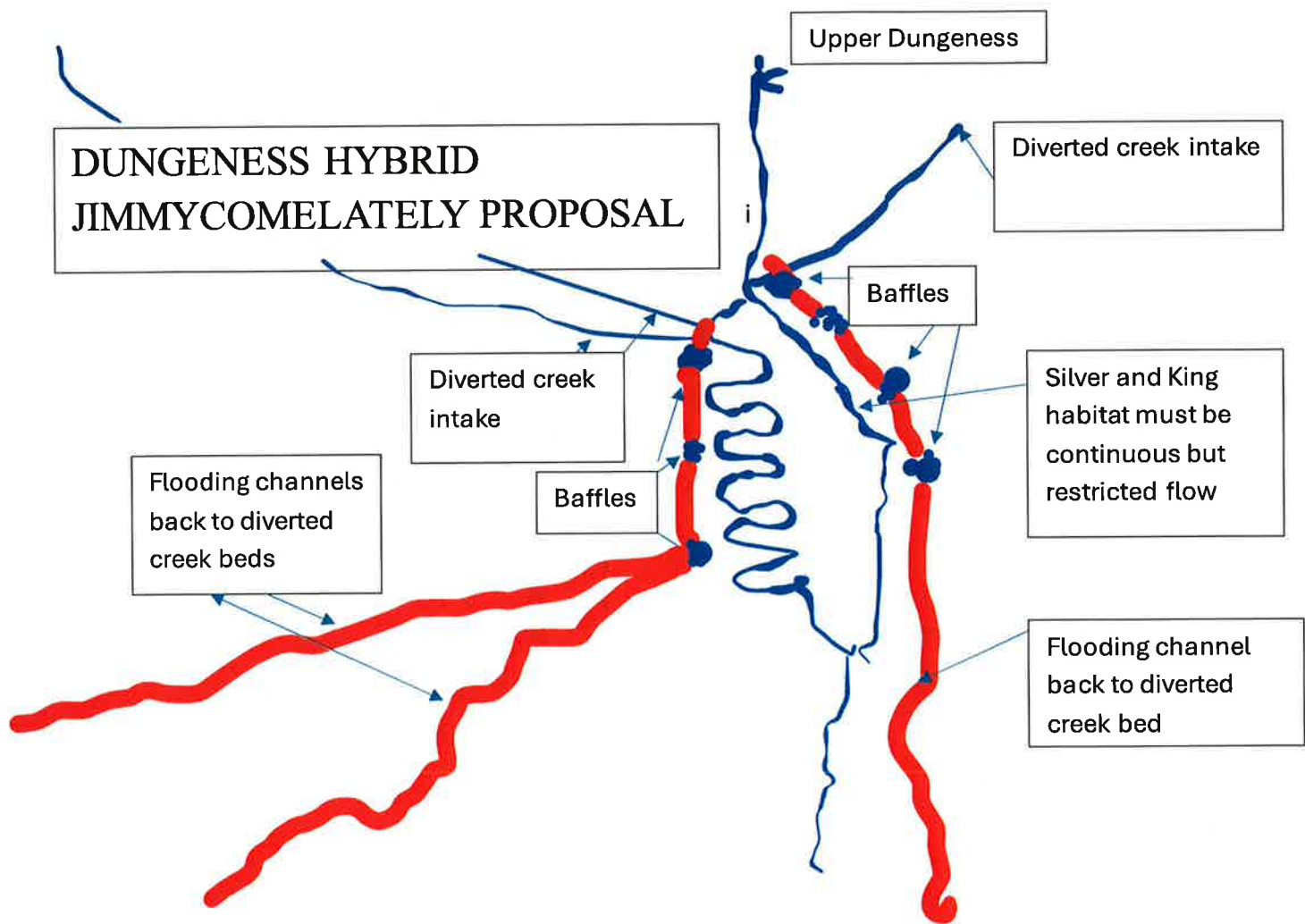
Baffles must be employed upstream

JKT CASINO

Longhouse

As shown above, the Jimmycomelately science is the best of all three worlds:

1. Chum Salmon spawning.
2. Property protection.
3. Water conservation.



As shown above, the Jimmycomelately science hybrid on the Dungeness is the best of 5 worlds:

1. Chum salmon spawning.
2. Property(flood) protection.
3. Water conservation.
4. Silver and King spawning.
5. Major shoreline erosion control.

The nuts and bolts of the diagram are straightforward and land-based:

- **Diverted creek intakes** pull water from the mainstem at strategic points.
- **Baffles** (simple wood and boulder structures) are placed every 90–110 feet to force meanders, drop velocity, and gather large sediment.
- **Flooding channels** (shown in red) return excess flows to diverted creek beds during high water, protecting the main channel from overload and destruction.
- **Silver and King habitat** (blue line) remains continuous but with restricted flow to maintain depth and gravel quality without letting the river become a sediment-choked firehose.
- The entire system is built to separate the worlds of salmon spawning and catastrophic flooding, without removing vital heavy sediment and debris to combat shoreline erosion.

This is a hybrid of the model that still works on Jimmycomelately Creek in Blyn.

Open irrigation ditches once served the Dungeness as natural filters, trapping large alluvium. Widespread piping removed that function without upstream grade control, allowing more sediment to stay in the river and reducing water conservation.

Johnson Creek, Bell Creek, unnamed western tributary will be diverted to maintain silver and king habitat then their beds will be excavated to desert state levels to accommodate the payback of heavy sediment flows that are needed to fight shoreline erosion.

The Jimmycomelately model protects both fish and property and conserves water. It is time to stop avoiding it and start applying it at scale. We need civic projects of this magnitude to foster economic growth and stability.

Multiple federal agencies have authority and funding streams that could support parts or all of it. Here's a realistic list of the **main federal agencies** that could fund components, based on their current programs (as of early 2026):

1. NOAA Fisheries (National Oceanic and Atmospheric Administration)

- **Primary Agency for Salmon Habitat**
- Key Programs: Pacific Coastal Salmon Recovery Fund (PCSRF), Transformational Habitat Restoration Grants, Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities, Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) habitat funds.
- Fit: Direct funding for baffle-based channel restoration, floodplain reconnection, and main-channel habitat improvements. NOAA has awarded tens of

millions for similar Olympic Peninsula projects (e.g., East Fork Lewis River floodplain work).

- Potential: \$50–200M+ across phases, especially for the habitat/coil components.

2. Bureau of Indian Affairs (BIA) / Department of the Interior

- **Tribal Trust and Infrastructure Focus**
- Key Programs: Tribal Resilience Grants, Bureau of Indian Affairs Road Maintenance, Ecosystem Restoration on Tribal Lands, and BIL/IRA funding for tribal water and habitat projects.
- Fit: Strong support for tribal-led elements (e.g., Jamestown or Lower Elwha involvement), water conveyance (aqueduct portions), and treaty-rights habitat protection. BIA often funds off-reservation projects that benefit treaty fisheries.
- Potential: \$100–300M, especially for the aqueduct/reservoir if tied to tribal water security.

3. Federal Emergency Management Agency (FEMA)

- **Flood Mitigation and Hazard Reduction**
- Key Programs: Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and Building Resilient Infrastructure and Communities (BRIC).

- **Fit:** The project's flood protection element (levee setbacks, baffles for peak flow reduction, floodplain reconnection) directly qualifies. FEMA has funded Dungeness-related flood projects in the past, though your earlier reservoir grant was limited to water conservation only. A redesigned proposal with strong flood control could succeed.
- **Potential:** \$30–100M+ for the flood protection and property protection components.

4. U.S. Army Corps of Engineers (USACE)

- **Flood Control and Ecosystem Restoration**
- **Key Programs:** Continuing Authorities Program (Section 206/1135 for aquatic ecosystem restoration), Flood Risk Management, and BIL-funded civil works.
- **Fit:** USACE has authority for levee setbacks, channel modifications, and multi-purpose flood/habitat projects. They have worked on Dungeness floodplain efforts before.
- **Potential:** \$50–150M for levee work and channel stabilization.

5. Bureau of Reclamation (Reclamation)

- **Water Storage and Conveyance**

- **Key Programs:** WaterSMART Grants, Title XVI Water Reclamation, and BIL/IRA water infrastructure funding.
- **Fit:** The Forks Aqueduct and reservoir (water storage, conveyance, irrigation efficiency) align perfectly with Reclamation's mission. They have funded similar off-channel storage and conveyance in the West.
- **Potential:** \$100–400M for the aqueduct/reservoir core.

6. U.S. Fish and Wildlife Service (USFWS)

- **Habitat Restoration and Species Recovery**
- **Key Programs:** National Fish Passage Program, Partners for Fish and Wildlife, and BIL/IRA habitat grants.
- **Fit:** Supports baffle-based habitat, floodplain reconnection, and species like bull trout or steelhead.
- **Potential:** \$20–80M for targeted habitat elements.

7. Environmental Protection Agency (EPA)

- **Water Quality and Nonpoint Source Pollution**
- **Key Programs:** Clean Water State Revolving Fund (SRF), Section 319 Nonpoint Source Grants, and BIL/IRA water infrastructure.

- **Fit:** Funding for sediment reduction, water quality improvements from baffles/floodplain work, and runoff control.
- **Potential:** \$30–100M, especially if tied to water quality benefits from slower channels.

Realistic Funding Strategy

- **Total Project Cost Range:** \$2.2–2.5B (aqueduct + full corridor restoration with piping).
- **Likely Mix:** NOAA and Reclamation as lead funders for habitat and water infrastructure; FEMA and USACE for flood elements; BIA for tribal components.
- **Strongest Path:** Frame the project as a **multi-benefit initiative** (salmon recovery + flood risk reduction + water security + tribal treaty support). Package it as a single “Olympic Peninsula Resilience Corridor” proposal with tribal co-leadership to unlock BIA/NOAA tribal set-asides.
- Many of these agencies already fund similar work on the Olympic Peninsula (e.g., NOAA’s recent awards for floodplain reconnection, Reclamation’s WaterSMART grants for storage, FEMA’s hazard mitigation for levees). The Jimmycomelately hybrid (slower/deeper channels at 3% grade, large sediment baffling, property and shoreline protection, water conservation, and spawning best practices) is highly fundable because it delivers measurable outcomes across multiple agency missions

Please give this proposal more time for consideration.

Sincerely,

John Worthington Sequim, Washington

Virginia Shogren
961 W. Oak Court
Sequim, WA 98382
360-461-5551

April 1, 2026

Meeting of the Clallam County Planning Commission
223 East Fourth Street, Room 160
Port Angeles, WA 98362

Public Comment Re: Comprehensive Plan Periodic Update – Irrigation Pipeline
Moratorium and Ditch Protection

Dear Planning Commission Members,

I have submitted public comment for the 2025 Comp Plan update in favor of a policy and ordinances to impose a moratorium on additional irrigation pipeline development and historical protection of the remaining open ditch system in the Sequim and Agnew regions.

In Washington State, homeowners with existing wells hold senior water rights under the prior appropriation doctrine (“first in time, first in right”). New development activities (such as new wells or construction dewatering) cannot legally impair those senior rights.

Existing wells establish a priority date based on when water was first put to beneficial use (or the date of any permit/certificate). This includes exempt domestic wells, of which there are 5,500 in the Dungeness Region according to the Department of Ecology.

New development water use—even from exempt wells—is junior and must not impair senior rights. This protection applies to both quantity and quality issues tied to withdrawals. Ecology (and our courts) have enforced this by regulating or curtailing junior uses that interfere with senior rights, including instream flows.

A pipeline moratorium is necessary in order to protect the senior rights of those 5,500 exempt wells. We already have the studies that establish the essential role that the open ditches play in recharging our aquifers in our unique rain-shadow region.

The ditches were dug in order to allow for pioneer settlement and development. The development followed the ditch lines. Those ditch lines are still there 131 years later.

Public awareness of the connection between the ditches and aquifer recharge in our rain-shadow region is only growing. The County should proactively end additional pipeline development and protect the existing aquifer recharge system that we have in the form of the existing open ditches.

As an additional benefit, we would protect our historical basis for Washington State's longest running festival, the Sequim Irrigation Festival. We would also protect the few remaining wildlife and green corridors that wind their way through Sequim.

Our quality of life in Sequim is based on the water that comes through the irrigation ditch system. We raise sheep on our property for meat and wool and use the irrigation water for our pastures.

Our kids grew up going to the Irrigation Festival events each year. The pioneer history of our region revolves around the ditches. That history is what makes Sequim unique, gives it character, and is our link to a rural lifestyle and a rural quality of life.

Sincerely,



Virginia Shogren

Emery, Bruce

From: Wendy Clark <wclark@jamestowntribe.org>
Sent: Wednesday, April 1, 2026 2:10 PM
To: Emery, Bruce
Cc: Luke Strong-Cvetich; Alex Scagliotti; Benjamin.Rinehart@WSDOT.wa.gov; muecker@sequimwa.gov
Subject: Draft Comp Plan Update Clean-Up

Hi Bruce,

I've been meaning to get back into the 1st QTR 2026 updates for the Comprehensive Plan Updates to see how JST comments were incorporated. I found some non-substantive inconsistencies for your consideration. Here you go based on transportation related code paragraphs in the February and March 2026 draft documents:

31.08.380 Periodic Updates

Considering DOC requirements, would you want to include "public and tribal" engagement?

31.03.130 Transportation Inventory & Analysis

Table 3 This table concerns road width standards. Why was Chicken Coop Road removed from the table while Palo Alto remains? I think the table could use Mileposts; begin and end. The Tribe's Chicken Coop Road re-alignment project addresses the county and state standards near Blyn at Zaccardo; however, the whole of Chicken Coop Road performs an essential emergency management mobility redundancy when US101 is shut down. It should remain in Table 3 as substandard.

31.03.140 (1)(a), remains

31.03.310 (4) (former a) removed for redundancy?

31.02.420 (1)(c)(i), remains

The US101 FEIS from Palo Alto to O'Brien Road could be a non-binding antiquated document, potentially 30-years old. Regardless, since it was mentioned more than once in the transportation policies, it should be added to the Supporting Documentation list. A regular person would need to create a public records request to WSDOT because state archivists have probably purged the document. It does not appear to be accessible on the WSDOT website. The other alternative is to refer the City of Sequim's Simdar Interchange as a missing element of the long ago Sequim Bypass project.

31.03.310 (4) (new a)

Sequim Bypass is completed and closed out. The City of Sequim should provide fresh language consistent with its Comprehensive Plan.

31.03.320 (5)(a)

Diamond Point Road is a federal functionally classified road for truck traffic, a T-3 rating. Road standards need to be consistent with the FGTS (2023). It appears again in another map for countywide functional classification inventory. <https://wsdot.wa.gov/sites/default/files/2023-12/Freight-Report-FGTS2023.pdf> This road cannot carry true rural character and be supportive of truck traffic at the T-3 level.

31.03.415 (6)(c)

The JST fee to trust conversion on the Miller Peninsula has already occurred within ½ mile distance of US101.

31.03.435 (4) last sentence

This policy 4 statement is non-binding. How important is it to keep this language in the Comp Plan update?

31.03.455 (6)(b)

The Nature Center is complete.

31.03.455 (6)(b), 31.03.465 (5)(c), 31.03.475 (4)(b)

These three policies refer to The Dungeness River Greenway Concept Plan. Please make this into a Supporting Document with the adoption date.

31.02.425

The PRTPO Executive Board adopted the recent RTP in June 2025. There isn't any reference to the 2022 OFM menu of traffic growth forecasting. There is a passing qualitative comment about reviewing the OFM 2050 growth projections prior to developing policy and strategy. {please remove}

31.02.430

The PRTPO Executive Board made a concerted decision to not include Transit LOS in the 2025 RTP. Their silence is intentional for rural systems on the Olympic Peninsula. {please remove this code section}

31.02.415(3)

Victoria Express is not a viable UTC certificate. Does this paragraph need to be removed or reflected upon that the local whale watching businesses could provide charter passenger-only services to Victoria?

These were the non-substantive transportation policies that popped out as needing revision to be consistent with a 2026 Clallam County update. Please contact me with any questions or comments.

Thank you,

Wendy Clark-Getzin, PE
Transportation Program Manager
Jamestown S'Klallam Tribe
(360)681-5622 direct
(360)582-6375 cell
wclark@jamestowntribe.org
991 Old Blyn Highway
Sequim, WA 98382



Jamestown S'Klallam Tribe

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Emery, Bruce

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Wednesday, April 1, 2026 8:21 PM
To: Emery, Bruce; Havel, Tim; Gores, Loni; Loni.gores@clallamcounty.wa.gov
Subject: Roberts rules of order for the record Planning Commission testimony rebuttal.

Argument experts disagree.

The people running the DRMT have not signed any official document memorializing they switched from Jimmycomelately science or explain any type of policy on the Dungeness. Hansi Hals has stated they use Jimmycomelately science on Dungeness (Clallam County Water Conservation District hearing witnessed by Virginia Shogren and Judy Larson) and then argued just what Bruce argued tonight. In reality they can't contradict the Jimmycomelately science ie 3- 4 percent grade, slower moving water. So they do not. You will not find one single final agency action regarding Dungeness river management that could be challenged under the APA. The insult you, ignore you and then lie to you. Not one expert will put their John Hancock on what Bruce said tonight.

Argument: The Clallam County Planning Commission Does Have Purview Over Salmon Recovery, Floodplain Restoration, and Related River Projects

Emery's statement that the Planning Commission "does not have purview" over these matters is incorrect under both Clallam County Code and Washington State law. The Planning Commission has clear statutory and local authority to review, recommend, and influence projects involving river restoration, floodplain reconnection, levee setbacks, habitat improvements, and water management — including the Jimmycomelately-style proposals we have discussed.

Here are the key legal and procedural reasons why the Planning Commission has purview:

1. **Comprehensive Plan and Growth Management Act (GMA) Authority** Under RCW 36.70A (Growth Management Act), the Planning Commission is responsible for developing and updating the County's Comprehensive Plan. This plan must address critical areas (including frequently flooded areas and fish and wildlife habitat conservation areas), land use, and natural resource lands. Any major river restoration project that involves floodplain modification, levee removal, or large-scale land acquisition directly affects the Comprehensive Plan's goals for habitat protection, flood hazard reduction, and rural land use. The Commission has purview to review whether proposed projects are consistent with these goals.
2. **Shoreline Management Act (SMA) and Shoreline Master Program** The Shoreline Master Program (SMP) is part of the County's land-use authority. The Planning Commission reviews shoreline permits and substantial development permits for work in or adjacent to rivers, estuaries, and floodplains. Baffle installations, channel realignment, levee setbacks, and floodplain reconnection are shoreline "developments" under the SMA. The Commission must ensure these actions protect ecological functions, maintain flood storage, and avoid adverse impacts — exactly the issues raised by the Jimmycomelately model versus current steep-grade projects.
3. **Critical Areas Ordinance (CAO) and Floodplain Management** Clallam County Code Title 27 (Critical Areas) and Chapter 27.11 (Floodplain Management) require the Planning Commission to review projects that affect critical areas, including frequently flooded areas and fish habitat. River restoration

that alters channel geometry, grade, or floodplain connectivity falls squarely under this review. The Commission can — and should — evaluate whether projects incorporate proven elements such as 3% effective grade control with baffles, slower/deeper channels, and large sediment baffling to prevent aggradation and protect spawning habitat.

4. **SEPA Review and Environmental Impact** Under the State Environmental Policy Act (SEPA), major restoration projects require environmental review. The Planning Commission often serves as the lead or co-lead agency for SEPA determinations on land-use related actions. They have the authority to require alternatives analysis — including whether a Jimmycomelately-style single-channel coil with baffles would better achieve flood protection, water conservation, and salmon spawning goals than the current approach.
5. **Historical and Ongoing Role in River Management** The Planning Commission has previously reviewed and recommended on Dungeness River floodplain projects (e.g., River's Edge, Kinkade Island). They cannot now claim no purview when the same issues — levee setbacks, channel design, flood risk, and habitat — are at stake. Their role is not optional; it is required by county code and state statute.

Bottom line: The Planning Commission does have purview. It is their statutory duty to review projects that affect land use, floodplains, critical areas, and shoreline resources. Claiming otherwise avoids accountability for why the county continues to fund projects that ignore the proven Jimmycomelately model (baffles, 3% grade, slower deeper channels, large sediment baffling, flood protection, water conservation, and best-practice salmon spawning) while the tribe continues to benefit from that same model in Blyn.

The Commission should immediately exercise its authority to require a full evaluation of the Jimmycomelately hybrid approach before any further appropriations or permits are approved for Dungeness River projects. This is not just a procedural issue — it is about protecting public safety, property, and salmon recovery in Clallam County.

Emery, Bruce

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Wednesday, April 1, 2026 8:34 PM
To: Emery, Bruce; Havel, Tim; Gores, Loni; Loni.gores@clallamcounty.wa.gov
Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

Yes, the Jimmycomelately hybrid could realistically be built for less than \$42 million — especially for the focused 5.8-mile reach from the Dungeness River mouth (including the 3 Crabs estuary area) to your specified Serenity Lane endpoint at 48.049752, -123.145547.

Realistic Cost Estimate for the 5.8-Mile Reach (Mouth to Serenity Lane)

The original Jimmycomelately Creek project (0.5 mile) cost roughly **\$7 million** in 2005 dollars (including planning, design, land acquisition/easements, channel realignment, baffles, levee/dike breaches, tidal bridge upgrade, riparian planting, and monitoring). Adjusted for inflation to 2025 dollars, that equates to roughly **\$11–12 million** today.

Scaling proportionally to the 5.8-mile Dungeness reach ($\times 11.6$) gives a baseline of **\$128–140 million** if every element were replicated at full current prices. However, several factors allow significant cost reduction:

- **Land acquisition is the biggest variable** — The original project required substantial purchases and easements in a developed area. For the Dungeness lower reach, much of the floodplain is already county-owned, in conservation easements, or on willing-seller farmland. Targeted acquisitions or setbacks could be limited to 200–400 acres instead of full-scale purchases, potentially cutting land costs by 50–70%.
- **Baffles are inexpensive** — The core innovation (290–350 simple wood-and-boulder baffles) is low-tech and can be built with local materials and crews. At \$15,000–\$25,000 per baffle (including placement), this component alone is only **\$4.5–8.75 million**.
- **No heavy in-water work** — All excavation and construction is land-based from levee tops and farmland during dry season, reducing permitting delays and costs.
- **Phasing and grants** — Breaking into 4 phases (estuary at 3 Crabs first, then lower, mid, and upper to Serenity Lane) allows leveraging existing grants and matching funds.

Conservative Cost Breakdown for the 5.8-Mile Reach (2025 dollars)

- Land/easements and planning/permitting: \$12–18 million
- Baffles (290–350 units): \$5–9 million
- Riparian planting, monitoring, and contingency: \$4–6 million

Total realistic range: \$29 – \$38 million

With aggressive use of willing-seller easements, county-owned land, volunteer/Beaver assistance for some wood placement, and competitive bidding, **the project could be delivered for under \$38 million** — potentially as low as **\$29–38 million** if phased smartly and paired with existing SRFB/PSAR or NOAA grants that already target Dungeness floodplain work.

Recent comparable projects support this:

- Rivers Edge (Dungeness, ~1.8 miles levee setback + 140 acres): ~\$10–15 million total.
- Similar floodplain reconnection efforts in Washington (Snoqualmie, Chehalis, Skagit) routinely come in at \$8–20 million per mile for combined levee + habitat work when done efficiently.

The Jimmycomelately hybrid is deliberately low-tech and land-based, which keeps costs down compared to heavy civil engineering projects. The biggest savings come from **not** building permanent side channels or complex structures — just one main coil with baffles and simple levee breaches that let the river do the rest of the work during natural floods.

Bottom line: Yes, it is realistic to build this 5.8-mile Jimmycomelately hybrid for **less than \$42 million**, especially if you prioritize the core elements (baffles for 3% grade, single main channel, floodplain reconnection) and use willing-seller/ county-owned land aggressively. The original project's success shows the approach is cost-effective and self-sustaining once built. The insurance costs and revenue from kings and silvers is the deciding factor. Right now they don't have the numbers and they only have a threatened list and a book of excuses.

From: john worthington <worthingtonjw2u@hotmail.com>

Sent: Wednesday, April 1, 2026 8:21 PM

To: Emery, Bruce <bruce.emery@clallamcountywa.gov>; Havel, Tim <tim.havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Loni.gores@clallamcounty.wa.gov <loni.gores@clallamcounty.wa.gov>

Subject: Roberts rules of order for the record Planning Commission testimony rebuttal.

Argument experts disagree.

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Emery's statement that the Planning Commission "does not have purview" over these matters is incorrect under both Clallam County Code and Washington State law. The Planning Commission has clear statutory and local authority to review, recommend, and influence projects involving river restoration, floodplain reconnection, levee setbacks, habitat improvements, and water management — including the Jimmycomelately-style proposals we have discussed.

Here are the key legal and procedural reasons why the Planning Commission has purview:

Emery, Bruce

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Thursday, April 2, 2026 4:18 AM
To: Emery, Bruce; Havel, Tim; Gores, Loni; Loni.gores@clallamcounty.wa.gov; French, Mike; Ozias, Mark; Johnson, Randy; Mielke, Todd; FEMA-R10-Info
Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

To: Clallam County Planning Commission

Re: Formal Public Comment – 2024 Comprehensive Plan Update (GMA Compliance)

Please include this response in the formal administrative record regarding the Salmon Habitat, Critical Areas, and Flood Prevention elements of the Comprehensive Plan.

Rebuttal to the Charge of "Grandiose" Planning

Mr. Emery has characterized proposed spawning protections—specifically the 3% gradient standard successfully utilized in the Jimmycomelately restoration and diversion of creeks—as "grandiose." This assessment is logically inconsistent when contrasted with the County's own preferred infrastructure. The County currently advocates for a massive off-channel reservoir designed to hold thousands of acre-feet of water in a known M-9 seismic zone, yet refuses to construct overpasses due to "earthquake threats." It is the height of hypocrisy to label a proven, nature-based stream-grading technique "grandiose" while promoting a high-risk, multi-million-dollar reservoir "boondoggle" in a geologically unstable region...with visions of ancestral property buy back sugar plums dancing in your head.

The Towne Road Debacle: Engineered Failure

The Towne Road crisis is the smoking gun of County mismanagement. By allowing the tribe to prematurely breach the dike before the road was elevated or secured, the County and its partners effectively invited the catastrophic flooding they now claim is "natural." This \$10 million blunder—funded by taxpayer dollars— is a textbook example of "restoration" being used as a weapon against infrastructure and private property. To see project leads like Randy Johnson of JKT mock the resulting potential disaster while the County scrambled for more grants to fix a crisis they manufactured is the height of bureaucratic malpractice. The piling of logs in the pasture was contradicting every facet of Jimmycomelately science and merely projectiles loaded for the planned disaster.

The Failure of Professional Accountability

The most damning indictment of current Dungeness policy is the lack of professional endorsement. While the Jimmycomelately project saw experts and engineers put their signatures and reputations on the line to guarantee the 3% grade and baffled channels, **none of the same "experts" currently managing the Dungeness will sign off on current County policy.** They are happy to take shots at these ideas from a safe, hypothetical distance, but they refuse to tether their names to the current trajectory of the Dungeness mainstem. This lack of signature is a clear admission that the current path is indefensible under the **Best Available Science (BAS)** mandate of the GMA. The tribal partnership has broken down to a malpractice fest. The abysmal king

and silver numbers and lack of APA process speaks so loud its impossible to ignore the canned flubber and magic beans statements at microphones.

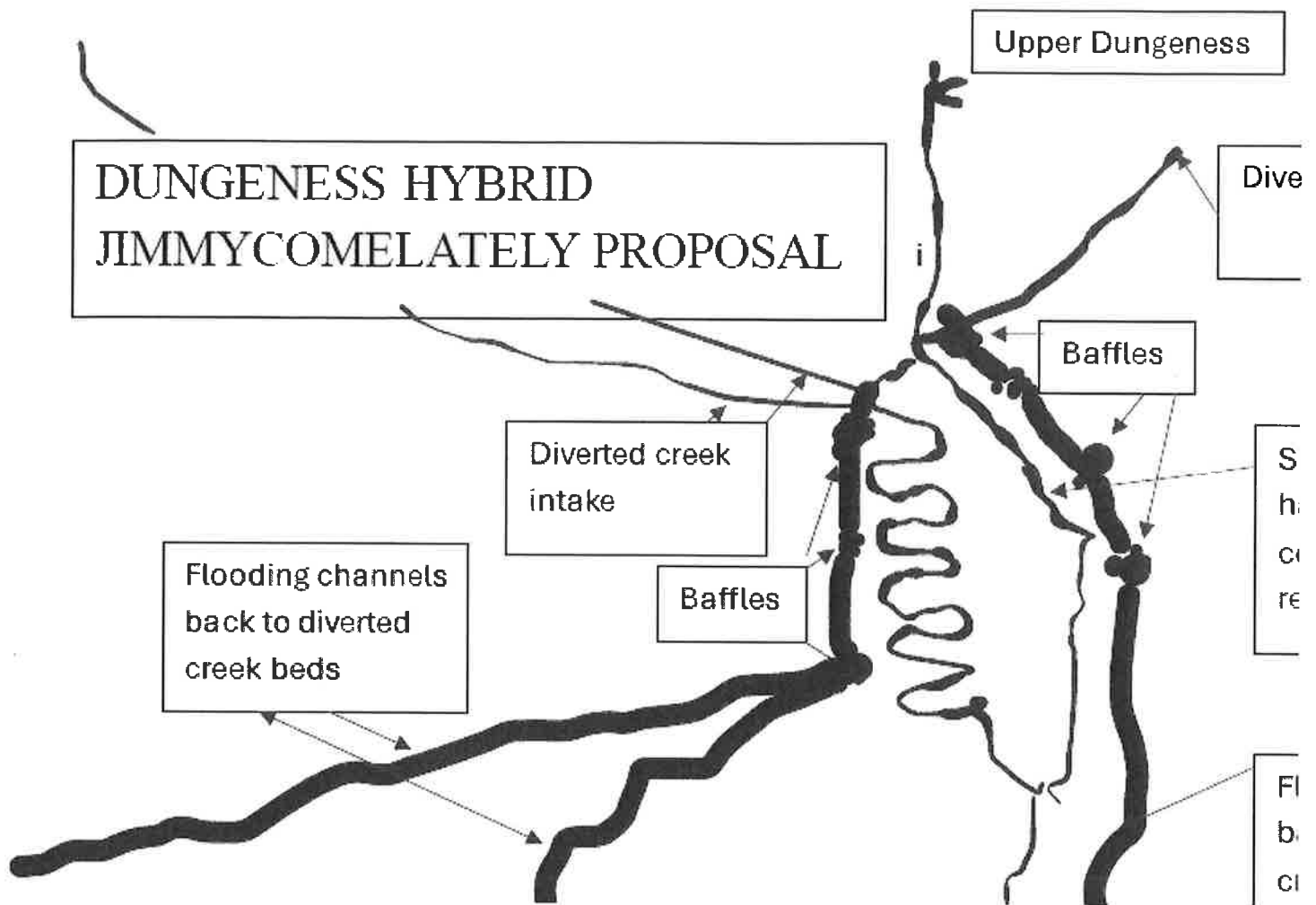
A "Meaningless Dog and Pony Show"

The current Planning Commission process is being rendered a meaningless exercise by "shadow planning" occurring in the wings. To pretend that the work of the **NODC (North Olympic Development Council)**, **SERN**, and the Puget Sound Partnership (**PSP**) isn't already determining the outcome of this Comprehensive Plan is a disservice to the public. When the 2021 SERN Workshop documents reveal a "concession to flooding" intended to facilitate property buy-back programs, it proves that the County has already decided to abandon flood prevention in favor of managed retreat...yet they continued to bambozzle the public and federal agencies for grants and matching funds.

Mismanagement and Equal Protection

The County's culvert replacements prioritize "aging bridge" logistics over fish biology, installing high-grade culverts that move organic matter (methane) rather than creating viable spawning habitat. If the "Jimmycomelately Science" of 3% grades and lengthened channels is the gold standard for Tribal returns, denying those same protections to the rest of the County is a violation of **Equal Protection** and a failure to include BAS.

The County cannot continue to harden Tribal assets with FEMA grants while intentionally "softening" (flooding) private neighborhoods to trigger restoration grants for NGOs like the North Olympic Land Trust. The Planning Commission must demand a plan that protects *all* citizens, not just a select few interests...the County DCD has failed the tax payers and has been doing so methodically since 2014.



From: john worthington <worthingtonjw2u@hotmail.com>

Sent: Wednesday, April 1, 2026 8:33 PM

To: Emery, Bruce <bruce.emery@clallamcountywa.gov>; Havel, Tim <tim.havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Loni.gores@clallamcounty.wa.gov <loni.gores@clallamcounty.wa.gov>

Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

Yes, the Jimmycomelately hybrid could realistically be built for less than \$42 million — especially for the focused 5.8-mile reach from the Dungeness River mouth (including the 3 Crabs estuary area) to your specified Serenity Lane endpoint at 48.049752, -123.145547.

Realistic Cost Estimate for the 5.8-Mile Reach (Mouth to Serenity Lane)

The original Jimmycomelately Creek project (0.5 mile) cost roughly **\$7 million** in 2005 dollars (including planning, design, land acquisition/easements, channel realignment, baffles, levee/dike breaches, tidal bridge upgrade, riparian planting, and monitoring). Adjusted for inflation to 2025 dollars, that equates to roughly **\$11–12 million** today.

Scaling proportionally to the 5.8-mile Dungeness reach ($\times 11.6$) gives a baseline of **\$128–140 million** if every element were replicated at full current prices. However, several factors allow significant cost reduction:

- **Land acquisition is the biggest variable** — The original project required substantial purchases and easements in a developed area. For the Dungeness lower reach, much of the floodplain is already county-owned, in conservation easements, or on willing-seller farmland. Targeted acquisitions or setbacks could be limited to 200–400 acres instead of full-scale purchases, potentially cutting land costs by 50–70%.
- **Baffles are inexpensive** — The core innovation (290–350 simple wood-and-boulder baffles) is low-tech and can be built with local materials and crews. At \$15,000–\$25,000 per baffle (including placement), this component alone is only **\$4.5–8.75 million**.
- **No heavy in-water work** — All excavation and construction is land-based from levee tops and farmland during dry season, reducing permitting delays and costs.
- **Phasing and grants** — Breaking into 4 phases (estuary at 3 Crabs first, then lower, mid, and upper to Serenity Lane) allows leveraging existing grants and matching funds.

Conservative Cost Breakdown for the 5.8-Mile Reach (2025 dollars)

- Land/easements and planning/permitting: \$12–18 million
- Baffles (290–350 units): \$5–9 million
-
- Riparian planting, monitoring, and contingency: \$4–6 million

Total realistic range: \$29 – \$38 million

With aggressive use of willing-seller easements, county-owned land, volunteer/Beaver assistance for some wood placement, and competitive bidding, **the project could be delivered for under \$38 million** — potentially as low as **\$29–38 million** if phased smartly and paired with existing SRFB/PSAR or NOAA grants that already target Dungeness floodplain work.

Recent comparable projects support this:

- Rivers Edge (Dungeness, ~1.8 miles levee setback + 140 acres): ~\$10–15 million total.
- Similar floodplain reconnection efforts in Washington (Snoqualmie, Chehalis, Skagit) routinely come in at \$8–20 million per mile for combined levee + habitat work when done efficiently.

The Jimmycomelately hybrid is deliberately low-tech and land-based, which keeps costs down compared to heavy civil engineering projects. The biggest savings come from **not** building permanent side channels or complex structures — just one main coil with baffles and simple levee breaches that let the river do the rest of the work during natural floods.

Bottom line: Yes, it is realistic to build this 5.8-mile Jimmycomelately hybrid for **less than \$42 million**, especially if you prioritize the core elements (baffles for 3% grade, single main channel, floodplain reconnection) and use willing-seller/ county-owned land aggressively. The original project's success shows the approach is cost-effective and self-sustaining once built. The insurance costs and revenue from kings and silvers is the deciding factor. Right now they don't have the numbers and they only have a threatened list and a book of excuses.

From: john worthington <worthingtonjw2u@hotmail.com>

Sent: Wednesday, April 1, 2026 8:21 PM

To: Emery, Bruce <bruce.emery@clallamcountywa.gov>; Havel, Tim <tim.havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Loni.gores@clallamcounty.wa.gov <loni.gores@clallamcounty.wa.gov>
Subject: Roberts rules of order for the record Planning Commission testimony rebuttal.

Argument experts disagree.

The people running the DRMT have not signed any official document memorializing they switched from Jimmycomelately science or explain any type of policy on the Dungeness. Hansi Hals has stated they use Jimmycomelately science on Dungeness (Clallam County Water Conservation District hearing witnessed by Virginia Shogren and Judy Larson) and then argued just what Bruce argued tonight. In reality they can't contradict the Jimmycomelately science ie 3- 4 percent grade, slower moving water. So they do not. You will not find one single final agency action regarding Dungeness river management that could be challenged under the APA. The insult you, ignore you and then lie to you. Not one expert will put their John Hancock on what Bruce said tonight.

Argument: The Clallam County Planning Commission Does Have Purview Over Salmon Recovery, Floodplain Restoration, and Related River Projects

Emery's statement that the Planning Commission "does not have purview" over these matters is incorrect under both Clallam County Code and Washington State law. The Planning Commission has clear statutory and local authority to review, recommend, and influence projects involving river restoration, floodplain reconnection, levee setbacks, habitat improvements, and water management — including the Jimmycomelately-style proposals we have discussed.

Here are the key legal and procedural reasons why the Planning Commission has purview:

1. **Comprehensive Plan and Growth Management Act (GMA) Authority** Under RCW 36.70A (Growth Management Act), the Planning Commission is responsible for developing and updating the County's Comprehensive Plan. This plan must address critical areas (including frequently flooded areas and fish and wildlife habitat conservation areas), land use, and natural resource lands. Any major river restoration project that involves floodplain modification, levee removal, or large-scale land acquisition directly affects the Comprehensive Plan's goals for habitat protection, flood hazard reduction, and rural land use. The Commission has purview to review whether proposed projects are consistent with these goals.
2. **Shoreline Management Act (SMA) and Shoreline Master Program** The Shoreline Master Program (SMP) is part of the County's land-use authority. The Planning Commission reviews shoreline permits and substantial development permits for work in or adjacent to rivers, estuaries, and floodplains. Baffle installations, channel realignment, levee setbacks, and floodplain reconnection are shoreline "developments" under the SMA. The Commission must ensure these actions protect ecological functions, maintain flood storage, and avoid adverse impacts — exactly the issues raised by the Jimmycomelately model versus current steep-grade projects.
3. **Critical Areas Ordinance (CAO) and Floodplain Management** Clallam County Code Title 27 (Critical Areas) and Chapter 27.11 (Floodplain Management) require the Planning Commission to review projects that affect critical areas, including frequently flooded areas and fish habitat. River restoration that alters channel geometry, grade, or floodplain connectivity falls squarely under this review. The Commission can — and should — evaluate whether projects incorporate proven elements such as 3% effective grade control with baffles, slower/deeper channels, and large sediment baffling to prevent aggradation and protect spawning habitat.

Emery, Bruce

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Thursday, April 2, 2026 6:00 AM
To: Emery, Bruce; Havel, Tim; Gores, Loni; loni.gores@clallamcounty.wa.gov; French, Mike; Ozias, Mark; Johnson, Randy; Mielke, Todd; FEMA-R10-Info
Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

Re: Formal Public Comment – 2024 Comprehensive Plan Update (GMA Compliance)

To: Clallam County Planning Commission

Re: Formal Public Comment – 2024 Comprehensive Plan Update (GMA Compliance)

The "Shadow Process" of Tribal Coordination

A critical failure of this Comprehensive Plan is the complete lack of public coordination with the **Jamestown S'Klallam (JKT)** and **Lower Elwha Klallam (LEKT)** plans. These entities have sophisticated plans for County land, yet their processes are nowhere to be found in this public record. This leaves the public with two grim options: either there is a deliberate **shadow process** happening behind closed doors, or there is a total failure to coordinate. Under the GMA, both are unacceptable. To pretend these tribal plans don't exist while they actively shape the future of our tax-base land is a dereliction of duty by the Planning Commission.

The Public Comment "Dark Hole"

The County's response to citizen engagement has become a pattern of silence followed by character assassination. I reference the **Reservoir Hearing at the Guy Cole Center** with FEMA, where my technical comments received zero response. This is not an isolated incident; it is a systemic strategy. When the County drops public comments into a "dark hole," they force citizens to repeatedly demand answers just to ensure the record is complete. To then label those citizens as "rabid" for seeking the transparency required by the **Administrative Procedure Act (APA)** is a disingenuous attempt to silence dissent. The County has a running 5 year track record of ignoring public input.

The Towne Road Debacle: Engineered Failure

The Towne Road crisis remains the smoking gun. By prematurely breaching the dike before the road was secured, the County manufactured a \$10 million catastrophe. This blunder—using taxpayer dollars to close a vital arterial and flood private property—is "restoration" used as a weapon. Watching project leads mock the disaster while the County uses the chaos to trigger more grants for NGOs like the **North Olympic Land Trust** proves this is a managed destruction of private assets.

Professional Accountability and BAS

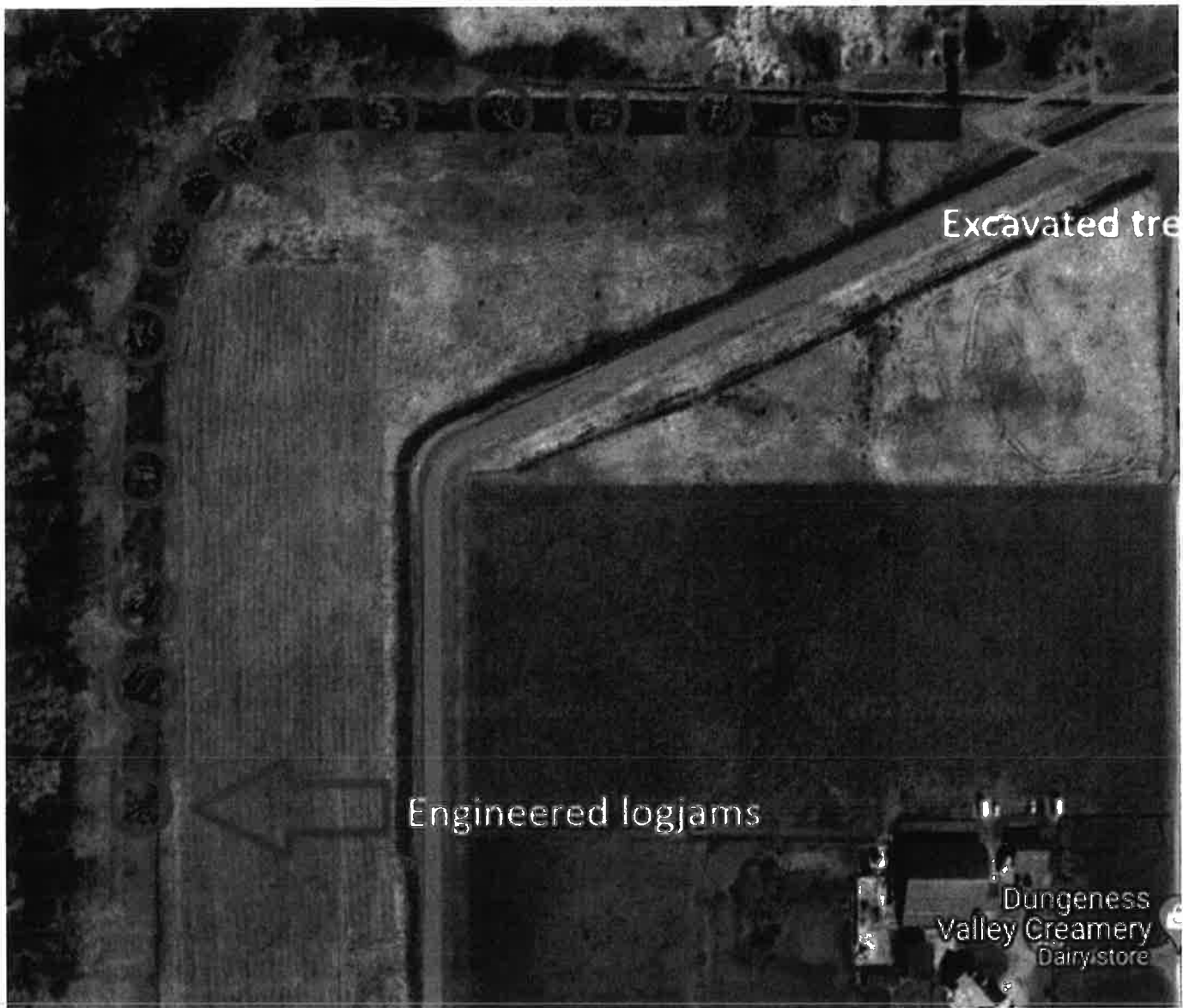
It is telling that while the Jimmycomelately project had experts who signed their names to a 3% grade and baffled channels, **no expert will sign their name to current Dungeness policy**. They take shots at these proven methods from a safe distance because they know the current trajectory is indefensible under **Best Available Science (BAS)**.

Late April/Early May 2022 The Jamestown Tribe breached the 1963 Army Corps of Engineers dike ahead of schedule which exposed downriver communities to flood risk in the coming winter. At that point, the County had not built enough of the Towne Road Levee to protect the community from flooding.

From Bureaucratic malpractice to outright ecoterrorism.

The Jamestown Tribe wiped out a levee and scattered trees in a cow pasture in a weak attempt to portray "salmon" recovery using a "salmon hotel." The arranged piles of logs on the breached side of the levee demonstrates the Jamestown Tribe intentionally took out the levee to cause flooding.... expected flooding..This is proof positive of DCD mismanagement it its highest levels. Rabid...You bet.





This act was an act of domestic terrorism and a violation of 18 U.S. Code § 2331.

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

The act was intentional and done while under charter contract with a foreign enemy. A contract to help build capacity for the world economy.

The federal government, Washington State, Clallam County and the S'Klallam Jamestown Tribe have known for years that if they would close or reduce the capacity of the irrigation ditches that they would increase the

amount of alluvium flow into the river. For over 10 years these stakeholders have planned the intentional flooding of the Dungeness River. of Domestic terrorism are ongoing.

The Jamestown Tribe used salmon recovery as a false reason to intentionally create a flooding scenario , using salmon recovery policy that they themselves did not use when their community was in jeopardy by letting rivers run naturally.

The Jamestown Tribe, in managing the Jimmycomelately "salmon restoration" demonstrated they knew which river management policies would cause flooding. The Jamestown Tribe used salmon recovery as a false reason to intentionally create a flooding scenario.

The Federal, State and County officials, demonstrated they knew the type of river management would protect or flood a community during the removal of the Elwha Dam. Every policy adopted to manage both the Elwha and Jimmy comelately alleged to be in the name of salmon recovery. Yet, on the Dungeness River, those policies were not continued. They were discontinued intentionally to cause flooding.

This is a violation of the equal protection clause in the United States Constitution and an intentional act of domestic terrorism while in league by Charter with a foreign enemy.

Please investigate.

Thanks

John Worthington

Conclusion

If the "Jimmycomelately Science" is the gold standard for Tribal salmon returns, denying those same standards to the rest of the County—while plotting property buy-backs in the wings with **NODC** and **SERN**—is a violation of **Equal Protection**. The Planning Commission must stop this "dog and pony show" and produce a plan that serves all residents, not just a select group of restoration insiders.

From: john worthington <worthingtonjw2u@hotmail.com>

Sent: Thursday, April 2, 2026 4:17 AM

To: Emery, Bruce <bruce.emery@clallamcountywa.gov>; Havel, Tim <tim.havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Loni.gores@clallamcounty.wa.gov <loni.gores@clallamcounty.wa.gov>; French, Mike <mike.french@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>; Randy Johnson <randy.johnson@clallamcountywa.gov>; Mielke, Todd <todd.mielke@clallamcountywa.gov>; FEMA-R10-Info <fema-r10-info@fema.dhs.gov>

Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

To: Clallam County Planning Commission

Re: Formal Public Comment – 2024 Comprehensive Plan Update (GMA Compliance)

Please include this response in the formal administrative record regarding the Salmon Habitat, Critical Areas, and Flood Prevention elements of the Comprehensive Plan.

JIMMYCOMELATELY SCIENCE HYBRID ON DUNGNESS

This section must be kept clear of hotel logs and heavy gravel/sediment so a fine sediment and silt only flows through the slow coil, so "rechanneling" does not divert creek to the longhouse or casino and so less water is used.

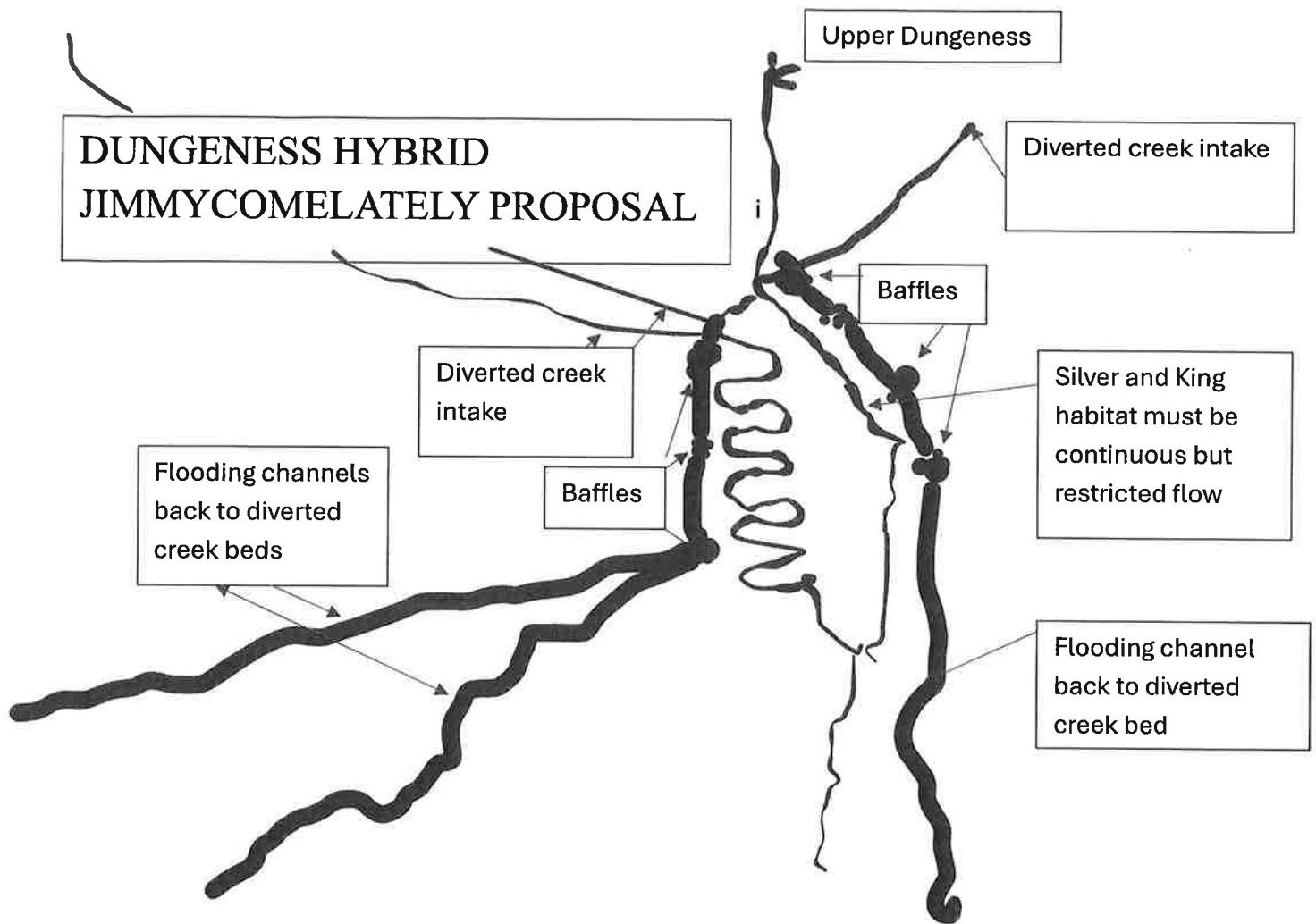
Baffles must be employed upstream

JKT CASINO

Longhouse

As shown above, the Jimmycomelately science is the best of all three worlds:

1. Chum Salmon spawning.
2. Property protection.
3. Water conservation.



As shown above, the Jimmycomelately science hybrid on the Dungeness is the best of 5 worlds:

1. Chum salmon spawning.
2. Property(flood) protection.
3. Water conservation.
4. Silver and King spawning.
5. Major shoreline erosion control.

The nuts and bolts of the diagram are straightforward and land-based:

- **Diverted creek intakes** pull water from the mainstem at strategic points.
- **Baffles** (simple wood and boulder structures) are placed every 90–110 feet to force meanders, drop velocity, and gather large sediment.
- **Flooding channels** (shown in red) return excess flows to diverted creek beds during high water, protecting the main channel from overload and destruction.
- **Silver and King habitat** (blue line) remains continuous but with restricted flow to maintain depth and gravel quality without letting the river become a sediment-choked firehose.
- The entire system is built to separate the worlds of salmon spawning and catastrophic flooding, without removing vital heavy sediment and debris to combat shoreline erosion.

This is a hybrid of the model that still works on Jimmycomelately Creek in Blyn.

Open irrigation ditches once served the Dungeness as natural filters, trapping large alluvium. Widespread piping removed that function without upstream grade control, allowing more sediment to stay in the river and reducing water conservation.

Johnson Creek, Bell Creek, Bear Creek will be diverted to maintain silver and king habitat then their beds will be excavated to desert state levels to accommodate the payback of heavy sediment flows that are needed to fight shoreline erosion.

The Jimmycomelately model protects both fish and property and conserves water. It is time to stop avoiding it and start applying it at scale. We need civic projects of this magnitude to foster economic growth and stability.

Multiple federal agencies have authority and funding streams that could support parts or all of it. Here's a realistic list of the **main federal agencies** that could fund components, based on their current programs (as of early 2026):

1. NOAA Fisheries (National Oceanic and Atmospheric Administration)

- **Primary Agency for Salmon Habitat**
- Key Programs: Pacific Coastal Salmon Recovery Fund (PCSRF), Transformational Habitat Restoration Grants, Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities, Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) habitat funds.
- Fit: Direct funding for baffle-based channel restoration, floodplain reconnection, and main-channel habitat improvements. NOAA has awarded tens of

millions for similar Olympic Peninsula projects (e.g., East Fork Lewis River floodplain work).

- Potential: \$50–200M+ across phases, especially for the habitat/coil components.

2. Bureau of Indian Affairs (BIA) / Department of the Interior

- **Tribal Trust and Infrastructure Focus**
- Key Programs: Tribal Resilience Grants, Bureau of Indian Affairs Road Maintenance, Ecosystem Restoration on Tribal Lands, and BIL/IRA funding for tribal water and habitat projects.
- Fit: Strong support for tribal-led elements (e.g., Jamestown or Lower Elwha involvement), water conveyance (aqueduct portions), and treaty-rights habitat protection. BIA often funds off-reservation projects that benefit treaty fisheries.
- Potential: \$100–300M, especially for the aqueduct/reservoir if tied to tribal water security.

3. Federal Emergency Management Agency (FEMA)

- **Flood Mitigation and Hazard Reduction**
- Key Programs: Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and Building Resilient Infrastructure and Communities (BRIC).

- **Fit:** The project's flood protection element (levee setbacks, baffles for peak flow reduction, floodplain reconnection) directly qualifies. FEMA has funded Dungeness-related flood projects in the past, though your earlier reservoir grant was limited to water conservation only. A redesigned proposal with strong flood control could succeed.
- **Potential:** \$30–100M+ for the flood protection and property protection components.

4. U.S. Army Corps of Engineers (USACE)

- **Flood Control and Ecosystem Restoration**
- **Key Programs:** Continuing Authorities Program (Section 206/1135 for aquatic ecosystem restoration), Flood Risk Management, and BIL-funded civil works.
- **Fit:** USACE has authority for levee setbacks, channel modifications, and multi-purpose flood/habitat projects. They have worked on Dungeness floodplain efforts before.
- **Potential:** \$50–150M for levee work and channel stabilization.

5. Bureau of Reclamation (Reclamation)

- **Water Storage and Conveyance**

- **Key Programs:** WaterSMART Grants, Title XVI Water Reclamation, and BIL/IRA water infrastructure funding.
- **Fit:** The Forks Aqueduct and reservoir (water storage, conveyance, irrigation efficiency) align perfectly with Reclamation's mission. They have funded similar off-channel storage and conveyance in the West.
- **Potential:** \$100–400M for the aqueduct/reservoir core.

6. U.S. Fish and Wildlife Service (USFWS)

- **Habitat Restoration and Species Recovery**
- **Key Programs:** National Fish Passage Program, Partners for Fish and Wildlife, and BIL/IRA habitat grants.
- **Fit:** Supports baffle-based habitat, floodplain reconnection, and species like bull trout or steelhead.
- **Potential:** \$20–80M for targeted habitat elements.

7. Environmental Protection Agency (EPA)

- **Water Quality and Nonpoint Source Pollution**
- **Key Programs:** Clean Water State Revolving Fund (SRF), Section 319 Nonpoint Source Grants, and BIL/IRA water infrastructure.

- **Fit:** Funding for sediment reduction, water quality improvements from baffles/floodplain work, and runoff control.
- **Potential:** \$30–100M, especially if tied to water quality benefits from slower channels.

Realistic Funding Strategy

- **Total Project Cost Range:** \$2.2–2.5B (aqueduct + full corridor restoration with piping).
- **Likely Mix:** NOAA and Reclamation as lead funders for habitat and water infrastructure; FEMA and USACE for flood elements; BIA for tribal components.
- **Strongest Path:** Frame the project as a **multi-benefit initiative** (salmon recovery + flood risk reduction + water security + tribal treaty support). Package it as a single “Olympic Peninsula Resilience Corridor” proposal with tribal co-leadership to unlock BIA/NOAA tribal set-asides.
- Many of these agencies already fund similar work on the Olympic Peninsula (e.g., NOAA’s recent awards for floodplain reconnection, Reclamation’s WaterSMART grants for storage, FEMA’s hazard mitigation for levees). The Jimmycomelately hybrid (slower/deeper channels at 3% grade, large sediment baffling, property and shoreline protection, water conservation, and spawning best practices) is highly fundable because it delivers measurable outcomes across multiple agency missions

Please give this proposal more time for consideration.

Sincerely,

John Worthington Sequim, Washington

FIRST ROUND OF PUBLIC COMMENTS.

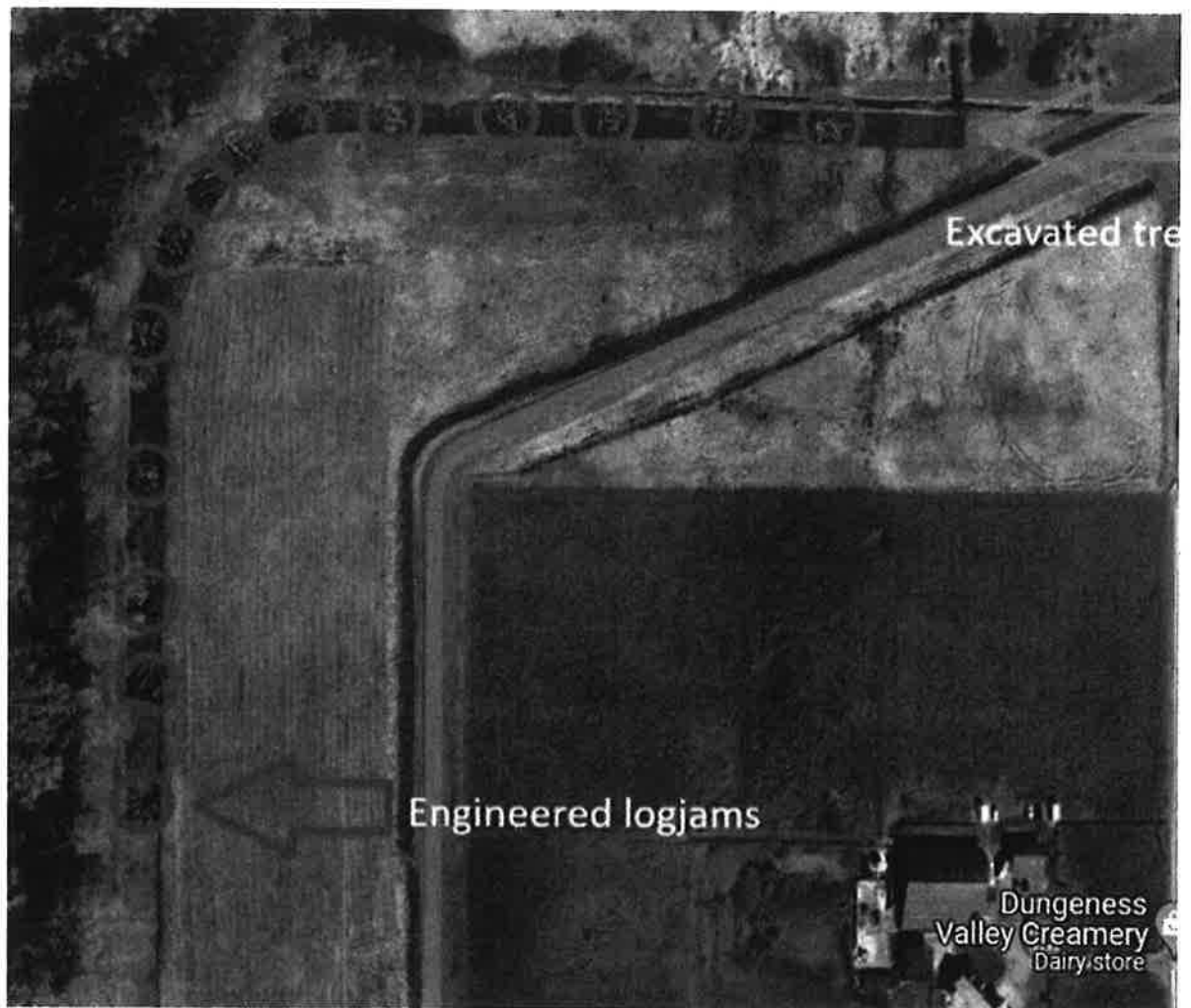
A. “Too grandiose.”

Clallam County DCD director Bruce Emerey opposition to this proposal often claims it is “too grandiose,” the same criticism leveled at the proposed reservoir. But the facts show the opposite. The reservoir takes up that same valuable space, raises insurance rates for all properties below it, and offers **no flood control ability**. Any effort without the flooding safeguards that the creek diversions and run-backs provide are catastrophic. Pairing flooding and fish restoration have been a disaster. Each year, flooding or major rain destroys what they build.

B. “Trust the Experts.”

The experts guiding Dungeness River projects appear far more committed to disaster preparation and property buy back management than to actual salmon restoration. They continue to promote steep channels and log-piling exercises that offer little benefit to wild spawning while ignoring the proven Jimmycomelately model — slower, deeper channels at 3% grade with large sediment baffling, flood protection, water conservation, and optimal spawning habitat. In one recent case,

they breached a levee and piled 14 stacks of logs in a cow pasture, apparently waiting for the next flood to carry them all downstream. That single action would have made a great catastrophe movie but it should have been treated as a crime, not as legitimate salmon habitat restoration.



As shown above "The experts guiding Dungeness River projects appear far more committed to disaster preparation and flood-risk management than to actual salmon restoration. They

continue to promote steep channels and log-piling exercises that offer little benefit to wild spawning while ignoring the proven Jimmycomelately model — slower, deeper channels at 3% grade with large sediment baffling, flood protection, water conservation, and optimal spawning habitat. This approach has produced less than 1% of the salmon these rivers are capable of supporting, while leaving property owners to live with the very flooding risks the experts claim to be preparing for."

All five corners — the tribes, Clallam County, the state, the federal government, and the U.S. Army Corps of Engineers — signed on to the Jimmycomelately project and continue to maintain and benefit from it in Blyn. Yet nobody signs up for the Irwin Allen-style "log in cow pasture flooding restoration" that is now standard practice on the Dungeness. When I asked for an expert to sign off in writing on the departure from the Jimmycomelately model, a Clallam County Commissioner refused in public to provide such a decision, stating he did not want me to be able to file a lawsuit. Everybody wants to say they trust these "experts," but the experts will not put their credentials on the line for the "cow pasture log restoration" project they continue to promote. They can be trusted to continue the status quo. They cannot be trusted to deliver the results that Jimmycomelately has already proven are possible.

C. "Diverting Creeks is big obstacle."

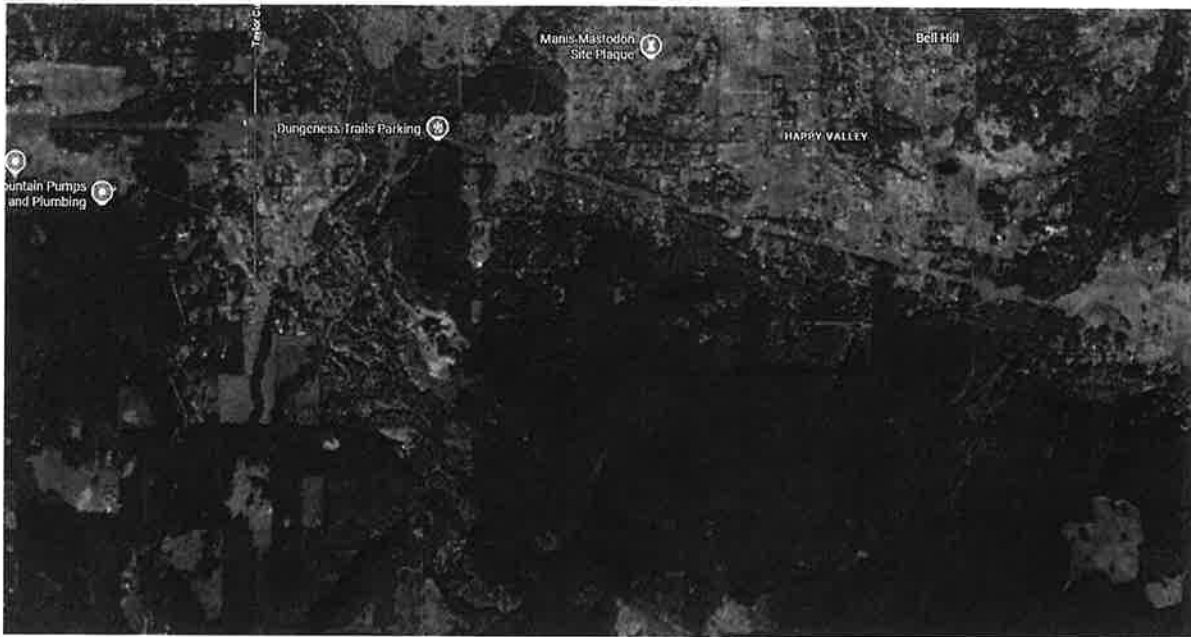
The Dungeness removal of irrigation ditches and installation of miles of underground piping, while claiming creek diversion is "too difficult," simply does not wash. Bear

Creek is right there — it already connects with the Dungeness. You are just connecting it sooner with underground pipes. The flood outtakes need to be bigger, but the creek beds are already there, the claims of impossible impediments there are overstated. Bell Creek is nearby and could be diverted with minimal effort, yet the county and cow pasture restoration experts continue to treat diversion as impossibly difficult while spending millions on culverts that deliver fish to fast, unsuitable channels and piling up logs in cow pastures.





Johnson Creek is more of a challenge, but modern technology could easily burrow less than 5 miles underneath to connect the creek to the Dungeness. The sediment from baffles can be diverted back out through Bell Creek, leaving underground buried pipe back to Johnson Creek strictly for diverting excess floodwater. This ensures year-round habitat for kings and silvers and maximum wild salmon populations. The state, county, city and or tribe could grind back expenses with a true salmon fishing industry that puts heads in beds and money in pockets. 15 million is not prohibitive for safe underground piping to enhance silver and king habitat and control flooding. That money should ensure those deepened pools stay cold and oxygenated year-round for kings and silvers.



Reservoir vs. tributary flow model

Comparing the tributary-flow model (Bell/Bear/Johnson) to a static reservoir project reveals a fundamental conflict in restoration philosophy. If the reservoir only supports Chum and consumes the physical footprint needed for Silvers and Kings, it is likely a low-yield investment for the following reasons:

1. Habitat Quality: Dynamic vs. Static

The tributary flow Project (High Flow/Deepened Bed): Creates complexity. By using storm pulses to flush sediment and deepening the bed, you create "pools and riffles." This is the specific architecture Silvers and Kings need for rearing and hiding.

The Reservoir Project: Creates stagnation. Reservoirs typically collect fine sediment and warm up quickly in the sun. This is "okay" for Chum, which leave early, but it is a death trap for juvenile Silvers and Kings that must survive the summer heat.

2. Spatial Opportunity Cost

The "Footprint" Conflict: Every acre used for a reservoir is an acre of riparian (bankside) forest lost. Silvers and Kings depend on "overhanging cover" and insects falling from trees. A reservoir provides neither.

Loss of Interaction: Reservoirs disconnect the stream from its floodplain. Your model allows the "deepened Bell bed" to still interact with the surrounding water table, which is vital for the groundwater upwelling that salmonids crave.

3. Biological "ROI" (Return on Investment)

Chum (The Reservoir Focus): High quantity, lower ecological "value" per fish in terms of the ESA (Endangered Species Act) priorities for the Dungeness.

Silvers/Kings (Your Focus): These are the "Keystone" species. Success here triggers much larger federal funding (like NOAA or Pacific Coastal Salmon Recovery Funds). Using \$15M to build a reservoir for Chum is often seen as "outdated engineering" because it doesn't solve the summer low-flow or high-temperature bottlenecks for the more sensitive species.

Comparison Summary

Feature	Your Tributary/HDD Model (\$15M)	Traditional Reservoir Project
Target Species	Silver (Coho) & King (Chinook)	Chum Only
Sediment Plan	Active Flushing (Storm pulses)	Passive Trapping (Requires dredging)
Water Quality	High (Moving water/Shaded bed)	Low (Warm/Stagnant)
Life Cycle Support	Year-round (Rearing & Migration)	Seasonal (Spawning only)
Grant Potential	High (Aligns with modern "Process-based" restoration)	Low (Often viewed as "Habitat Alteration")

The "Value" Breakdown

ROI: Every \$1 million spent on habitat restoration in Washington generates between \$2.2 million and \$2.5 million in

local economic activity. A \$15 million project could potentially generate \$33M–\$37M for the local Sequim/Clallam County economy. A 2010 University of Oregon study, frequently cited by Washington state agencies, indicates that every \$1 million spent on watershed restoration generates \$2.2–\$2.5 million in economic activity, with approximately 80% of funds staying local. Based on these figures, a \$15 million restoration project could generate an estimated \$33M–\$37M in local economic output for Sequim/Clallam County, as detailed in reports from the Puget Sound Partnership and NOAA Fisheries.

Job Creation: Restoration projects are labor-intensive. At a rate of ~16 jobs per \$1 million spent, your project could support over 240 local jobs, from engineers to heavy equipment operators.

Species Value: While Chum provide biomass, Chinook are the "high-value" target due to their size and status as the primary food source for Southern Resident Killer Whales. Investing in their survival is often the primary driver for securing large state or federal grants

The Verdict: If the reservoir is physically blocking the "prime real estate" where you could be building Coho side-channels and Chinook resting pools, it is actively working against your goal. \$15 million for a system that sustains the "Big Three" is a far better use of capital than a reservoir that only serves a struggling Chum population.

Seismic Structural Risk: Reservoir vs. Streams

Reservoir (High Hazard): A reservoir represents a "concentrated hazard." Storing millions of gallons of water behind an embankment—especially on a site with identified east-west seismic faults—introduces the risk of catastrophic failure during the 4–6 minutes of M-9 shaking.

Liquefaction: Earthquake shaking can cause saturated soils to behave like a fluid. If the reservoir embankments liquefy, a sudden breach could release a massive "wall of water" onto low-lying Sequim properties.

Triple-Stream Restoration (Low Hazard): Your restoration model is a "distributed system." Because the water is moving through natural, deepened beds and underground HDPE pipes, there is no single point of failure that could cause a sudden inundation. Even if the pipes shift during shaking, the water remains in the ground or the restored channel.

Land Subsidence & Coastal Flooding

A massive M-9 earthquake doesn't just shake the ground; it causes the entire coast to sink (subside).

Subsidence Impacts: An M-9 event could cause land-surface lowering of up to 2 meters. This sudden drop makes low-lying areas, including the Dungeness Delta, immediately vulnerable to tidal flooding.

Compounding the Risk: If a reservoir fails *while* the land is sinking and the tsunami is approaching (typically 20–30 minutes post-quake), the flooding becomes compounded. Emergency crews would be dealing with a reservoir breach at the same time the coastline is disappearing under seawater.

The "Inundation Zone" Liability (Reservoir Risk)

If a reservoir is built above or adjacent to private properties, it creates a **Dam Breach Inundation Zone**.

Property Devaluation: Even if the risk of a breach is low, being mapped in an inundation zone can lower property values. Appraisers and buyers see "High Hazard Dam" on a disclosure and back out.

Insurance Gaps: Standard homeowners' insurance **does not cover** flood damage from a dam failure. Owners would be forced to buy separate National Flood Insurance Program (NFIP) policies.

Premium Spikes: If the reservoir project changes the local FIRM (Flood Insurance Rate Map), neighbors who were previously in "Zone X" (low risk) could be remapped into a **Special Flood Hazard Area (SFHA)**, triggering mandatory—and expensive—insurance requirements.

The Gap: Most private insurance excludes **Earthquake** and **Tsunami** unless a specific rider is purchased.

The Reservoir Threat: If an M-9 quake causes the \$48M reservoir to breach, the resulting flood is often classified as "Earthquake-induced flooding." Many policies specifically exclude this, leaving the homeowner with **zero coverage** for a total loss.

Proposed Model (HDD/Streams): Because the tributary flow diversion project has no "wall of water" held back by an embankment, there is no breach risk to insure against. The risk remains "Natural Flooding," which is easier to map and predict.

The Retort Summary

The 5-World Hybrid vs. The \$48M Risk:

The current "expert-led" trajectory for the Dungeness is a cycle of build-destroy-repeat. High-velocity channels and expensive log-piling are wiped out by the first major storm because they fail to manage sediment and energy. Your proposal breaks this cycle by separating the "worlds" of spawning and flooding.

1. The Science of the "Slower, Deeper" Channel

Problem:

Current experts build steep, flashy channels that act as "sediment firehoses," destroying redds and scouring habitat. The JCL Solution: A 3% grade with 90–110 ft baffling forces meanders and drops velocity. This creates the "resting water" required by Silvers and Kings, while the deepened beds of Bell,

Bear, and Johnson Creeks handle the heavy lifting of sediment transport away from their habitat.

2. Property Protection & Insurance (The Economic Shield)

The Reservoir Threat: A \$48M reservoir creates a permanent high-hazard inundation zone, potentially raising NFIP premiums for every downstream neighbor and lowering property values due to "dam breach" disclosures.

The JCL Solution: The proposed "Red Line" flooding channels act as a pressure release valve. Instead of holding back a "wall of water" (a massive liability in an M-9 event), you distribute the energy through diverted creek beds. This lowers the flood profile, which can lead to lower insurance rates and higher property stability.

3. Shoreline Erosion Control (The Missing Link)

The Current Failure: Piping irrigation ditches removed the "natural filters" that trapped alluvium. Now, the river is plugged with the heavy sediment needed to combat shoreline erosion, but it has no sufficient flow to prevent build up and raising the level of the river..

The JCL Solution: By diverting Bell, Bear, and Johnson Creeks and accounting for sediment buildup you create a managed sediment delivery system. You aren't just "fixing a creek"; you are providing the raw materials (heavy sediment)

needed to protect the Sequim and county shoreline from receding.

4. Federal Funding: The "Resilience Corridor" vs. "Stranded Assets"

Federal agencies (NOAA, FEMA, USACE) are moving away from "gray infrastructure" (dams/reservoirs) and toward Nature-Based Solutions.

The Reservoir: Harder to fund because it has no flood prevention element and serves a single purpose (storage) and a single species (Chum).

The JCL Hybrid: A "Multi-Benefit Initiative" that ticks every box: Tribal Treaty Rights (BIA), Flood Mitigation (FEMA), Species Recovery (NOAA), and Water Quality (EPA). This "Olympic Peninsula Resilience Corridor" framing unlocks \$2B+ in potential federal scaling.

Final Retort Conclusion

The criticism that this is "too grandiose" ignores the fact that the \$48M reservoir is equally grandiose but provides fewer benefits. The reservoir takes up the very space needed for Silver and King habitat, raises local risks, and ignores the sediment-flushing needs of the river.

The Jimmycomelately hybrid is the only model that addresses the Dungeness as a whole system—protecting the fish, the homeowner, and the shoreline simultaneously.

Sequim needs to be like those desert towns in Arizona that survive catastrophic flash floods by building deep, V-shaped artificial channels that rapidly move water through urban areas without destroying everything in its path. Investments to beef up the Bell Creek bed through town is the only major adjustment.

The county already accounted for Johnson Creek by doing the steep and deep fish culvert. The work is almost done, and the power line corridor has space to get there or pipes can be bored underground. Now they just need to beef up from below the Johnson Creek culvert to the estuary to the John Wayne Marina.. Now it is time to finish the job with the Jimmycomelately hybrid on the Dungeness. We do not need more catastrophic log piles in cow pastures. We need the year-round water, slower meandering, deeper channels at 4% to 3% grade with large sediment baffling, proper flood outtakes, and functional creek diversions that actually protect both fish and property. This science does not change from water body to water body.

The current approach — steep grades, no baffles, and reliance on the next flood to “carry the logs downstream” — is not salmon restoration. It is disaster preparation dressed up as habitat work. Sequim deserves better. The river deserves better. The fish deserve better.

John Worthington

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Emery, Bruce

From: Gores, Loni
Sent: Monday, April 6, 2026 7:21 AM
To: 'john worthington'; Emery, Bruce; Havel, Tim; loni.gores@clallamcounty.wa.gov; City Clerks
Subject: RE: Roberts rules of order for the record Planning Commission testimony rebuttal.

Your email has been received and forwarded to the Board of Commissioners.

Loni

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256
Phone: 360-417-2256*

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Sunday, April 5, 2026 9:23 AM
To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>; Havel, Tim <Tim.Havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; loni.gores@clallamcounty.wa.gov; City Clerks <clerk@sequimwa.gov>
Subject: Re: Roberts rules of order for the record Planning Commission testimony rebuttal.

Hello,
Edited public comments for comprehensive plans.
Thanks.

JW

From: john worthington <worthingtonjw2u@hotmail.com>
Sent: Wednesday, April 1, 2026 8:21 PM
To: Emery, Bruce <bruce.emery@clallamcountywa.gov>; Havel, Tim <tim.havel@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; loni.gores@clallamcounty.wa.gov <loni.gores@clallamcounty.wa.gov>
Subject: Roberts rules of order for the record Planning Commission testimony rebuttal.

Argument experts disagree.

The people running the DRMT have not signed any official document memorializing they switched from Jimmycomelately science or explain any type of policy on the Dungeness. Hansi Hals has stated they use Jimmycomelately science on Dungeness (Clallam County Water Conservation District hearing witnessed by Virginia Shogren and Judy Larson) and then argued just what Bruce argued tonight. In reality they can't

contradict the Jimmycomelately science ie 3- 4 percent grade, slower moving water. So they do not. You will not find one single final agency action regarding Dungeness river management that could be challenged under the APA. The insult you, ignore you and then lie to you. Not one expert will put their John Hancock on what Bruce said tonight.

Argument: The Clallam County Planning Commission Does Have Purview Over Salmon Recovery, Floodplain Restoration, and Related River Projects

Emery's statement that the Planning Commission "does not have purview" over these matters is incorrect under both Clallam County Code and Washington State law. The Planning Commission has clear statutory and local authority to review, recommend, and influence projects involving river restoration, floodplain reconnection, levee setbacks, habitat improvements, and water management — including the Jimmycomelately-style proposals we have discussed.

Here are the key legal and procedural reasons why the Planning Commission has purview:

1. **Comprehensive Plan and Growth Management Act (GMA) Authority** Under RCW 36.70A (Growth Management Act), the Planning Commission is responsible for developing and updating the County's Comprehensive Plan. This plan must address critical areas (including frequently flooded areas and fish and wildlife habitat conservation areas), land use, and natural resource lands. Any major river restoration project that involves floodplain modification, levee removal, or large-scale land acquisition directly affects the Comprehensive Plan's goals for habitat protection, flood hazard reduction, and rural land use. The Commission has purview to review whether proposed projects are consistent with these goals.
2. **Shoreline Management Act (SMA) and Shoreline Master Program** The Shoreline Master Program (SMP) is part of the County's land-use authority. The Planning Commission reviews shoreline permits and substantial development permits for work in or adjacent to rivers, estuaries, and floodplains. Baffle installations, channel realignment, levee setbacks, and floodplain reconnection are shoreline "developments" under the SMA. The Commission must ensure these actions protect ecological functions, maintain flood storage, and avoid adverse impacts — exactly the issues raised by the Jimmycomelately model versus current steep-grade projects.
3. **Critical Areas Ordinance (CAO) and Floodplain Management** Clallam County Code Title 27 (Critical Areas) and Chapter 27.11 (Floodplain Management) require the Planning Commission to review projects that affect critical areas, including frequently flooded areas and fish habitat. River restoration that alters channel geometry, grade, or floodplain connectivity falls squarely under this review. The Commission can — and should — evaluate whether projects incorporate proven elements such as 3% effective grade control with baffles, slower/deeper channels, and large sediment baffling to prevent aggradation and protect spawning habitat.
4. **SEPA Review and Environmental Impact** Under the State Environmental Policy Act (SEPA), major restoration projects require environmental review. The Planning Commission often serves as the lead or co-lead agency for SEPA determinations on land-use related actions. They have the authority to require alternatives analysis — including whether a Jimmycomelately-style single-channel coil with baffles would better achieve flood protection, water conservation, and salmon spawning goals than the current approach.
5. **Historical and Ongoing Role in River Management** The Planning Commission has previously reviewed and recommended on Dungeness River floodplain projects (e.g., River's Edge, Kinkade Island). They cannot now claim no purview when the same issues — levee setbacks, channel design, flood risk, and habitat — are at stake. Their role is not optional; it is required by county code and state statute.

Bottom line: The Planning Commission does have purview. It is their statutory duty to review projects that affect land use, floodplains, critical areas, and shoreline resources. Claiming otherwise avoids accountability for why the county continues to fund projects that ignore the proven Jimmycomelately model (baffles, 3% grade, slower deeper channels, large sediment baffling, flood protection, water conservation, and best-practice salmon spawning) while the tribe continues to benefit from that same model in Blyn.

The Commission should immediately exercise its authority to require a full evaluation of the Jimmycomelately hybrid approach before any further appropriations or permits are approved for Dungeness River projects. This is not just a procedural issue — it is about protecting public safety, property, and salmon recovery in Clallam County.

JIMMYCOMELATELY SCIENCE HYBRID ON DUNGENESS

This section must be kept clear of hotel logs and heavy gravel/sediment so a fine sediment and silt only flows through the slow coil, so "rechanneling" does not divert creek to the longhouse or casino and so less water is used.

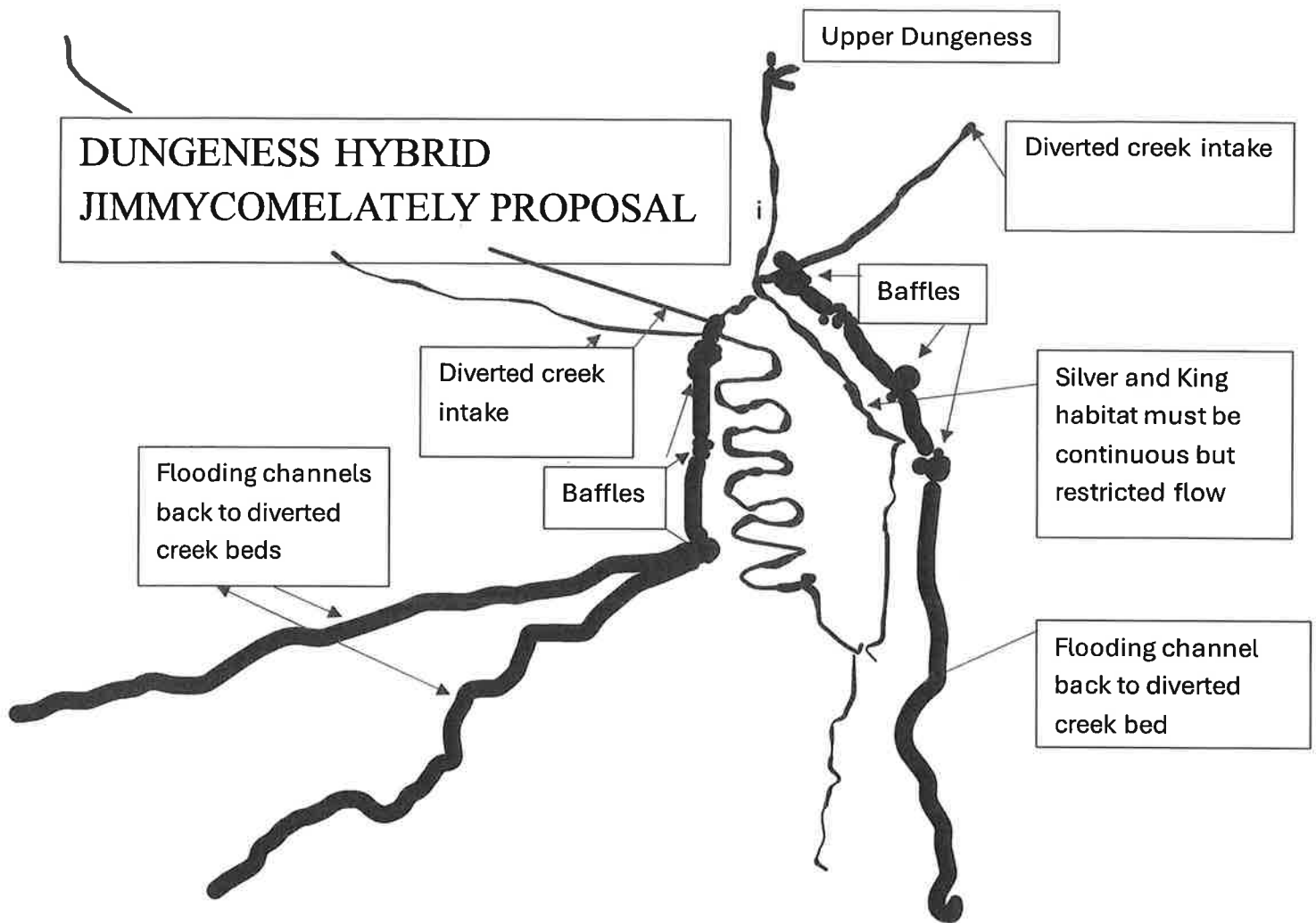
Baffles must be employed upstream

JKT CASINO

Longhouse

As shown above, the Jimmycomelately science is the best of all three worlds:

1. Chum Salmon spawning.
2. Property protection.
3. Water conservation.



As shown above, the Jimmycomelately science hybrid on the Dungeness is the best of 5 worlds:

1. Chum salmon spawning.
2. Property(flood) protection.
3. Water conservation.
4. Silver and King spawning.
5. Major shoreline erosion control.

The nuts and bolts of the diagram are straightforward and land-based:

- **Diverted creek intakes** pull water from the mainstem at strategic points.
- **Baffles** (simple wood and boulder structures) are placed every 90–110 feet to force meanders, drop velocity, and gather large sediment.
- **Flooding channels** (shown in red) return excess flows to diverted creek beds during high water, protecting the main channel from overload and destruction.
- **Silver and King habitat** (blue line) remains continuous but with restricted flow to maintain depth and gravel quality without letting the river become a sediment-choked firehose.
- The entire system is built to separate the worlds of salmon spawning and catastrophic flooding, without removing vital heavy sediment and debris to combat shoreline erosion.

This is a hybrid of the model that still works on Jimmycomelately Creek in Blyn.

Open irrigation ditches once served the Dungeness as natural filters, trapping large alluvium. Widespread piping removed that function without upstream grade control, allowing more sediment to stay in the river and reducing water conservation.

Johnson Creek, Bell Creek, Bear Creek will be diverted to maintain silver and king habitat then their beds will be excavated to desert state levels to accommodate the payback of heavy sediment flows that are needed to fight shoreline erosion.

The Jimmycomelately model protects both fish and property and conserves water. It is time to stop avoiding it and start applying it at scale. We need civic projects of this magnitude to foster economic growth and stability.

Multiple federal agencies have authority and funding streams that could support parts or all of it. Here's a realistic list of the **main federal agencies** that could fund components, based on their current programs (as of early 2026):

1. NOAA Fisheries (National Oceanic and Atmospheric Administration)

- **Primary Agency for Salmon Habitat**
- Key Programs: Pacific Coastal Salmon Recovery Fund (PCSRF), Transformational Habitat Restoration Grants, Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities, Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) habitat funds.
- Fit: Direct funding for baffle-based channel restoration, floodplain reconnection, and main-channel habitat improvements. NOAA has awarded tens of

millions for similar Olympic Peninsula projects (e.g., East Fork Lewis River floodplain work).

- Potential: \$50–200M+ across phases, especially for the habitat/coil components.

2. Bureau of Indian Affairs (BIA) / Department of the Interior

- **Tribal Trust and Infrastructure Focus**
- Key Programs: Tribal Resilience Grants, Bureau of Indian Affairs Road Maintenance, Ecosystem Restoration on Tribal Lands, and BIL/IRA funding for tribal water and habitat projects.
- Fit: Strong support for tribal-led elements (e.g., Jamestown or Lower Elwha involvement), water conveyance (aqueduct portions), and treaty-rights habitat protection. BIA often funds off-reservation projects that benefit treaty fisheries.
- Potential: \$100–300M, especially for the aqueduct/reservoir if tied to tribal water security.

3. Federal Emergency Management Agency (FEMA)

- **Flood Mitigation and Hazard Reduction**
- Key Programs: Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and Building Resilient Infrastructure and Communities (BRIC).

- **Fit:** The project's flood protection element (levee setbacks, baffles for peak flow reduction, floodplain reconnection) directly qualifies. FEMA has funded Dungeness-related flood projects in the past, though your earlier reservoir grant was limited to water conservation only. A redesigned proposal with strong flood control could succeed.
- **Potential:** \$30–100M+ for the flood protection and property protection components.

4. U.S. Army Corps of Engineers (USACE)

- **Flood Control and Ecosystem Restoration**
- **Key Programs:** Continuing Authorities Program (Section 206/1135 for aquatic ecosystem restoration), Flood Risk Management, and BIL-funded civil works.
- **Fit:** USACE has authority for levee setbacks, channel modifications, and multi-purpose flood/habitat projects. They have worked on Dungeness floodplain efforts before.
- **Potential:** \$50–150M for levee work and channel stabilization.

5. Bureau of Reclamation (Reclamation)

- **Water Storage and Conveyance**

- Key Programs: WaterSMART Grants, Title XVI Water Reclamation, and BIL/IRA water infrastructure funding.
- Fit: The Forks Aqueduct and reservoir (water storage, conveyance, irrigation efficiency) align perfectly with Reclamation's mission. They have funded similar off-channel storage and conveyance in the West.
- Potential: \$100–400M for the aqueduct/reservoir core.

6. U.S. Fish and Wildlife Service (USFWS)

- **Habitat Restoration and Species Recovery**
- Key Programs: National Fish Passage Program, Partners for Fish and Wildlife, and BIL/IRA habitat grants.
- Fit: Supports baffle-based habitat, floodplain reconnection, and species like bull trout or steelhead.
- Potential: \$20–80M for targeted habitat elements.

7. Environmental Protection Agency (EPA)

- **Water Quality and Nonpoint Source Pollution**
- Key Programs: Clean Water State Revolving Fund (SRF), Section 319 Nonpoint Source Grants, and BIL/IRA water infrastructure.

- **Fit:** Funding for sediment reduction, water quality improvements from baffles/floodplain work, and runoff control.
- **Potential:** \$30–100M, especially if tied to water quality benefits from slower channels.

Realistic Funding Strategy

- **Total Project Cost Range:** \$2.2–2.5B (aqueduct + full corridor restoration with piping).
- **Likely Mix:** NOAA and Reclamation as lead funders for habitat and water infrastructure; FEMA and USACE for flood elements; BIA for tribal components.
- **Strongest Path:** Frame the project as a **multi-benefit initiative** (salmon recovery + flood risk reduction + water security + tribal treaty support). Package it as a single “Olympic Peninsula Resilience Corridor” proposal with tribal co-leadership to unlock BIA/NOAA tribal set-asides.
- Many of these agencies already fund similar work on the Olympic Peninsula (e.g., NOAA’s recent awards for floodplain reconnection, Reclamation’s WaterSMART grants for storage, FEMA’s hazard mitigation for levees). The Jimmycomelately hybrid (slower/deeper channels at 3% grade, large sediment baffling, property and shoreline protection, water conservation, and spawning best practices) is highly fundable because it delivers measurable outcomes across multiple agency missions

Please give this proposal more time for consideration.

Sincerely,

John Worthington Sequim, Washington

FIRST ROUND OF PUBLIC COMMENTS.

A. “Too grandiose.”

Clallam County DCD director Bruce Emerey opposition to this proposal often claims it is “too grandiose,” the same criticism leveled at the proposed reservoir. But the facts show the opposite. The reservoir takes up that same valuable space, raises insurance rates for all properties below it, and offers **no flood control ability**. Any effort without the flooding safeguards that the creek diversions and run-backs provide are catastrophic. Pairing flooding and fish restoration have been a disaster. Each year, flooding or major rain destroys what they build.

B. “Trust the Experts.”

The experts guiding Dungeness River projects appear far more committed to disaster preparation and property buy back management than to actual salmon restoration.

When confronted with his own Jimmycomelately science departure, Randy Johnson of JKT referred to his own science as “crackpot comments.”

From: Randy Johnson rjohnson@jamestowntribe.org
Sent: Tuesday, April 19, 2022 1:24 PM
To: Lear, Cathy CLear@co.clallam.wa.us
Subject: RE: Dungeness flood plain project is ill-advised.

Hi Cathy

Last week I presented a program on restoring salmon productivity on the Olympic Peninsula for the Tribe's Learning our Landscape series. Mr. Worthington tuned in and chirped away incessantly in the chat box. He didn't learn anything from the 90-minute presentation, possibly because in his mind he knows it all. Actually, he doesn't appear to know anything, but he enjoys stating his opinions. Just a collection of crackpot comments. See you tomorrow,
Randy

They continue to promote steep channels and log-piling exercises that offer little benefit to wild spawning.



In one recent case, they breached a levee and piled 14 stacks of logs in a cow pasture, apparently waiting for the next flood to carry them all downstream. That single action would have made a great catastrophe movie but it should have been treated as a crime, not as legitimate salmon habitat restoration.



As shown above "The experts guiding Dungeness River projects appear far more interested in making insults and being

committed to disaster preparation and flood-risk management than to actual salmon restoration. They continue to promote steep channels and log-piling exercises that offer little benefit to wild spawning while ignoring the proven Jimmycomelately model — slower, deeper channels at 3% grade with large sediment baffling, flood protection, water conservation, and optimal spawning habitat. This approach has produced less than 1% of the salmon these rivers are capable of supporting, while leaving property owners to live with the very flooding risks the experts claim to be preparing for."

All five corners — the tribes, Clallam County, the state, the federal government, and the U.S. Army Corps of Engineers — signed on to the Jimmycomelately project and continue to maintain and benefit from it in Blyn. Yet nobody signs up for the Irwin Allen-style "log in cow pasture flooding restoration" that is now standard practice on the Dungeness. When I asked for an expert to sign off in writing on the departure from the Jimmycomelately model, a Clallam County Commissioner refused in public to provide such a decision, stating he did not want me to be able to file a lawsuit. Everybody wants to say they trust these "experts," but the experts will not put their credentials on the line for the "cow pasture log restoration" project they continue to promote. They can be trusted to continue the status quo. They cannot be trusted to deliver the results that Jimmycomelately has already proven are possible.

C. “Diverting Creeks is big obstacle.”

The Dungeness removal of irrigation ditches and installation of miles of underground piping, while claiming creek diversion is “too difficult,” simply does not wash. Bear Creek is right there — it already connects with the Dungeness. You are just connecting it sooner with underground pipes. The flood outtakes need to be bigger, but the creek beds are already there, the claims of impossible impediments there are overstated. Bell Creek is nearby and could be diverted with minimal effort.





Johnson Creek is more of a challenge, but modern technology could easily burrow less than 5 miles underneath to connect the creek to the Dungeness. The sediment from baffles can be diverted back out through Bell Creek, leaving underground buried pipe back to Johnson Creek strictly for diverting excess floodwater. This ensures year-round habitat for kings and silvers and maximum wild salmon populations. The state, county, city and or tribe could grind back expenses with a true salmon fishing industry that puts heads in beds and money in pockets. 15 million is not prohibitive for safe underground piping to enhance silver and king habitat and control flooding.

That money should ensure those deepened pools stay cold and oxygenated year-round for kings and silvers.



Reservoir vs. tributary flow model

Comparing the tributary-flow model (Bell/Bear/Johnson) to a static reservoir project reveals a fundamental conflict in restoration philosophy. If the reservoir only supports Chum and consumes the physical footprint needed for Silvers and Kings, it is likely a low-yield investment for the following reasons:

1. Habitat Quality: Dynamic vs. Static

The tributary flow Project (High Flow/Deepened Bed):
Creates complexity. By using storm pulses to flush sediment and

deepening the bed, you create "pools and riffles." This is the specific architecture Silvers and Kings need for rearing and hiding.

The Reservoir Project: Creates stagnation. Reservoirs typically collect fine sediment and warm up quickly in the sun. This is "okay" for Chum, which leave early, but it is a death trap for juvenile Silvers and Kings that must survive the summer heat.

2. Spatial Opportunity Cost

The "Footprint" Conflict: Every acre used for a reservoir is an acre of riparian (bankside) forest lost. Silvers and Kings depend on "overhanging cover" and insects falling from trees. A reservoir provides neither.

Loss of Interaction: Reservoirs disconnect the stream from its floodplain. The JCL hybrid model allows the "deepened Bell bed" to still interact with the surrounding water table, which is vital for the groundwater upwelling that salmonids crave.

3. Biological "ROI" (Return on Investment)

Chum (The Reservoir Focus): High quantity, lower ecological "value" per fish in terms of the ESA (Endangered Species Act) priorities for the Dungeness.

Silvers/Kings (the JKL hybrid Focus): These are the "Keystone" species. Success here triggers much larger federal funding (like NOAA or Pacific Coastal Salmon Recovery Funds). Using \$15M to build a reservoir for Chum is

often seen as "outdated engineering" because it doesn't solve the summer low-flow or high-temperature bottlenecks for the more sensitive species.

Comparison Summary

Feature	The JKL hybrid /HDD Model (\$15M)	Traditional Reservoir Project
Target Species	Silver (Coho) & King (Chinook)	Chum Only
Sediment Plan	Active Flushing (Storm pulses)	Passive Trapping (Requires dredging)
Water Quality	High (Moving water/Shaded bed)	Low (Warm/Stagnant)
Life Cycle Support	Year-round (Rearing & Migration)	Seasonal (Spawning only)
Grant Potential	High (Aligns with modern "Process-based" restoration)	Low (Often viewed as "Habitat Alteration")

The "Value" Breakdown

ROI: Every \$1 million spent on habitat restoration in Washington generates between \$2.2 million and \$2.5 million in local economic activity. A \$15 million project could potentially generate \$33M–\$37M for the local Sequim/Clallam County economy. A 2010 University of Oregon study, frequently cited by Washington state agencies, indicates that every \$1 million spent on watershed restoration generates \$2.2–\$2.5 million in economic activity, with approximately 80% of funds staying local. Based on these figures, a \$15 million restoration project could generate an estimated \$33M–\$37M in local economic output for Sequim/Clallam County, as detailed in reports from the Puget Sound Partnership and NOAA Fisheries.

Job Creation: Restoration projects are labor-intensive. At a rate of ~16 jobs per \$1 million spent, the JKL hybrid project could support over 240 local jobs, from engineers to heavy equipment operators.

Species Value: While Chum provide biomass, Chinook are the "high-value" target due to their size and status as the primary food source for Southern Resident Killer Whales. Investing in their survival is often the primary driver for securing large state or federal grants

The Verdict: If the reservoir is physically blocking the "prime real estate" where you could be building Coho side-

channels and Chinook resting pools, it is actively working against the JKL hybrid goal. \$15 million for a system that sustains the "Big Three" is a far better use of capital than a reservoir that only serves a struggling Chum population.

Seismic Structural Risk: Reservoir vs. Streams

Reservoir (High Hazard): A reservoir represents a "concentrated hazard." Storing millions of gallons of water behind an embankment—especially on a site with identified east-west seismic faults—introduces the risk of catastrophic failure during the 4–6 minutes of M-9 shaking.

Liquefaction: Earthquake shaking can cause saturated soils to behave like a fluid. If the reservoir embankments liquefy, a sudden breach could release a massive "wall of water" onto low-lying Sequim properties.

Triple-Stream Restoration (Low Hazard): the JKL hybrid restoration model is a "distributed system." Because the water is moving through natural, deepened beds and underground HDPE pipes, there is no single point of failure that could cause a sudden inundation. Even if the pipes shift during shaking, the water remains in the ground or the restored channel.

Land Subsidence & Coastal Flooding

A massive M-9 earthquake doesn't just shake the ground; it causes the entire coast to sink (subside).

Subsidence Impacts: An M-9 event could cause land-surface lowering of up to 2 meters. This sudden drop makes low-lying areas, including the Dungeness Delta, immediately vulnerable to tidal flooding.

Compounding the Risk: If a reservoir fails *while* the land is sinking and the tsunami is approaching (typically 20–30 minutes post-quake), the flooding becomes compounded. Emergency crews would be dealing with a reservoir breach at the same time the coastline is disappearing under seawater.

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a managed sediment delivery system. You aren't just "fixing a creek"; you are providing the raw materials (heavy sediment) needed to protect the Sequim and county shoreline from receding.

4. Federal Funding: The "Resilience Corridor" vs. "Stranded Assets"

Federal agencies (NOAA, FEMA, USACE) are moving away from "gray infrastructure" (dams/reservoirs) and toward Nature-Based Solutions.

The Reservoir: Harder to fund because it has no flood prevention element and serves a single purpose (storage) and a single species (Chum).

The JCL Hybrid: A "Multi-Benefit Initiative" that ticks every box: Tribal Treaty Rights (BIA), Flood Mitigation (FEMA), Species Recovery (NOAA), and Water Quality (EPA). This "Olympic Peninsula Resilience Corridor" framing unlocks \$2B+ in potential federal scaling.

Final Retort Conclusion

The criticism that this is "too grandiose" ignores the fact that the \$48M reservoir is equally grandiose but provides fewer benefits. The reservoir takes up the very space needed for Silver and King habitat, raises local risks, and ignores the sediment-flushing needs of the river.

The Jimmycomelately hybrid is the only model that addresses the Dungeness as a whole system—protecting the fish, the homeowner, and the shoreline simultaneously.

Sequim needs to be like those desert towns in Arizona that survive catastrophic flash floods by building deep, V-shaped artificial channels that rapidly move water through urban areas without destroying everything in its path. Investments to beef up the Bell Creek bed through town is the only major adjustment.

The county already accounted for Johnson Creek by doing the steep and deep fish culvert. The work is almost done, and the power line corridor has space to get there or pipes can be bored underground. Now they just need to beef up from below the Johnson Creek culvert to the estuary to the John Wayne Marina.. Now it is time to finish the job with the Jimmycomelately hybrid on the Dungeness. We do not need more catastrophic log piles in cow pastures. We need the year-round water, slower meandering, deeper channels at 4% to 3% grade with large sediment baffling, proper flood outtakes, and functional creek diversions that actually protect both fish and property. This science does not change from water body to water body.

The current approach — steep grades, no baffles, and reliance on the next flood to “carry the logs downstream” — is not salmon restoration. It is disaster preparation dressed up as habitat work. Sequim deserves better. The river deserves better. The fish deserve better.

John Worthington

65

Emery, Bruce

From: Stephanie Martin <stephanie.martin@makah.com>
Sent: Monday, April 6, 2026 5:12 PM
To: Emery, Bruce
Cc: Mahan, Rebecca; Bowen Kendrick x459; Anthony Bitegeko
Subject: Hoko in-stream habitat assessment
Attachments: Hoko_Instream_Flow_Study_QAPP_Final Report_December 2024_w_AppB.pdf; Hoko River Instream Flow Technical Study_Scoping Report 05282024_withAppendices.pdf; Makah_Hoko_Riegl_Topobathymetric_Lidar_Report_Final_Signed-1_5.1.2024.pdf

Bruce,

Thanks for meeting with Anthony and I last week regarding the comprehensive land use plan. Here is a copy of the Hoko habitat assessment original scoping report and the final reports of the flow and model study from Dec 2024 that I had discussed. Rebekah and Bowen were a part of the team invited to participate in that process, and are essential to these discussions.

As I mentioned earlier, after we completed this work, we decided to collect some additional data to tighten our modeling confidence during certain portions of the flow window. That equipment is currently deployed and it is anticipated that we will have this done by the end of the year. We are also just starting the process to assess and inventory current water usage.

With all this said, my initial thoughts are that future opportunities could be explored: natural restoration to help naturally increase water storage in the watershed and slow drought impacts, and man-made opportunities to capture and store water. I believe that it would be good to start to strategically brainstorm these concepts to figure out our path moving forward.

Be in touch soon,
Stephanie

--

Stephanie Peterson - Martin
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Email: stephanie.martin@makah.com
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Office Hours: Monday - Thursday, 8:00AM - 5:00PM (Closed for lunch 12:00 - 1:00PM) Note: Office hours may vary by department

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PLEASANT HARBOR MASTER PLANNED RESORT

(Barbara Moore-Lewis)

Under the Growth Management Act, a master planned resort (MPR) is a self-contained and fully integrated planned unit development of urban density in a non-urban area, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. **An MPR may include only those residential uses within its boundaries that are integrated into and support the on-site recreational nature of the resort.** RCW 36.70A.360.

Building an MPR is expensive. In spite of the legal mandate that MPRs “pay their own way,” MPRs typically try to shift costs to taxpayers. Costs for government services to MPRs are often higher than tax revenues generated by the MPR and only about 1 in 10 MPRs are solvent.

The Pleasant Harbor MPR zoning was approved about 20 years ago. The developer has been unable or unwilling to build to the legal requirements for MPRs. The developer currently seems to be trying to build a partial MPR, which is not legal.

The Brinnon Group, a 501(c)(3) nonprofit organization opposing the Pleasant Harbor MPR, won a court case against the county and the developer that requires all promised recreational amenities be provided for upfront and not over many years.

The company trying to develop an MPR on Black Point goes by several names: Statesman, Pleasant Harbor Marina, Hamlet at Pleasant Harbor. We'll call them Pleasant Harbor in this article.

Pleasant Harbor held several public meetings in 2024, where the developer's staff stated that the development is going forward. However, public documents tell a different story.

December 21, 2023 county planner Christina Haworth wrote to Pleasant Harbor about information missing from their preliminary plat application (the first application to implement the MPR), and gave them until March 20, 2024, to submit the missing information, including management plans required by the Development Agreement, such as the wildlife management plan.

February 2, 2024 Brinnon Group's attorney Rick Aramburu wrote a long letter to Jefferson County about problems with the Pleasant Harbor plans and also about their efforts to sell property while incorrectly advertising that the MPR was already built. He asked the Jefferson County Prosecutor to prevent sales or advertisement of sales of MPR property until requirements of the Development Agreement and county platting ordinances are met.

February 5, 2024 the Hood Canal Environmental Council (HCEC) wrote to the Jefferson County Board of County Commissioners to endorse Aramburu's letter.

February 8, 2024 The Peninsula Environmental News reprinted the HCEC letter with comments about issues with the MPR.

February 26, 2024 Phillip Hunsucker, Chief Civil Deputy Prosecutor wrote a letter outlining significant problems with efforts and plans to monitor surface water and groundwater. Among other issues, it states that Pleasant Harbor's actions have violated agreements with the county and that Pleasant Harbor has repeatedly failed to provide data results immediately. One report was seven months late. The Jefferson County Health Department also wrote a letter outlining their need for additional staff to analyze and monitor water quality.

April 16, 2024 county planner Christina Haworth replied to the February 2 letter from attorney Aramburu, stating that “Approval of a preliminary subdivision does not authorize or approve any residential construction,” which seems inconsistent with the fact that the preliminary plat application being considered includes 216 residential lots that the GMA would allow only if they are integrated into and support the on-site recreational nature of the resort. The county is asking the developer for more information about project phasing.

The spring Pleasant Tides newsletter describes unsuccessful efforts by Pleasant Harbor to get water from the *Pleasant Tides Property Owners Association*.

Many residents around Hood Canal are expressing their concerns with the effort by Pleasant Harbor to do an end run around the GMA and good environmental stewardship. The Brinnon Group continues to monitor the situation and could use help with their legal expenses. You can donate at their website: <https://www.brinnongroup.org>



Kitsap Critical Areas Ordinance Update (Bernadette Olson)

The 2024 Kitsap County Critical Areas Ordinance (CAO) update is now in Phase 2 with forecasted implementation in September 2024. The last update was in 2017. The CAO update should be done every 10 years as part of a state mandated Growth Management Act, and it is included in the Kitsap County Comprehensive Plan (KCPL) update. KCPL lays the blueprint for the next 20 years. Climate Change has been added this year.

Since March 2023 working groups have been working on the CAO proposed amendments. The working groups have standing members: Tribes, the Kitsap Builders Association, Futurewise, the Kitsap Alliance of Property Owners, and the Kitsap Environmental Coalition. There are also technical experts from the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, and the Kitsap Health District.

The Kitsap County website provides a matrix of proposed changes and the proposed amendments to the code. This pertains to the critical areas: fish and wildlife conservations areas, wetlands, frequently flooded areas, critical aquifer recharges and geologically hazardous areas. Some of the proposed changes regard provisions for increasing or decreasing standard buffer width, the protection of significant trees, the mapping of critical aquifer recharge areas, and a revised "Emergency" section that addresses situations due to climate change/natural disasters.

The initial public comment period on draft code amendments will run through **April 26, 2024**. Comments received by that date will be reviewed by staff, compiled, and summarized for the Planning Commission.

The full public comment period extends through the date of the Planning Commission public hearing, which is tentatively scheduled for **May 21, 2024**. Written testimony may be provided at any time up until that date to be included in the record. [Critical Areas Ordinance Update 2024 \(kitsap.gov\)](https://www.kitsap.gov/critical-areas-ordinance-update-2024)



Green Crabs Molt Search Program (Donna Simmons)

The WSU Extension and Washington State Sea Grant have announced the start of their 2024 Molt Search Program and are seeking partners to lead public workshops to train volunteers to conduct 20-minute surveys for green crab molts, identify the species, gather data and submit their findings using a mobile app. The first Train-the-Trainers event was held on April 12 in Kingston for those interested in leading public training events. For more information about the molt search program, visit <https://extension.wsu.edu/water/molt-search/>.

Shoreline Bulkheads in Hood Canal (Donna Simmons)

The HCEC recently received a report of an illegally constructed concrete bulkhead on the south shore of Hood Canal which allowed the property owner to add living space to an existing residence. The property owners were fined by the federal Environmental Protection Agency in the amount of \$280,000. In addition to incurring costly financial penalties for property owners, this kind of shoreline armoring poses a serious threat to aquatic life and their habitats.

Vertical concrete bulkheads, rock walls and other types of shoreline armoring impact fish, shellfish and other aquatic resources and diminish habitats by reducing available intertidal areas, altering the natural erosion process and allowing for potentially more damaging land uses. Significant portions of spawning beaches for surf smelt and sand lance in Hood Canal are at risk. Juvenile salmon are threatened when changes in the natural environment force them into deeper water, causing stress and exposing them to predation. Out-migrating fish are exposed to toxic materials and other pollutants and degraded habitat, including shoreline vegetation alteration.

Bulkheads and other types of shoreline armoring are listed in the "Shellfish and Finfish – Resources at Risk in Hood Canal" report which was adopted by the Hood Canal Coordinating Council in 1995, as one of the leading causes of degradation to shorelines and diminished habitats for marine resources. Much of the waterfront property in Hood Canal has already been placed behind bulkheads or retaining walls, particularly along the canal's south and north shores.

The HCEC will continue to raise concerns about the risks of construction of new bulkheads and to oppose those that threaten the shorelines and aquatic resources in Hood Canal.

For more information, contact the Washington State Department of Fish and Wildlife at 360-902-2200.



Derelict Vessel Removal Program

(Michael Beaulieu)

Old boats and ships are expensive and time-consuming to maintain, and if allowed to degrade to the point where they are at risk of sinking, they can cost their owner much more than just the lost value of the boat. Owners are increasingly likely to be held liable for environmental damage, hazard to navigation, and the much higher expense of subsurface vessel removal. Long gone are the days when old vessels could be towed out to deep waters, and “abandoned.” Today one WILL get caught and it could be a life-changing expensive lesson, especially if a release occurs of once common marine construction materials like asbestos or lead, or of fuel or lubricants, contaminating waters and taking decades to remediate.

It is a crime to cause a vessel to become derelict or abandoned in Washington, or to cause a vessel to sink, break up, or block navigation, with a fine of up to \$1,000.00 and 90 days in jail; and the owner may be liable for costs incurred to remove and dispose of their vessel.

Washington’s 2002 Derelict Vessel Removal Program (DVRP), administered by the State Department of Natural Resources (DNR), provides technical expertise and funding through the Derelict Vessel Removal Account to help designated public agencies remove abandoned and/or derelict vessels from state waters. FY23-25 DVRP funding is \$10.3 Million plus \$1.3 Million from the Northwest Straights Commission. DVRP is implemented through a series of state laws and administrative codes that facilitate the identification, tracking, removal, and disposal of abandoned and derelict vessels by authorized public entities from public aquatic lands.

The following public entities may remove derelict or abandoned vessels within their jurisdictions: DNR; Washington Department of Fish and Wildlife; Washington State Parks and Recreation Commission; Metropolitan Park Districts; Port Districts; and Cities, Towns, or Counties with ownership, or jurisdiction over the aquatic lands where the vessel is located.

DNR currently tracks approximately 300 “Vessels of Concern” scored for DVRP funded removal based on vessel size and condition, hazardous substances on board, the security of its anchor or mooring relative to wind & currents, the vessel’s proximity to navigation channels, its potential for harmful encounters with people or property, its location relative to sensitive areas or populations, attractive nuisance potential, the owner’s involvement with the vessel, and actions taken (or not taken) to avoid further vessel deterioration. https://www.dnr.wa.gov/publications/aqr_dv_vessels_vessels_of_concern_20240222.pdf



In FY 21-23 DVRP removed 319 derelict vessels from Washington aquatic lands, including the 110 foot Cairdeas (photo below) which had been on the Vessels of Concern listing for over six years and until recently was tied up illegally off-shore from the Great Peninsula Conservancy’s Misery Point Preserve. If you are concerned about a derelict or abandoned vessel call the DVRP/VTiP Message Line at (360) 902-2628 or Email them at: dvrp@dnr.wa.gov or submit a report at (<https://www.dnr.wa.gov/vessel-reporting>).

Washington also has a Voluntary Vessel Turn-in Program (VTiP) for owners who may lack the resources to properly dispose of their vessel, to allow the state, with consent of the vessel owner, to dispose of vessels that have a high risk of becoming derelict or abandoned. The DNR will accept and review VTiP applications from eligible vessel owners, including private marinas that have legal title to vessels in an advanced state of disrepair, to determine if they meet the criteria as established in the VTiP program. See: (https://www.dnr.wa.gov/publications/aqr_dv_vtip_application_form.pdf?82pui). Accepted vessels are dismantled and disposed of by the DNR using VTiP funds for removals, prioritized based on risk to human safety and the environment. If you do not qualify, or are unable to wait for removal, you could take your vessel to a landfill or dismantle it yourself. If you sell or donate your vessel, be sure you file a *Report of Sale* with the state and retain a copy for your records.

It can be hard to keep track of derelict vessels as owners move them around to evade removal and safety or liability enforcement actions. The DVRP maintains a listing of “Vessels of Concern,” and “Removals Completed” since program inception. These lists are updated quarterly on the website. For up-to-date detailed information email the Derelict Vessel Removal Program at dvrp@dnr.wa.gov, or go on-line to: <https://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/derelict-vessel-inventory-and-funding>.

Harding Creek Aquaculture Permit Update (Bernadette Olson)

The Letter of Permission supposedly awarded by the Army Corps on 3/23/2022 was a recording mistake. The permit application is still pending awaiting Coastal Zone Management approval by the Department of Ecology after input from the applicant who filed for bankruptcy in January 2024, which leaves everything in limbo over the next few months.

It is good news for Harding Creek for now. HCEC and Great Peninsula Conservancy (GPC) opposed this permit on the grounds that 15 acres of geoduck, clams and oysters in a landlocked pristine estuary is not environmentally or commercially sound. GPC is protecting the conservation easement Bill and Judy Matchett donated in 2006 to keep the Harding Creek area in its natural state and protect it from neighboring aquaculture.

For more information, you may contact Bernadette Olson at 360-710-4165.

Jefferson County Shoreline Master Program (Jan Wold)

The Jefferson County Shoreline Master Program (SMP) determines the policies and regulations that guide use of the county shorelines. A required periodic review of the SMP by the Board of County Commissioners (BOCC) is now underway, with any changes subject to approval by Washington Department of Ecology. The main issues that remain undecided are county permit requirements for commercial shellfish farming. Almost every commercial shellfish farm in Jefferson County was deemed “grandfathered” or “legal non-conforming” for operation without needing county review or a permit because farms operating prior to 2014 did not need a county permit.

State regulations require new geoduck farms to go through a county permitting process with a public hearing before a Hearing Examiner, who then determines whether to approve the permit. Many local citizens and HCEC support requiring the same process for conversions of clam or oyster farms to geoduck farms and for geoduck farm expansions, consistent with requirements in neighboring Kitsap and Clallam Counties. The shellfish industry opposes this public hearing and hearing examiner requirement for geoduck conversions and expansions.

HCEC also supports maintaining either the present permitting requirements or something similar for any change of shellfish farming techniques. This will ensure that changes such as replacing harvesting by hand with the use of tulip bulb digging machines that harvest across acres of tideland are adequately reviewed for impacts, such as environmental consequences and loss of jobs. There is no date set yet for a final public hearing before the BOCC as they consider or approve the next SMP draft. The record is still open for you to provide input to the BOCC on the SMP at jeffbocc@co.jefferson.wa.us. See the latest SMP information at the link below by scrolling down to the most recent date: <https://www.co.jefferson.wa.us/1481/Shoreline-Master-Program-Periodic-Review>.



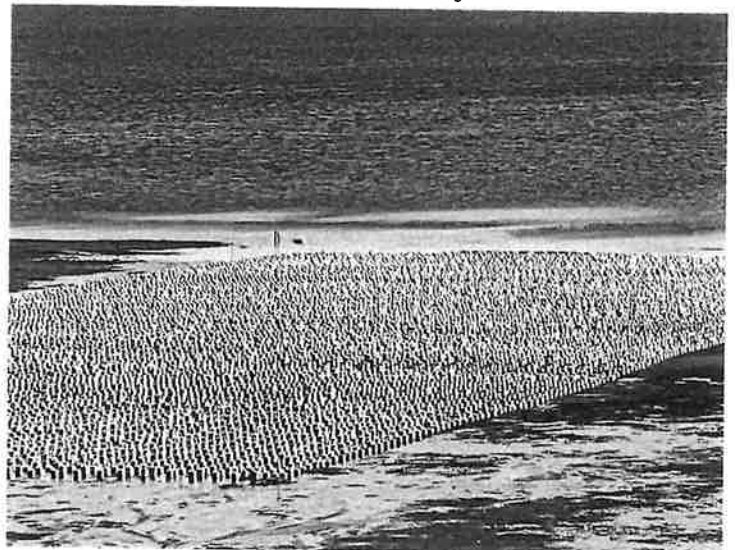
Commercial Shellfish Farming In Hood Canal (Jan Wold)

In 2017 the Army Corps of Engineers (Corps) documented that 19% of all Hood Canal tidelands were under permit for commercial shellfish farms, that 41% of these farms were co-located with eelgrass and that 54% were co-located with forage fish spawning areas. The Corps determined these shellfish farms were likely to adversely affect designated critical habitat for threatened Puget Sound Chinook salmon and threatened Puget Sound steelhead. Many more farms have been approved since 2017. These Chinook and steelhead numbers have now dropped to critical levels.

The U.S. District Court invalidated all of the Corps' 2017 Nationwide permits for commercial shellfish operations in Washington state due to the Corps' failure to properly analyze cumulative effects and to comply with the Clean Water Act and the National Environmental Policy Act. After limited analysis and no public input, most farms were permitted to operate under a Corps Letter of Permission (LOP), now also under litigation. A smaller number of farms received Individual or Standard permits that included an option for public input.

One geoduck farm southwest of the Hood Canal Bridge received a new Corps permit to farm directly in patchy native eelgrass. This farm was replanted in 2023, with about 43,000 white PVC tubes (4" by 10") pushed into the substrate per acre, or one each foot (see photo). Jefferson County is processing a shellfish permit for a new 5.15-acre geoduck farm (220,000 PVC tubes total) in the same area with a public hearing date yet to be announced. This farm shares an east border with State Beach 59 and a west border with Jefferson County's Hicks Park. The PVC tubes would begin about 30 feet from the Hick's Park public boat launch ramp, creating navigation, safety and visual impacts. See earlier newsletters for more information.

Some clam and oyster farm operators are requesting a change from hand harvesting to use of a commercial tulip bulb digging machine on the tidelands, leading to greater environmental impacts and the loss of several local jobs.



Geoduck farm newly planted during May and June, 2023, near Shine Road, Hood Canal

About HCEC

(Phil Best)

Hood Canal Environmental Council is a 501(c)(4) nonprofit corporation. Board members include: Phil Best (President), Bernadette Olson (Vice President), Michael Beaulieu (Secretary), Don Seavy (Treasurer), Donna Simmons (Past President) Jan Wold, Barbara Moore-Lewis, Terry Reeve, Karen Best, Bruce Morse, Paul McCollum.

Please check our website at

<http://www.hoodcanalenvironmentalcouncil.org/> where you will find more about who we are, what we do, our publications (newsletters online), links to other entities that affect Hood Canal, future presentations, and how to contribute to and become a member of HCEC.

We welcome information and opinions about Hood Canal, and participation by others at our board meetings, held usually on Zoom on the 4th Wednesday of each month at 3:30 pm. Please join by emailing HCEC through our website.

Sunflower Sea Star Recovery Program

(Donna M. Simmons)

There have been rapid declines in populations of Sunflower Sea Stars in Puget Sound, including Hood Canal, for many years. The reason for the decline is primarily due to Sea Star Wasting Syndrome, a lethal pathogen which killed 90% of this once thriving starfish species between 2013 and 2017. To address the need for action to recover populations, the National Oceanic and Atmospheric Administration (NOAA) proposed to list Sunflower Sea Stars as “threatened” under the Endangered Species Act. (see summer 2023 HCEC newsletter pg. 4). To our knowledge, NOAA has yet to make the decision about the listing.

However, recovery efforts are giving scientists and others new hope that sea stars will not become extinct, as feared. A University of Washington (UW) laboratory located in Friday Harbor on San Juan Island run by Megan Dethier is working to cultivate new generations of sea stars. The laboratory, run by Biologist Jason Hodin, is a captive breeding program. The goal of the program is to raise sea stars which are more resistant to wasting disease. This is considered to be a ground breaking program. No other scientist has ever tried to breed wild-caught sea stars.

Sunflower Sea Stars serve as a keystone species for West Coast ecosystems since they play a critical role in surrounding marine habitats. For example, the loss of this species would result in a rapid rise of sea urchin populations which, in turn, can lead to drastic damages to kelp forests.

HCEC intends to follow the progress of the UW program in hopes that it will successfully restore populations of sea stars to Hood Canal and other marine systems throughout Puget Sound. For more information, call the West Coast NOAA Fisheries office in Lacey at (360) 871-8300.

Wildlife Corridor from Liberty Bay to Hood Canal

(Jan Wold)

Wildlife corridors and crossing bridges over highways are recognized as being effective at reducing collisions between wildlife and vehicles, preserving wildlife travel corridors, reducing fragmentation of habitats in human altered landscapes and reducing injuries to people. Statistics show vehicles claim around a million terrestrial animals per day in the US. The Snoqualmie Pass wildlife bridge across I-90 and the Los Angeles wildlife crossing bridge being constructed over Highway 101 at a cost of \$85,000,000 to enable wildlife to move between two wilderness areas.

An existing Poulsbo area wildlife corridor extends from Liberty Bay on the east, through the Johnson Creek drainage basin, then on to include the heavily timbered 40-acre Viewside Water System property surrounding the Middle Fork of Johnson Creek, which supports a bald eagle's nest. It continues with crossings below and above four-lane Highway 3, through culverts for each of the three forks of Johnson Creek, a salmon stream and an overpass at Sherman Hill Road. It then continues through 205 acres of undeveloped Kitsap Parks parcels, through private parcels that are generally five acres or larger with mixed habitat, through the vast habitat on the north end of Naval Base Kitsap at Bangor and ending on the west on the shore of north Hood Canal. The tidelands and shores of Liberty Bay, Hood Canal and Puget Sound all serve as important connecting wildlife corridors. The next similar wildlife corridor between eastern Puget Sound and Hood Canal is about 20 miles south near Belfair. Between these two corridors much of Highway 3 is a barrier for wildlife. It is very important to maintain the function of these few existing wildlife corridors.



Wildlife corridor between Liberty Bay and Hood Canal

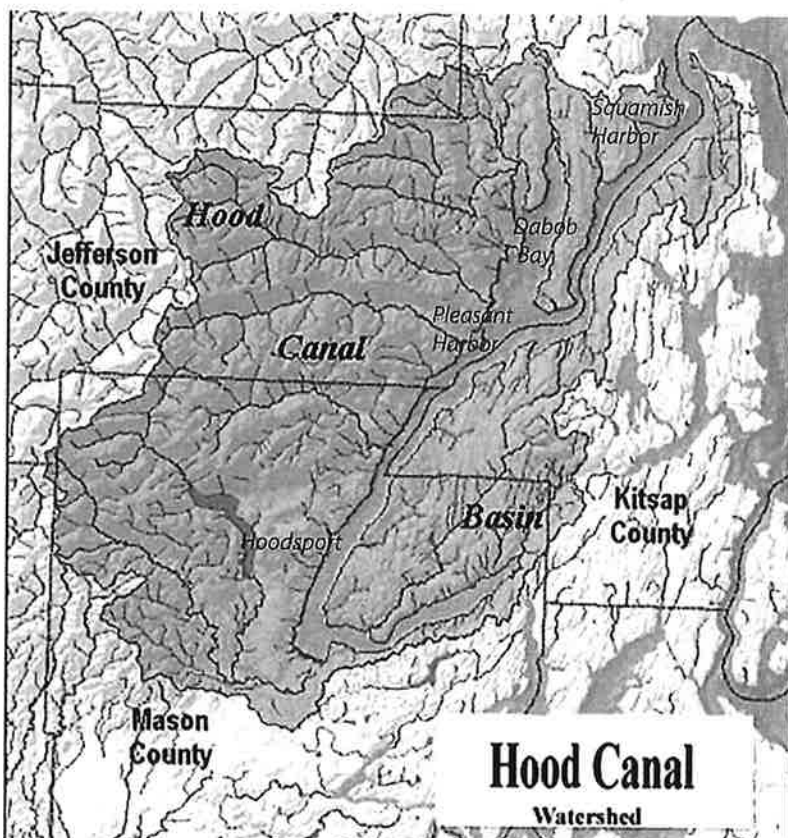


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Clallam County Comprehensive Plan Update Summary of Public Testimony and Corresponding Recommendations as of April 8, 2026, Table Version 3.3

The following provides a summary and recommended response to testimony received during the public hearing process. To avoid duplication and per the planning Commission's instruction, this table is being provided as a supplement to CPU Policy Response Table 3.

Summary of Testimony	Recommended Policy/Response
51) Emailed testimony from Patty McManus, dated March 26, 2026. Comments are similar to #32, above.	See response to #32, above.
52) Letter received from Karla Boughton, Director of DCED for the City of Sequim, dated March 26, 2026. Comments included acknowledging the extensive collaboration the City and County engaged in during the CPU process.	No policy change is recommended.
53) Emailed testimony received from John Worthington, dated March 30, 2026. Comments advocated for the application of the science utilized in the Jimmycomelately Creek restoration project to the restoration of the Dungeness River. Comments included that leadership exhibits "...contempt, open hostility, and dishonesty."	These same issues were raised in Testimony #12, 13, 21, 24 and 30, above. The Planning Commission has considered this matter, including expert witness from the County's Habitat Biologist Manager. A difference of opinion, especially when supported by expert witness, is not "contempt" or "open hostility," it is merely a difference of opinion. This said, the application of transferable techniques that have proven effective in other restoration projects does make sense. In all cases, it is the habitat biologists and hydraulic engineers who study the specific needs and dynamics of a river system to determine and prescribe the steps needed to establish habitat restoration. This level of prescription is not appropriate at the policy level. With this discussion, the following new policy is recommended under 31.02.340(7)(d):

	<u>"Habitat restoration projects have been ongoing within Clallam County for over 30 years. While some efforts will take time to gauge their effectiveness, others have already demonstrated success, such as the restoration of Jimmycometately Creek. The lessons learned from each project contributes to the development of Best Available Science. Where techniques are successful and transferable, they should be considered in future restoration projects within the context of the specific environmental needs and conditions of the habitat."</u>
54) Emailed testimony received from Eric Fehmann, dated March 30, 2026. Comments expressed support for testimony provided under #53, above.	See response to Testimony #53, above.
55) Emailed testimony received from Heather Cantua, dated April 1, 2026. Comments were related to Master Planned Resort (MPR) policy and standards in the County Code. Specifically, the testimony alleges the County's application of its MPR policy and standards is erroneous and incongruent with the requirements of the GMA.	RCW 36.70A.360(1) defines MPRs, in part, as "...self-contained and fully integrated planned unit development..." Implicit in this definition is a sense of scope. Per the Municipal Research Services Center (MRSC): "In other words, MPRs are more than just overnight lodging for visitors or a single recreation use...they provide a package of facilities, services and amenities that largely meet the daily needs of visitors. Visitors are drawn for extended stays because of the high quality and varied recreational opportunity..." Further within the intended scope of MPRs, the RCW allows for a range of uses, including residential use for supporting staff, the requirement that capital facilities be evaluated and determined adequate, and the statement characterizing MPRs as Urban Growth. In contrast, other jurisdictions are careful to distinguish MPRs from other small-scale accommodations. For example, Thurston County defines "Resort" as

	“Resort” means a planned unit development used primarily for outdoor recreation that is usually sited in an area with significant natural amenities. The definition of resort does not mean a master planned resort as defined by RCW 36.70A.360(1) (TCC 20.03.04, 113.5).” Jefferson County allows for Rural Recreational Lodging or Cabins and Recreational Cultural or Religious Conference/Retreat Facilities. Such uses require a CUP and must have a minimum parcel size of 10 acres and include no more than 15 cabins for every 10 acres up to a maximum of 30 rooms or cabins not to exceed 12,000 SF of building area (JCC18.20.350(9)). Simply not meeting all criteria of a Master Planned Resort as specified under CCC 33.25 does not mean the use should be denied. A Master Planned Resort is a specific use clearly defined under the GMA with a clearly implied scope. Small scale recreational developments with cabin or other short-term accommodations do not violate MPR standards or the GMA. They are an essential part of a rural county's economic development strategy and with reasonable conditions, do meet the requirements of the GMA. With the policies proposed under 31.06.100(5) and .120(39), the County will be able to directly address this issue within the Zoning Code.
56) Emailed testimony from John Worthington, received April 1, 2026. Comments include two map drawings of the Jimmycometely Restoration project site, identifies several beneficial features of the project that could be applied to the Dungeness River, identifies agencies that	See response to Testimony #12 and #13, above.

e. Concern that Diamond Point Road is federally classified for truck traffic (T-3 rating), which appears to conflict with 31.03.320(5)(a), which states "...road standards should be more rural in nature." f. Noted that Jamestown S'Klallam Tribe transferred to trust land adjacent to SR 101 at Miller Peninsula, suggesting update to 31.03.415(6)(c).	e. Staff still developing a response. f. Suggest the following amendment to 31.03.415(6)(c): "<i>Policy 15.</i> Commercial development at the intersection of Diamond Point Road and US 101 or at any point along US 101 between the eastern Clallam County line and the Blyn rural center will be discouraged as sufficient areas for commercial development have been provided within the Diamond Point/Sunshine Acres and Blyn rural centers. Should <u>The</u> Jamestown S'Klallam Tribe <u>has</u> put its ownership in the vicinity of the intersection of Diamond Point Road and US 101 into tribal trust status. <u>The County lacks jurisdictional authority to restrict in order to allow</u> commercial development of this site despite contrary to the direction provided by local residents as expressed in the Sequim-Dungeness Regional Plan. <u>Should commercial development of tribal trust lands result</u>, then such development shall not provide any justification for adjacent commercial development of lands under Clallam County jurisdiction."
g. Noted that the last sentence under 31.03.435(4) is non-binding; suggests removal. h. Noted that the Dungeness Nature Center is complete, suggesting an update to 31.03.455(6)(b).	g. Suggest the following amendment to 31.03.435(4): Future development by the Jamestown S'Klallam Tribe in the Blyn LAMIRD will require increased public services, particularly police and fire. Future development plans should be carefully coordinated with those service providers. It is also assumed that some services will be provided by the Tribe and would be open to local residents. h. Suggest the following edit to 31.03.455(6)(b): (b) <i>Policy 11.</i> The Jamestown S'Klallam Tribe is planning a natural history center adjoining the Dungeness River; this location would be adjoining the Railroad

i. Policies 31.03.455(6)(b), .465(5)(c) and .475(4)(b), refer to the Dungeness River Greenway Concept Plan. Requests including the plan as a supporting document. j. Notes that there is no reference to the 2022 OFM population projections in the June, 2025 Regional Transportation Plan by the PRPTO. Requests removal. k. Requests removal of reference to levels of service (LOS) for Transit service under 31.02.425	Bridge Park. The Dungeness River Greenway Concept Plan also envisions other public access potential along portions of the Dungeness River in this area, if cooperatively implemented with landowners. i. Staff still developing a response. j. The official comments from Thera Black, PRPTO (10/14/2025), specifically stated the PRPTO based their long-range forecast on the 2022 OFM data. k. This same request was stated (but missed) in the PRPTO's 10/14/2025 comments. Recommend the following edits to the first paragraph of 31.02.425: "The Peninsula Regional Transportation Planning Organization is recommending two measures of level of service, demand and supply, to characterize transit LOS in urban and rural areas. Clallam County shall continue to coordinate with Clallam Transit to support implementation of the agency's long-range system plan, with emphasis on primary routes serving urban areas and regional transportation corridors, consistent with its currently adopted service standards. The following two tables summarize the recommended thresholds and point system used in determining Table 11 (Existing LOS Conditions of Transit Routes)." l. Staff still developing a response.
l. Concern that the Victoria Express is not a viable UTC. Implies it may not be appropriate under transportation policies. 59) Emailed testimony from John Worthington, dated April 1, 2026. Comments challenged the premise that the Planning	

Commission does not have purview over project-level decision making, including: a) Authority under the Comprehensive Plan, citing that the Plan establishes policy impacting river restoration and other project-level guidance. Large-scale projects directly impact the outcomes of Comprehensive Plan policy. b) Authority under the Shoreline Master Program. Silar to the Comprehensive Plan, the SMP establishes policy and regulations for activity in shoreline jurisdictions. Comments suggest the Commission reviews shoreline permits. c) Authority under the Critical Areas Ordinance. Comments suggest the Commission is responsible for reviewing projects administered under the CAO d) Authority under SEPA. Comments suggest the Commission serves as Lead Agency for SEPA determinations and project review. e) Historical and ongoing role in River Management. Comments suggest the Commission has previously reviewed and made recommendations regarding Dungeness River Floodplain projects.	a) The administration of all ordinances affiliated with the Comprehensive Plan is the responsibility of the Department of Community Development (CCC 26.01.040(2)). Although large-scale projects do impact future policy, the Planning Commission's role is limited to recommendations on policy and regulations (CCC 26.01.050(1) & (2)). b) The same organizational structure identified in a) above, also applies here. c) The same organizational structure identified in a) above, also applies here. The limited project review authorities expressed under CCC 26.01.050(3) and (5) were preempted with the adoption of Ch. 26.04, Hearing Examiner (Ord. 580, 1995). d) The Lead Agency responsibility for the county is vested in the Director of DCD (CCC 26.01.040(4) and 27.12.030(8)). e) The Planning Commission has reviewed and made recommendations concerning watershed planning (WRIA 18 Plan) but has not been involved in the review and recommendations of specific projects involved in the restoration of any river system or similar habitat. This is the responsibility of DCD and other County agencies (CCC 26.01.040 and Section 4.25, Clallam County Charter).
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60) Emailed testimony from John Worthington, dated April 1, 2026. Comment indicated a “Jimmycomelately hybrid” could be built on the Dungeness for \$42M. Comments included an estimated cost breakdown, and an estimated price range of \$29 - \$38M.	No policy change is recommended.
61) Emailed testimony from John Worthington, dated April 2, 2026. Comments provided rebuttal testimony to discussion held by the Planning Commission on April 1, 2026. Comments criticized the Lower Elwha Levy project; lack of “professional endorsement” concerning Dungeness policy; allegations that the CPU process is being influenced by North Olympic Development Council (NODC) and the Straits Ecosystem Recovery Network (SERN); and failure to apply the “Jimmycomelately science” to other river restoration projects is a “violation of equal protection.”	No policy change is recommended. To date, the County has not received comments from the NODC or SERN regarding the Comprehensive Plan Update.
62) Emailed testimony from John Worthington, dated April 2, 2026. Comments include: a) Express concern that future plans of the Jamestown S’Klallam Tribe and the Lower Elwha Klallam Tribe are not integrated into the CPU process.	a) The DCD engaged area tribes in the CPU process as required under RCW 36.70A.040 and .210. Four of five tribes have responded with comments. They are under no mandate to provide comment and their involvement is strictly voluntary.

b) Express concerns about citizen engagement and lack of response to testimony. c) Criticisms of the Lower Elwha Levy project, including placement of log jams d) Concerns that there is a lack of lack of endorsement concerning Dungeness policy;	b) The County has generally followed its Public Engagement Plan, as detailed in the Public Engagement Report. Questions are responded to. Suggestions or other comments that do not lend themselves to meaningful policy recommendations are not offered a policy response. c) Not applicable to the CPU. d) The work of the DRMT is not specifically germane to the CPU.
63) Emailed testimony from John Worthington, received April 4, 2026. Included comments from Testimony #56, and includes: rebuttal that the proposal is “too grandiose,” criticisms of the entities focused on recovery of the Dungeness, criticism of log jam construction in the Lower Dungeness Levee project area, criticism of the Dungeness irrigation piping project, advocating for diversion of other stream corridors to supplement water flow in the Dungeness, and criticism of the Dungeness Off-Channel Reservoir project—citing seismic structural risks.	No policy change is recommended.
64) Emailed testimony from John Worthington, dated April 5, 2026. Comments appear to incorporate edited versions of Testimony #59 and #63.	No policy change is recommended.
65) Email from Stephanie Martin, Habitat Division Manager, Makah Indian Tribe, dated April 6, 2026. Comments included reference	Recommend including the following sub-regional policy regarding water resources under new subsection 31.05.60(1)(c): “<u>Policy 3. Despite exceptional precipitation, water availability in the Straits Region is limited</u>”

to habitat and water resource studies that have been conducted in the Hoke Watershed, and recommendations for further study and collaboration, including: "natural restoration to help naturally increase water storage in the watershed and slow drought impacts, and man-made opportunities to capture and store water."	<u>by geologic formations that prevent the accumulation of ground water in naturally occurring aquifers. Where available, the withdrawal of water for domestic use can impact instream flows needed for restoration and health of fish stocks. More study of the region's water resources is needed along with additional efforts focused on naturally increasing water storage for resilience against drought impacts, considering man-made structures and other opportunities to capture and store water, and balance domestic and environmental needs."</u>
66) Article from Hood Canal Environmental Council, dated Spring, 2024, discussing the Pleasant Harbor Master Planned Resort in Jefferson County, submitted by Heather Cantua, received April 7, 2026.	No policy change is recommended.

Public Comments from Judy Larson for Clallam County Planning Commission Hearing on April 15, 2026

Re: 2025 Clallam County Comp Plan Update

Date Submitted: 2026-04-08

From: larjdyng@olypen.com

Greetings Commissioners,

At ~5:55pm on 4-1-26 I did phone in to be a Zoom participant in your 4-1-26 Meeting/continued Public Hearing, but was not allowed to provide my public comment/input because I was held in "muted" status throughout. (I did continue to listen and appreciate your ongoing efforts to help construct this important plan for our collective future.)

Before this meeting, I was able to "camp" at our renovated Sequim Library for ~3 hours and reviewed:

- the now available hard copy of the CC-CP "periodic update draft current through 3-13-26" (543 pp!);

- the following section on "Proposed Amendments to the Generalized & Future Land Use Map; (Please recall my previous emailed comments about Exhibit B and incompatibility with adjacent residential/rural neighborhood character.)

- and a following section: "Extended Environmental Checklist & Threshold Determination (SEPA per WAC 197-11) dated 2-11-26 (22 pp).

Regarding this "advanced SEPA," DCD needs to consider all the materials provided for the 4-1-26 hearing date by Virginia Shogren, which based on the Planning Commission discussion may justify having a moratorium on further piping of irrigation ditches in order to preserve important recharge of the many exempt wells serving our county's residents. This is especially important given that the WA GMA recognizes the need for Comp Plans to incorporate Climate Change & Resiliency (CC&R) needs. (Please know that I do appreciate DCD Director & staff for recognizing my past emailed inputs about this concern!)

I also reviewed materials in the amazingly heavy binder of the printed CC Code, especially regarding Titles: 27, 31, 33, & 35. (One library staff member indicated he thinks the library may try to put this into 2 volumes for safer handling.)

What I did not find IN PRINT was a record of what DCD has been keeping of the inputs from various entities (jurisdictions, agencies, or just us plain folk). This is pertinent to GMA concerns about keeping the public informed as to inputs. Electronic versions, only, are an impediment to public accessibility.

I believe Virginia Shogren already provided you with important information about the significant historical, cultural and hydrology contributions irrigation has made to our Sequim-Valley area.

Enclosed with this comment is a series of forwarded past emails pertaining to CCC 27.12 that show why/how concerns about the need for our Comp Plan to protect CARAs must have increased consideration and proper implementation -- especially to reflect CC&R.

These emails are dated:

2023-01-30 11:53; 2023-09-01 08:25; 2023-09-11 14:00
2023-11-08 11:55; 2023-11-10 12:06; 2023-11-14 13.35
2023-12-02 18:00 2024-01-09 13:47 2024-06-07 11:10
and 2025-02-18 14:27

The last few paragraphs in 2023-01-30 11:53, the 2023-12-02 18:00 & 25-02-18 14:27 highlight specific CARA concerns and DCD questionable responses (concerning delays & interaction of DCD with Joe Holtrop (CCD piping responsibilities)). DCD indicates Clallam County has no responsibilities for permits/review of normal maintenance or repair of ditches, but also has statement indicating piping is not such an activity.

In conclusion, I cite for your attention (as found in the 3-13-26 draft of the CC CP-Update):

p.177 of 543: Goal 12 WATER RESOURCES. Protect, conserve and enhance water resources in Clallam County and create more resilient water systems. I propose the additional language, at a minimum, that Clallam County will require permits/SEPA reviews for future piping of irrigation ditches.

p.205 of 543: POLICY 7. Pursue appropriate groundwater protection programs ...resolve ground or surface water quantity issues. I propose the additional language, at a minimum, that Clallam County will require permits/SEPA reviews for future piping of irrigation ditches.

p.206 of 543: 31.03.220 (1) GMA Goals: (d) PROPERTY RIGHTS. The property rights of land owners shall be protected from arbitrary and discriminatory actions. This needs to apply to rural non-commercial farmers.

p.216 of 543: (8) HISTORICAL & CULTURAL RESOURCES... In listing places, add, at a minimum: "the original, first Sequim Prairie Ditch. . ." I would prefer that all remaining open ditches be designated as historical and cultural resources.

In CCC 27.12 All of Part Six needs a CC special Commitment due to CC&R as an added Comp Plan element. Especially for .610 (1) & (2). I propose the additional language that "Activities that can impact quality or quantity of exempt wells must complete an environmental assessment as described under section (9) on p.27-82."

Thank you for your ongoing consideration.

Respectfully submitted,

Judy Larson

1070 W Palo Verde Loop, Sequim, WA 98382



Virginia Shogren <vshogren@gmail.com>

Fwd: Comments for the record RE: January 30, 2023 SPTIA Shareholder Meeting

larjdyng@olypen.com <larjdyng@olypen.com>
 To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 2:55 PM

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

Subject: Comments for the record RE: January 30, 2023 SPTIA Shareholder Meeting

Date: 2023-01-30 11:53

From: larjdyng@olypen.com

To: garsmith@nikolabroadband.com, secretary.spt@gmail.com

Cc: larjdyng@olypen.com, jsteeby@olypen.com

For: SPTIA Officers AND other Shareholders - AND other "Stakeholders"

From: Judy Larson

Owner of 1070 W. Palo Verde Loop, Sequim, WA and 10 shares of SPTIA, Inc. per Certificate #629

(The Young family estate, owned since early 1970s, passed on to me after my life partner Dean Young died.)

* Because I was unable to attend the 2022 Annual Shareholders Meeting, I did timely express both by phone and by email my concerns for the record about possible adverse impacts that your briefly referenced piping project for the main ditch might have on adjacent wells and habitat.

* I did ask that a copy of the 2022 Meeting minutes be sent to me, since I hoped more details regarding the piping and any additional discussions or comments by other shareholders would be provided. (If these minutes will be provided at our 2023 Annual Meeting, I do ask to have a written copy sent to me.)

* A neighbor and I both found online a ~40 page document showing an application for a SPTIA project which included references to head gate and piping plans. I do believe this information should be provided by the SPTIA -especially ~page 28: To Whom it may concern, dated 12-3-21 - to all shareholders. It could be sent as an attachment to an email. Indeed, I think the possible impacts on non-shareholders with nearby properties should be addressed. An article in a local newspaper might be a solution?

* Another neighbor, who is a shareholder, but had not received notice of our 2023 meeting (and perhaps not for 2022 meeting), indicated there is supposed to have been an EIS available. I searched the County website and made other google efforts, but was unable to find this document. Can you provide a specific link to it?

* In my 2022 telecon with Gary Smith, he noted how City of Sequim wanted piping to be done. In my 2022 email I noted how some of the the ditch area from Priest Road, east was not in the City or its UGA. I also learned from a landscape company that contracts with the Jenny's Meadows (SP?) HOA, that City of Sequim actually has designated how our main ditch that runs through there is a wildlife corridor, was to be protected and not entered. Over the 30 years I have lived at 1070, I have witnessed wildlife traveling along my area of the ditch - even now after the BIG BOX and other developments.

* In looking for the EIS on the County website, I DID find information about Critical Aquifer Recharge Area required protections (27.12.600; 27.12.600; 27.12.840; 27.865; 27.12.900). Some of "shall" requirements included: hydrologic assessments, no measurable reduction in available quantity of ground water, mitigation plans for "in order of preference:" (a) Avoiding the impact altogether.....(d) compensating for the impact..

I note this because I have a private well with a depth ~60 feet - which due to ditch proximity and vertical continuity known for CARAs makes me ask for assurances of compensation to cover piping impacts that may lead me to deepen my well. Also, would piping require me to invest in a new system for receiving my water allotment?

* Besides the general habitat, wildlife impact concerns for piping, I must also note how the northern boundary of 1070 has several cedar trees of ~100 foot height and ~ 100 years of age. The lack of adequate recharge- which HAS been present for these many years - may have serious consequences for damaging their health and longevity and lead to endangerment issues for life and property.

Before the piping project proceeds, I ask that more input and discussion be allowed.

4/8/26, 3:23 PM

Gmail - Fwd: Comments for the record RE: January 30, 2023 SPTIA Shareholder Meeting

Thank you for your consideration,
Respectfully,
Judy Larson



Virginia Shogren <vshogren@gmail.com>

Details RE: Needed CARA protections for impacts of proposed piping of ditch

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:12 PM

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

Subject: Details RE: Needed CARA protections for impacts of proposed piping of ditch

Date: 2023-11-08 11:55

From: larjdyng@olypen.com

To: bruce.emery@clallamcountywa.gov, todd.coward@clallamcountywa.gov

Cc: larjdyng@olypen.com

Dear DCD Director/Designee,

Following is background information to clarify my previously submitted 10-6-23 inquiry.

At a January 30, 2023 SPTIA Shareholder Meeting, information/details about a proposed piping of the historic, first Sequim Prairie irrigation ditch were provided, even though

Clallam Conservation District had prepared this proposal with SPTIA in December 2021.

Please reference proposal link:

https://www.usbr.gov/watersmart/ewrp/docs/2022/EWRP-03_ClallamConservationDistrict_508.pdf

(Please advise if you want me to send document as an attachment.)

As a shareholder/stakeholder, I* and others submitted for the record comments about our serious concerns about this proposed project.

(*I am Judy Larson, owner of 1070 W. Palo Verde Loop, Sequim, WA which is in a County designated CARA. The north boundary of my property shows a 10 foot easement for the original, first Sequim Prairie irrigation ditch and I own 10 shares of SPTIA, Inc. per Certificate #629.)

In looking (unsuccessfully) for a SEPA-type review of this proposed project on the County website, I DID find information about Critical Aquifer Recharge Area required protections which I cited in my comments (27.12.600;27.12.600;27.12.840;27.865;27.12.900). Some of "shall" requirements included:

hydrologic assessments, no measurable reduction in available quantity of ground water, mitigation plans for "in order of preference:" (a) Avoiding the impact altogether.....(d)compensating for the impact...

I note this because I have a private well with a depth ~60 feet - which due to ditch proximity and vertical continuity known for CARAs makes me ask for assurances of compensation to cover piping impacts that may lead me to deepen my well. (At this time, I now conclude that there should be no piping of the main SPTIA ditch.)

Others also commented on general habitat, wildlife impact concerns regarding piping. I noted this, too - pointing out how the northern boundary of 1070 has several cedar trees of ~>100 foot height and ~>100 years of age. The lack of adequate recharge- which HAS been present for these many years - may have serious consequences for damaging their health and longevity and lead to endangerment issues for life and property. I stated how over the 30 years I have lived at 1070, I witness wildlife traveling along my area of the ditch - even now after BIG BOX and other developments. (Indeed, City of Sequim recognized the need for having the Jennie's Meadows development provide permanent protections for the wildlife corridor and geologically hazardous slopes, where the main ditch runs through.)

Please advise how the County will follow through in providing the required protections covered under CCC 27.12.

Thank you for your consideration,
Respectfully,
Judy Larson



Virginia Shogren <vshogren@gmail.com>

Typo correction AND attachment provided RE: Details about needed CARA protections for impacts of proposed piping of ditch

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:13 PM

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

Subject: Typo correction AND attachment provided RE: Details about needed CARA protections for impacts of proposed piping of ditch

Date: 2023-11-10 12:06

From: larjdyng@olypen.com

To: todd.coward@clallamcountywa.gov, bruce.emery@clallamcountywa.gov

Cc: larjdyng@olypen.com

Todd:

OOPSS! I apologize for my typo error for link; link should have been:

https://www.usbr.gov/watersmart/ewrp/docs/2022/EWRP-033_ClallamConservationDistrict_508.pdf

(error was "EWRP -03" when should have been "EWRP-033")

Just in case I have again improperly tried to proofread my entry on link, I am also providing the project proposal as an attachment. Thanks for your attention to details and timely consideration of this concern.

Judy Larson

Judy,

There is an issue with the forwarded link. Would you be able to forward an attachment of the material?

Thank you,

Todd Coward
Planner II
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362
(360) 417-2239

Please note: my email has changed: todd.coward@clallamcountywa.gov

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

From: larjdyng@olypen.com <larjdyng@olypen.com>

Sent: Wednesday, November 8, 2023 11:55 AM

To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>; Coward, Todd <Todd.Coward@clallamcountywa.gov>

Cc: larjdyng@olypen.com

Subject: Details RE: Needed CARA protections for impacts of proposed piping of ditch

Dear DCD Director/Designee,

Following is background information to clarify my previously submitted
10-6-23 inquiry.

At a January 30, 2023 SPTIA Shareholder Meeting, information/details about a proposed piping of the historic, first

Sequim Prairie irrigation ditch were provided, even though Clallam Conservation District had prepared this proposal with SPTIA in December 2021.

Please reference proposal link:

https://www.usbr.gov/watersmart/ewrp/docs/2022/EWRP-03_ClallamConservationDistrict_508.pdf

(Please advise if you want me to send document as an attachment.)

As a shareholder/stakeholder, I* and others submitted for the record comments about our serious concerns about this proposed project.

(*I am Judy Larson, owner of 1070 W. Palo Verde Loop, Sequim, WA which is in a County designated CARA. The north boundary of my property shows a 10 foot easement for the original, first Sequim Prairie irrigation ditch and I own 10 shares of SPTIA, Inc. per Certificate #629.)

In looking (unsuccessfully) for a SEPA-type review of this proposed project on the County website, I DID find information about Critical Aquifer Recharge Area required protections which I cited in my comments (27.12.600;27.12.600;27.12.840 ;27.865;27.12.900). Some of "shall"

requirements included:

hydrologic assessments, no measurable reduction in available quantity of ground water, mitigation plans for "in order of preference:" (a) Avoiding the impact altogether.....(d)compensating for the impact...

I note this because I have a private well with a depth ~60 feet - which due to ditch proximity and vertical continuity known for CARAs makes me ask for assurances of compensation to cover piping impacts that may lead me to deepen my well. (At this time, I now conclude that there should be no piping of the main SPTIA ditch.)

Others also commented on general habitat, wildlife impact concerns regarding piping. I noted this, too -pointing out how the northern boundary of 1070 has several cedar trees of ~>100 foot height and ~>100 years of age. The lack of adequate recharge- which HAS been present for these many years - may have serious consequences for damaging their health and longevity and lead to endangerment issues for life and property. I stated how over the 30 years I have lived at 1070, I witness wildlife traveling along my area of the ditch - even now after BIG BOX and other developments. (Indeed, City of Sequim recognized the need for having the Jennie's Meadows development provide permanent protections for the wildlife corridor and geologically hazardous slopes, where the main ditch runs through.)

Please advise how the County will follow through in providing the required protections covered under CCC 27.12.

Thank you for your consideration,
Respectfully,
Judy Larson



SPTI 12-21 EWRP-033CCCConservnDistr508.pdf
3014K



Virginia Shogren <vshogren@gmail.com>

Summary Review/Status of concerns RE: impacts of proposed piping of original/main SP ditch

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:15 PM

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

Subject: Summary Review/Status of concerns RE: impacts of proposed piping of original/main SP ditch

Date: 2023-11-14 13:35

From: larjdyng@olypen.com

To: Virginia Shogren <vshogren@gmail.com>, larjdyng@olypen.com

For the attention of Staff and Volunteer Board of CCD AND for the record:

In addition to stating for the record that I (and many others) do not give consent for the December 2021 proposed CCD/SPTIA project involving having irrigation ditch easements made involuntarily AND LIKELY illegally into piping easements for the original SP main ditch, I am now sharing with you the summary of details I provided for consideration by CC's DCD on 11-8-23.

*****8

Original Message -----

Subject: Details RE: Needed CARA protections for impacts of proposed piping of ditch

Date: 2023-11-08 11:55

From: larjdyng@olypen.com

To: bruce.emery@clallamcountywa.gov, todd.coward@clallamcountywa.gov

Dear DCD Director/Designee,

Following is background information to clarify my previously submitted 10-6-23 inquiry.

At a January 30, 2023 SPTIA Shareholder Meeting, information/details about a proposed piping of the historic, first Sequim Prairie irrigation ditch were provided, even though

Clallam Conservation District had prepared this proposal with SPTIA in December 2021.

Please reference proposal link:

https://www.usbr.gov/watersmart/ewrp/docs/2022/EWRP-033_ClallamConservationDistrict_508.pdf

(Please advise if you want me to send document as an attachment.)

As a shareholder/stakeholder, I* and others submitted for the record comments about our serious concerns about this proposed project.

(*I am Judy Larson, owner of 1070 W. Palo Verde Loop, Sequim, WA which is in a County designated CARA. The north boundary of my property shows a 10 foot easement for the original, first Sequim Prairie irrigation ditch and I own 10 shares of SPTIA, Inc. per Certificate #629.)

In looking (unsuccessfully) for a SEPA-type review of this proposed project on the County website, I DID find information about Critical Aquifer Recharge Area required protections which I cited in my comments (27.12.600;27.12.600;27.12.840;27.865;27.12.900). Some of "shall" requirements included:

hydrologic assessments, no measurable reduction in available quantity of ground water, mitigation plans for "in order of preference:" (a) Avoiding the impact altogether.....(d)compensating for the impact...

I note this because I have a private well with a depth ~60 feet - which due to ditch proximity and vertical continuity known for CARAs makes me ask for assurances of compensation to cover piping impacts that may lead me to deepen my well. (At this time, I now conclude that there should be no piping of the main SPTIA ditch.)

Others also commented on general habitat, wildlife impact concerns regarding piping. I noted this, too - pointing out how the northern boundary of 1070 has several cedar trees of ~>100 foot height and ~>100 years of age. The lack of adequate recharge- which HAS been present for these many years - may have serious consequences for damaging their health and longevity and lead to endangerment issues for life and property. I stated how over the 30 years I have lived at 1070, I witness wildlife traveling along my area of the ditch - even now after BIG BOX and other developments. (Indeed,

4/8/26, 3:25 PM

Gmail - Summary Review/Status of concerns RE: impacts of proposed piping of original/main SP ditch

City of Sequim recognized the need for having the Jennie's Meadows development provide permanent protections for the wildlife corridor and geologically hazardous slopes, where the main ditch runs through.)

Please advise how the County will follow through in providing the required protections covered under CCC 27.12.

Thank you for your consideration,
Respectfully,
Judy Larson

I have not yet received any meaningful County input except a "courtesy call" from Todd Coward, Planner II confirming that Joe Holtrop did meet with DCD, details of the meeting (which was referenced by Joe Holtrop in his October "time sheet") were NOT provided.

Can Joe fill us in on the when, what, why, with whom regarding this meeting?

I did review the materials CCD provided regarding a serious accident involving an earlier CCD piping project and how deficiencies/lapses in proper materials, installation and supervision were revealed. Concerns about pressurized piping circumstances have also been found in minutes of SPTIA Board Meetings.

How many other CCD piping projects have developed breaks and needs for repairs? As the project manager for all such projects, can Joe share his recall - without having to spend another almost 4 full work days (based on his Oct.2023 time sheet RE:PRR)?

There is a major proposed project for having a Dungeness Off-Channel Reservoir(OCR), which would reduce direct river withdrawals in times critical for our salmonids AND supply the stored waters for both the river's fish and for irrigators. In the meanwhile, why couldn't

SPTIA simply shut off flow in the main ditch during specific episodes of low flows, rather than having ditch piped for all times??? My understanding is that east-end farmers already were "granted" a reservoir to protect their agricultural/farming/dairy interests.

(If I read it correctly, the 12/2021 proposal costs for just the main ditch piping would be ~1.3 million, with a rather large (~10%?) involved for "administration" costs.

Thank you for your consideration of these concerns,
Judy Larson



Virginia Shogren <vshogren@gmail.com>

Fwd: Questions Emanating from/since CCD 8-8-23 Board Meeting

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:17 PM

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

Subject: Questions Emanating from/since CCD 8-8-23 Board Meeting

Date: 2023-09-11 14:00

From: larjdyng@olypen.com

To: garsmith@nikolabroadband.com, secretary.spt@gmail.com

Hi Gary and Julie,

You know of concerns about the proposed piping of the ditch project as expressed by some of us landowners with irrigation ditch easements.

At the Clallam Conservation District(CCD) 8-8-23 meeting:

*Joe Holtrop admitted to writing the December 2021 proposal submitted by Kim Williams.

*Joe said that although the November 2021 SPTI Board Meeting Minutes indicated he had advocated the piping, Joe said you, Gary, had been the advocate. True or False?

*Those 11/21 minutes also note SPTI was advised that grant money could be returned if a decision was made to not go forward with the piping. Would SPTI be willing to NOT pipe the ditch, due to public and landowner concerns?

*I believe there is general agreement that the grant for improving the head gate does make sense. Does SPTI still own the involved property rights?

*I did receive the info about early ditch shut down(no water flowing). When I looked at online info, the report showed a problem with SPTI transducer. Is that maintenance problem also the justification for early shut down?

I would appreciate a timely response.

Thank you,

x Judy Larson (1070 W Palo Verde Loop, Sequim with 10 shares for SPTI ditch.)



Virginia Shogren <vshogren@gmail.com>

Fwd: CCD 1-9-24 Public Comments for the Record

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:24 PM

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

Subject: CCD 1-9-24 Public Comments for the Record

Date: 2024-01-09 13:47

From: larjdyng@olypen.com

To: larjdyng@olypen.com

For the attention of Staff and Volunteer Board of CCD AND for the record:

In reading today's Meeting information:

- * I note the need for corrections to names for attending public in 11-14-23 & 12-12-23;
 - * I request access to details of the information Joe Holtrop discussed and received during his noted meeting with CC DCD Director and how that was used for today's listed "draft" irrigation FAQ sheet;
 - * I note the FAQ sheet describes membership of the DRAWUA districts and companies but no current contact information -which I requested months ago of Kim Williams. I ask Kim or Joe to timely supply this information to me and to the County for public information. There are requirements for supplying public access to records regarding district and company meetings as well as for the DRAWUA. How do I access them?
 - * I would like evidence that affected property owners received advance notice for prior piping projects and whether consent was requested and received. Could the next CCD Newsletter ask for input from those already affected by such projects?
 - * I would like verification that such projects received monitoring for both positive and negative impacts to wildlife, wells, properties. (I have only found records up through 2006 for recovery of DR salmonid stocks.)
 - * The GMA updates for CPs now require the need to address climate change on the NOP.
- The FEIS for the DRAWUA plan did not include this and should also be updated.
- * To date, SPTIA has provided no additional contact about the main SP piping or even about the required Annual Meeting.
 - * I reiterate for the record that I "do not give consent for the December 2021 proposed CCD/SPTIA project involving having irrigation ditch easements made involuntarily AND LIKELY illegally into piping easements for the original SP main ditch..."
 - * Finally, I repeat:
"There is a major proposed project for having a Dungeness Off-Channel Reservoir(OCR), which would reduce direct river withdrawals in times critical for our salmonids AND supply the stored waters for both the river's fish and for irrigators. In the meanwhile, why couldn't SPTIA simply shut off flow in the main ditch during specific episodes of low flows, rather than having ditch piped for all times??? My understanding is that east-end farmers already were "granted" a reservoir to protect their agricultural/farming/dairy interests."

Thank you for your consideration of these concerns,
Judy Larson



Virginia Shogren <vshogren@gmail.com>

Fwd: Response to Needed CARA protections for impacts of proposed piping of ditch

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:28 PM

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

Subject: Fwd: Response to Needed CARA protections for impacts of proposed piping of ditch
Date: 2023-12-02 18:00
From: larjdyng@olypen.com
To: Virginia Shogren <vshogren@gmail.com>

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

Subject: Response to Needed CARA protections for impacts of proposed piping of ditch
Date: 2023-12-01 16:15
From: "Coward, Todd" <Todd.Coward@clallamcountywa.gov>
To: Judy Larson <larjdyng@olypen.com>
Cc: "Emery, Bruce" <Bruce.Emery@clallamcountywa.gov>

Judy,

This is to respond to your email dated November 8, 2023.

The intent of Clallam County Code 27.12.600 - Critical Aquifer Recharge Areas is to provide water quality protection through the regulation of land use activities that pose a potential contaminant threat to the aquifer.

Pursuant to Clallam County's Critical Areas Code, the normal repair and routine maintenance of irrigation and drainage ditches are considered exempt and are not regulated by the County (CCC 27.12.035(8)). This exemption would apply to Critical Aquifer Recharge Areas. Because the project that you mentioned in the email was for "normal repair and maintenance" of an irrigation ditch, the County did not review, nor permit any part of it.

Because Clallam County had no jurisdiction over the project, no permit, including any required mitigation was required. Any mitigation concerns would have been detailed in the SEPA determination. Clallam County was not the lead agency in the SEPA process for this project. The reference of CCC 27.12.865 Critical Aquifer Recharge Areas - Special Requirements in your email would only apply to a project within the County's jurisdiction.

I have reviewed the Sequim Prairie-Tri Irrigation Association Irrigation Efficiencies and Improvement Project executive summary that was attached to your email. On page 7 of the summary, it states:

"The water that will be conserved by piping is currently lost to seepage and evapotranspiration. This seepage water does augment the shallow aquifer, thus mitigates well water withdrawals, and it supports unnatural wetlands, and small independent streams. As beneficial as this ditch leakage may be for the shallow aquifer, wetlands, and small streams, it is artificial and detrimental to Dungeness River flows. Irrigation conveyance losses through seepage have been well studied in the Dungeness watershed for decades, and a 2003 Environmental Impact Statement completed for the Dungeness River Agricultural Water Users Association Comprehensive Water Conservation Plan concluded that despite the benefits of artificially recharging the shallow aquifer with leaky irrigation ditches, this is considered an unlawful wasting of water".

It was known prior to the start of the of the project that the "unlawful" wasting of water that was supporting artificial wetlands and the artificial recharge of the shallow aquifer would be affected. It could be assumed that since knowledge of the effects of the project were known prior to implementation, mitigation measures for the shallow aquifer and unnatural wetlands would not be warranted.

Clallam County would not be responsible for future mitigation efforts for this project since the Critical Areas Code explicitly exempts this project. The codes that you highlight in your email would not apply to the project.

Sincerely,

Todd Coward

4/8/26, 3:33 PM

Gmail - Fwd: Response to Needed CARA protections for impacts of proposed piping of ditch

Planner II
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362
(360) 417-2239

Please note: my email has changed: todd.coward@clallamcountywa.gov

assigned #24-322.

Future communications regarding this request will be sent through the portal. Instructions for setting up your account in the portal were email to you today from the portal.

Thank you again. Have a good day.

Kelly Gonzalez

Kelly Gonzalez | Public Records Officer | Public Records, HR, & Risk Management
223 E. 4th Street, Ste. 16 | Port Angeles, WA 98362 |  360.417.2234 |  360.417.2550 | 
kelly.gonzalez@clallamcountywa.gov

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

From: larjdyng@olympen.com <larjdyng@olympen.com>
Sent: Thursday, February 29, 2024 9:44 AM
To: Gonzalez, Kelly <kelly.gonzalez@clallamcountywa.gov>
Cc: larjdyng@olympen.com
Subject: Public Records Request RE: Joe Holtrop (aka CCD) & DCD Director communications

[You don't often get email from larjdyng@olympen.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Kelly Gonzalez, Clallam County Public Records Officer,

* Please accept this email as my Public Records Request to have the complete details of all records regarding emails, phone logs or recordings and complete notes about/for any meetings that took place between Joe Holtrop and Clallam County Department of Community Development Director Bruce Emery beginning with the Director's current term of office. Also, if there have been any additional DCD communications with Clallam Conservation District pertaining to the CCD-SPTIA proposed piping project, I request those records.

* I am including with this PRR the email I received from Director Emery, dated 12-18-23 which clearly acknowledges a 10-20-23, 3pm meeting with Joe Holtrop and also notes phone and email contact with Joe Holtrop on "December 25th." (This latter date seems inconsistent with the Director's email date to me, but perhaps he can explain when he provides pertinent records/details.)

* I have read over the County's Policy regarding Public Records and can see no justification for redactions or confidential privilege.

* I thank you for your attention to this request. If your office needs additional clarifications, please email me: larjdyng@olympen.com.

Respectfully yours,
Judy M. Larson

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

Subject: RE: Response to Needed CARA protections for impacts of proposed piping of ditch
Date: 2023-12-18 11:55
From: "Emery, Bruce" <Bruce.Emery@clallamcountywa.gov>
To: "larjdyng@olympen.com" <larjdyng@olympen.com>, "Gallagher, Mike (ECY)" <MGAL461@ECY.WA.GOV>
Cc: "Coward, Todd" <Todd.Coward@clallamcountywa.gov>, "Boughton, Dee" <dee.boughton@clallamcountywa.gov>

Good morning, Judy,

I apologize for my delay in responding but it's been a busy time at DCD.
My responses to your four questions are as follows:

1. I did review the response provided by Todd Coward on December 1, 2023.

2. I was contacted by Joe Holtrop in October. He had requested a meeting with me without specifying the content. We met on October 20, 2023, at

3:00 PM. Attached is the sheet from my note pad, dated 10/20/23 with unrelated information redacted. I also spoke with Mr. Holtrop by phone on December 25th. On that same day, he forwarded me by email copies of two letters: one from Virginia Shogren to SPTIA dated 4/28/2023, and a response from Thomas Pors to Virginia Shogren, dated 6/8/2023.

Additional records may be available by making a public records request at: <https://www.clallamcountywa.gov/971/Request-Public-Records>

3. I do not believe that new piping for upgrading an irrigation ditch is "normal repair and maintenance" as intended by Title 27, CCC. This is made clear by the definitions contained in CCC 27.12.900(43) and (44). However, CCC 27.12.615 sets forth the performance standards for non-exempt activities within a critical aquifer recharge area. The only provision from this section that applies is Subsection (4), Land Disturbing Activities. Typically, land disturbing activities require a Certificate of Compliance, and may require a temporary erosion and sediment control plan and permanent drainage plan. However, these requirements may be waived by the Administrator upon a determination that the proposal will not affect the critical area. Since the proponent has already proposed adequate erosion and sediment controls (SPTIA Irrigation Efficiencies and Improvement Project, December 9, 2021, P. 22) and there will be no new impervious surfaces or pollution-generating surfaces from the project, it is within reason that the requirements will be waived for the proposal. Most critically, there is no requirement or authority for Clallam County to regulate the project based on potential impacts to ground water levels.

4. Nothing in CCC 27.12.615(4) triggers or otherwise requires the studies referenced in Subsections .840 or .865.

5. Mr. Coward's reference came directly from the SPTIA Irrigation Efficiencies and Improvement Project, December 9, 2021, P. 7. You are free to review the 2003 FEIS for the corresponding pages.

In addition to the above-stated answers, the project to be undertaken by the SPTIA is considered a Watershed Restoration Project in accordance with RCW 36.70A.460, and is subject to the limited permitting requirements articulated in RCW 89.08.450 to .510. To date, Clallam County has not received the consolidated permit application nor any formal opportunity to comment on the proposal. Any future review and official response will be based on the information provided by the proponent. Consideration of permit conditions in advance of that information would be premature.

I hope this information is helpful. Please let me know if you have any questions. I can be reached at 360-417-2323 or this email.

Sincerely,

Bruce Emery, Director
Clallam County DCD

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

From: larjdyng@olympen.com <larjdyng@olympen.com>

Sent: Monday, December 11, 2023 12:13 PM

To: Gallagher, Mike (ECY) <MGAL461@ECY.WA.GOV>; Emery, Bruce <Bruce.Emery@clallamcountywa.gov>

Subject: Fwd: Response to Needed CARA protections for impacts of proposed piping of ditch

[You don't often get email from larjdyng@olympen.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Director Emery,

I am asking:

1) for verification that the following response has been reviewed by the DCD Director;

2) for information on how to obtain a record of the meeting(s), and other communications Joe Holtrop has had with CC DCD in 2023;

3) how new piping is considered to be normal repair and maintenance of an irrigation ditch; hence how 27.12.035 (8) DOES apply;

4) recognition of how .040 involving development to alter or replace pre-existing...DOES apply, hence piping would be subject to standards (~.420(2), .600, .840, .865).

<ALSO: In addition to reading Ord.915, I have read Ord.1010. The Code developed for storm-water management protections now also apply per

27.14.060,.070,.120 etc... Therefore, Clallam County should now be requiring permits for such land alteration

activities involved in piping of the original Sequim Prairie ditch which is located in CC designated CARA where quantity impact protections are required.> 5)what is the exact page citation IN the 20003 FEIS which Todd Coward seems to have excerpted from the CCD/SPTIA 12/2021 proposal,p8.

Please provide the DCD Director's response to these concerns by email.
Your prompt attention will be appreciated.

Thank you,
Judy Larson (larjdyng@olypen.com)

To: Judy Larson <larjdyng@olypen.com>
Cc: "Emery, Bruce" <Bruce.Emery@clallamcountywa.gov>

Judy,

This is to respond to your email dated November 8, 2023.

The intent of Clallam County Code 27.12.600 - Critical Aquifer Recharge Areas is to provide water quality protection through the regulation of land use activities that pose a potential contaminant threat to the aquifer.

Pursuant to Clallam County's Critical Areas Code, the normal repair and routine maintenance of irrigation and drainage ditches are considered exempt and are not regulated by the County (CCC 27.12.035(8)). This exemption would apply to Critical Aquifer Recharge Areas. Because the project that you mentioned in the email was for "normal repair and maintenance" of an irrigation ditch, the County did not review, nor permit any part of it.

Because Clallam County had no jurisdiction over the project, no permit, including any required mitigation was required. Any mitigation concerns would have been detailed in the SEPA determination. Clallam County was not the lead agency in the SEPA process for this project. The reference of CCC 27.12.865 Critical Aquifer Recharge Areas - Special Requirements in your email would only apply to a project within the County's jurisdiction.

I have reviewed the Sequim Prairie-Tri Irrigation Association Irrigation Efficiencies and Improvement Project executive summary that was attached to your email. On page 7 of the summary, it states:

"The water that will be conserved by piping is currently lost to seepage and evapotranspiration. This seepage water does augment the shallow aquifer, thus mitigates well water withdrawals, and it supports unnatural wetlands, and small independent streams. As beneficial as this ditch leakage may be for the shallow aquifer, wetlands, and small streams, it is artificial and detrimental to Dungeness River flows.

Irrigation conveyance losses through seepage have been well studied in the Dungeness watershed for decades, and a 2003 Environmental Impact Statement completed for the Dungeness River Agricultural Water Users Association Comprehensive Water Conservation Plan concluded that despite the benefits of artificially recharging the shallow aquifer with leaky irrigation ditches, this is considered an unlawful wasting of water".

It was known prior to the start of the of the project that the "unlawful" wasting of water that was supporting artificial wetlands and the artificial recharge of the shallow aquifer would be affected. It could be assumed that since knowledge of the effects of the project were known prior to implementation, mitigation measures for the shallow aquifer and unnatural wetlands would not be warranted.

Clallam County would not be responsible for future mitigation efforts for this project since the Critical Areas Code explicitly exempts this project. The codes that you highlight in your email would not apply to the project.

Sincerely,

Todd Coward
Planner II
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362
(360) 417-2239

Please note: my email has changed: todd.coward@clallamcountywa.gov



Virginia Shogren <vshogren@gmail.com>

Fwd: FW: Question(s) about Exempt Wells

larjdyng@olypen.com <larjdyng@olypen.com>
To: Virginia Shogren <vshogren@gmail.com>

Wed, Apr 8, 2026 at 3:34 PM

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

Subject: RE: Question(s) about Exempt Wells
Date: 2025-02-18 14:27
From: "Gallagher, Mike (ECY)" <MGAL461@ECY.WA.GOV>
To: "larjdyng@olypen.com" <larjdyng@olypen.com>

Judy

I was finally able to finish your request for wells in the County and in the rule area. I am sorry this took so long, but I had to do this as I had time from the rest of the 11 Counties we cover in the SW Region.

Here is a response to your questions below:

When I attended the 10-22-24 Dungeness OCR Open House, I was referred to you/your office by Clallam County's Jason Hatch to obtain answers to my questions:

1) How many "exempt wells" are in the Dungeness Rule area of Clallam County?

There are a total of 5,555 exempt water wells in the Dungeness Rule area. I am assuming each of these wells serve one single home or in a few cases (<200) are shared between two homes.

In addition, there are 144 water right permits or certificates or small Group B water systems on a single exempt wells serving usually 3-14 homes, that use groundwater from well(s) to serve more than one home in the Rule area. So, this would amount to 5,699 total water wells in the Dungeness Rule area. In addition, some the larger water rights Like Sequim and Clallam UD systems would use more than one well.

2) How many of these exempt wells are known to have been deepened?

Ecology has no actual number, but my estimate is less than 50, and I believe this to be a high number. While I have heard of perhaps 5 wells needed to be deepened over the past dozen years, I have never received a direct call from a property owner stating their well has gone dry. I assume in these cases the property owner calls a well driller first to ascertain the situation and elects to have the driller construct a deeper well.

3) Are dates known for when such wells have been deepened?

Ecology has no record of such dates.

4) How many exempt wells are in all of Clallam County?

There are a total of 8,761 exempt water wells in the Dungeness Rule area. I am assuming each of these wells serve one single home or in a few cases are shared between two homes.

In addition, there are 224 water right permits or certificates or small Group B water systems on a single exempt wells serving usually 3-14 homes that use groundwater from well(s) to serve more than one home. This includes the number 144 above, so there are about 80 water rights or small groups B water systems outside of the Dungeness Rule area in the rest of the County. Overall, this would amount to 8,985 total water wells throughout Clallam County.

5) How many of the exempt wells outside of the Dungeness Rule area have been deepened (& if known - when)?

Ecology has no record of deepening of existing wells in the County. There are likely a few, but these would be deepened because the well was constructed in fractured bedrock, which has less physical availability of groundwater than the sand and gravel aquifer material that covers most of the Dungeness Rule area. Dry wells in fractured bedrock occur on the rare occasion throughout the Southwest Region, primarily in the Willapa Hills in Pacific County, Bald Hills in eastern Lewis County, Black Hills in western Thurston County, the Olympic foothills in Grays Harbor County and the southern Cascade foothills in Cowlitz and Clark Counties

Region-wide, we get anywhere from 2-6 calls per year about dry wells in this type of situation. These calls are usually in the late summer when the water table is at its lowest, and the wells become replenished again when the fall and winter rains resume. Usually in these cases the property owner becomes much more judicious about outdoor watering in the summer because their well cannot supply enough water for outdoor irrigation needs.

I hope this information helps!

Mike

Michael J. Gallagher, LHG - Section Manager
Water Resources Program - Southwest Regional Office
Washington State Department of Ecology
PO Box 47775
Olympia, WA 98504-7775
360-870-6291 (work cell) | mike.gallagher@ecy.wa.gov (e-mail)

Clallam County Comprehensive Plan Update Summary of Public Testimony and Corresponding Recommendations as of April 8, 2026, Table Version 3.3

The following provides a summary and recommended response to testimony received during the public hearing process. To avoid duplication and per the planning Commission's instruction, this table is being provided as a supplement to CPU Policy Response Table 3.

Summary of Testimony	Recommended Policy/Response
51) Emailed testimony from Patty McManus, dated March 26, 2026. Comments are similar to #32, above.	See response to #32, above.
52) Letter received from Karla Boughton, Director of DCED for the City of Sequim, dated March 26, 2026. Comments included acknowledging the extensive collaboration the City and County engaged in during the CPU process.	No policy change is recommended.
53) Emailed testimony received from John Worthington, dated March 30, 2026. Comments advocated for the application of the science utilized in the Jimmycometely Creek restoration project to the restoration of the Dungeness River. Comments included that leadership exhibits "...contempt, open hostility, and dishonesty."	These same issues were raised in Testimony #12, 13, 21, 24 and 30, above. The Planning Commission has considered this matter, including expert witness from the County's Habitat Biologist Manager. A difference of opinion, especially when supported by expert witness, is not "contempt" or "open hostility," it is merely a difference of opinion. This said, the application of transferable techniques that have proven effective in other restoration projects does make sense. In all cases, it is the habitat biologists and hydraulic engineers who study the specific needs and dynamics of a river system to determine and prescribe the steps needed to establish habitat restoration. This level of prescription is not appropriate at the policy level. With this discussion, the following new policy is recommended under 31.02.340(7)(d):

	<u>"Habitat restoration projects have been ongoing within Clallam County for over 30 years. While some efforts will take time to gauge their effectiveness, others have already demonstrated success, such as the restoration of Jimmycomelately Creek. The lessons learned from each project contributes to the development of Best Available Science. Where techniques are successful and transferable, they should be considered in future restoration projects within the context of the specific environmental needs and conditions of the habitat."</u>
54) Emailed testimony received from Eric Fehrmann, dated March 30, 2026. Comments expressed support for testimony provided under #53, above.	See response to Testimony #53, above.
55) Emailed testimony received from Heather Cantua, dated April 1, 2026. Comments were related to Master Planned Resort (MPR) policy and standards in the County Code. Specifically, the testimony alleges the County's application of its MPR policy and standards is erroneous and incongruent with the requirements of the GMA.	RCW 36.70A.360(1) defines MPRs, in part, as "...self-contained and fully integrated planned unit development..." Implicit in this definition is a sense of scope. Per the Municipal Research Services Center (MRSC): "In other words, MPRs are more than just overnight lodging for visitors or a single recreation use...they provide a package of facilities, services and amenities that largely meet the daily needs of visitors. Visitors are drawn for extended stays because of the high quality and varied recreational opportunity..." Further within the intended scope of MPRs, the RCW allows for a range of uses, including residential use for supporting staff, the requirement that capital facilities be evaluated and determined adequate, and the statement characterizing MPRs as Urban Growth. In contrast, other jurisdictions are careful to distinguish MPRs from other small-scale accommodations. For example, Thurston County defines "Resort" as

	“Resort” means a planned unit development used primarily for outdoor recreation that is usually sited in an area with significant natural amenities. The definition of resort does not mean a master planned resort as defined by RCW 36.70A.360(1) (TCC 20.03.04, 113.5).” Jefferson County allows for Rural Recreational Lodging or Cabins and Recreational Cultural or Religious Conference/Retreat Facilities. Such uses require a CUP and must have a minimum parcel size of 10 acres and include no more than 15 cabins for every 10 acres up to a maximum of 30 rooms or cabins not to exceed 12,000 SF of building area (JCC18.20.350(9)). Simply not meeting all criteria of a Master Planned Resort as specified under CCC 33.25 does not mean the use should be denied. A Master Planned Resort is a specific use clearly defined under the GMA with a clearly implied scope. Small scale recreational developments with cabin or other short-term accommodations do not violate MPR standards or the GMA. They are an essential part of a rural county’s economic development strategy and with reasonable conditions, do meet the requirements of the GMA. With the policies proposed under 31.06.100(5) and .120(39), the County will be able to directly address this issue within the Zoning Code.
56) Emailed testimony from John Worthington, received April 1, 2026. Comments include two map drawings of the Jimmycomelately Restoration project site, identifies several beneficial features of the project that could be applied to the Dungeness River, identifies agencies that	See response to Testimony #12 and #13, above.

could assist in project funding, and provides an over-all project cost estimate for the work.	
57) Letter from Virginia Shogren, dated April 1, 2026. The testimony requests a moratorium on the continuation of the irrigation system tightening project, and requests historical protections for the remaining ditch network.	Response provided in Memorandum of April 6, 2026, regarding <i>Public Testimony concerning the tightening of irrigation ditches in the Sequim-Dungeness Valley</i>, included in the April 8, 2026 Commission packet.
58) Email from Wendy Clark, Transportation Program Manager, Jamestown S’Klallam Tribe, dated April 1, 2026. Comments include: a) Request 2nd sentence under 31.08.380 be amended to read: “To ensure adequate opportunity for public <u>and tribal</u> engagement and involvement and full consideration by the Planning Commission...”	a. Recommend the requested policy edit as consistent with RCW 36.70A.040 and .210.
b) Regarding 31.03.130, Table 3, <i>Substandard Road Widths</i>, concern that Chicken Coop Road was removed and Palo Alto Road was retained.	b. There were two entries for Chicken Coop Road. One was removed. Palo Alto Road continues to show substandard widths according to the Road Department.
c) Concerns regarding the outdated reference to the FEIS for the Palo Alto to O’Brien Road corridor study.	c. Recommend edits to 31.03.140(1)(a): “Encourage the Washington State Legislature and Washington State Department of Transportation to complete the improvements to the Highway 101 corridor <u>for the City of Sequim’s Simdars Road Interchange and Bypass project as outlined in the Final Environmental Impact Statement for the Palo Alto to O’Brien Road corridor.</u>” Recommend edits to 31.02.420(1)(c)(i): “Insist upon the State Legislature and Department of Transportation to complete

d) Concern about inclusion of "US 101 FEIS from Palo Alto to O'Brien Road," given it is nearly 30 years old and mentioned more than once in the Regional Plan. It should be included as a supporting document. e) Suggestion that the City of Sequim provide updated transportation policy to replace the completed projects under 31.03.310(4). f) Concern that Diamond Point Road is federally classified for truck traffic (T-3 rating), which appears to conflict with 31.03.320(5)(a), which states "...road standards should be more rural in nature." g) Noted that Jamestown S'Klallam Tribe transferred to trust land adjacent to SR 101 at Miller Peninsula, suggesting update to 31.03.415(6)(c).	<u>improvements for the City of Sequim's Simdars Road Interchange and Bypass project in the Sequim-Dungeness subregion as described in the final environmental impact statement for SR 101, Palo Alto to O'Brien Road."</u> d. Recommend the following edit to 31.03.140(1)(a): "Encourage the Washington State Legislature and Washington State Department of Transportation to complete the improvements to the Highway 101 corridor <u>for the City of Sequim's Simdars Road Interchange and Bypass projects outlined in the Final Environmental Impact Statement for the Palo Alto to O'Brien Road corridor."</u> e. Recommend the following edit to 31.03.310(4): "<u>Transportation (Policy 6). Coordinate with the City of Sequim on improving multi-modal circulation patterns around the Sequim urban growth area:</u> <u>(a) —Encourage improvements to the circulation patterns within the City, including consideration of interim measures to reduce congestion until the Sequim Bypass is constructed and mobility improvements to West Sequim Bay Road.</u> <u>See also pPaths, tTrails and sSidewalk policies in CCC 31.03.140(4)."</u> f. Recommend the following edit to 31.03.320(5)(a): "<u>Policy 7. Since Diamond Point and Sunshine Acres are geographically confined, roads within the development are not expected to carry large traffic volumes and road standards should be more rural in nature, while maintaining minimum design standards consistent with the roads' T-3 rating pursuant to FGTS (2023).</u>" g. Suggest the following amendment to 31.03.415(6)(c): "<u>Policy 15. Commercial development at the intersection of Diamond Point Road and US 101 or at any point along US 101 between the eastern Clallam County line and the Blyn rural center will be discouraged as sufficient areas for commercial development have been provided within the</u>
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h) Noted that the last sentence under 31.03.435(4) is non-binding; suggests removal. i) Noted that the Dungeness Nature Center is complete, suggesting an update to 31.03.455(6)(b). j) Policies 31.03.455(6)(b), .465(5)(c) and .475(4)(b), refer to the Dungeness River Greenway Concept Plan. Requests including the plan as a supporting document.	Diamond Point/Sunshine Acres and Blyn rural centers. Should <u>The</u> Jamestown S’Klallam Tribe <u>has</u> put its ownership in the vicinity of the intersection of Diamond Point Road and US 101 into tribal trust status. <u>The County lacks jurisdictional authority to restrict in order to allow</u> commercial development of this site despite contrary to the direction provided by local residents as expressed in the Sequim-Dungeness Regional Plan. <u>Should commercial development of tribal trust lands result</u>, then such development shall not provide any justification for adjacent commercial development of lands under Clallam County jurisdiction.” h. Suggest the following amendment to 31.03.435(4): Future development by the Jamestown S’Klallam Tribe in the Blyn LAMIRD will require increased public services, particularly police and fire. Future development plans should be carefully coordinated with those service providers. It is also assumed that some services will be provided by the Tribe and would be open to local residents. i. Suggest the following edit to 31.03.455(6)(b): (b) <i>Policy 11.</i> The Jamestown S’Klallam Tribe is planning a natural history center adjoining the Dungeness River; this location would be adjoining the Railroad Bridge Park. The Dungeness River Greenway Concept Plan also envisions other public access potential along portions of the Dungeness River in this area, if cooperatively implemented with landowners. j. There is no record of any formal adoption of the Dungeness Greenway Concept Plan. Recommend eliminating 31.03.455(6)(b). Recommend edits to 31.03.465(5)(c): “<i>Policy 11.</i> A nonmotorized trail segment is a possibility along the Dungeness River if the landowners agree. The Dungeness River Greenway Concept Plan identifies <u>Consider</u> The dike on the east side of the River between Sequim-Dungeness and Woodcock for potential public access.”
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k) Notes that there is no reference to the 2022 OFM population projections in the June, 2025 Regional Transportation Plan by the PRPTO. Requests removal. l) Requests removal of reference to levels of service (LOS) for Transit service under 31.02.425 m) Concern that the Victoria Express is not a viable UTC. Implies it may not be appropriate under transportation policies.	Recommend edits to 31.03.475(4)(b): "Policy 8. A nonmotorized trail segment is a possibility along the Dungeness River if the landowners agree. The Dungeness River Greenway Concept Plan identifies <u>Consider</u> use of the dike on the east side of the River between Sequim-Dungeness and Woodcock for potential public access." k. The official comments from Thera Black, PRPTO (10/14/2025), specifically stated the PRPTO based their long-range forecast on the 2022 OFM data. l. This same request was stated (but missed) in the PRPTO's 10/14/2025 comments. Recommend the following edits to the first paragraph of 31.02.425: "The Peninsula Regional Transportation Planning Organization is recommending two measures of level of service, demand and supply, to characterize transit LOS in urban and rural areas. <u>Clallam County shall continue to coordinate with Clallam Transit to support implementation of the agency's long-range system plan, with emphasis on primary routes serving urban areas and regional transportation corridors, consistent with its currently adopted service standards.</u> The following two tables summarize the recommended thresholds and point system used in determining Table 11 (Existing LOS Conditions of Transit Routes)." m. Victoria Express is no longer in service as a passenger ferry (now an eco-tour service under Expeditions Northwest). Recommend elimination of 2nd paragraph, 31.02.415(3).
59) Emailed testimony from John Worthington, dated April 1, 2026. Comments challenged the premise that the Planning Commission does not have purview over project-level decision making, including:	

a) Authority under the Comprehensive Plan, citing that the Plan establishes policy impacting river restoration and other project-level guidance. Large-scale projects directly impact the outcomes of Comprehensive Plan policy. b) Authority under the Shoreline Master Program. Silar to the Comprehensive Plan, the SMP establishes policy and regulations for activity in shoreline jurisdictions. Comments suggest the Commission reviews shoreline permits. c) Authority under the Critical Areas Ordinance. Comments suggest the Commission is responsible for reviewing projects administered under the CAO d) Authority under SEPA. Comments suggest the Commission serves as Lead Agency for SEPA determinations and project review. e) Historical and ongoing role in River Management. Comments suggest the Commission has previously reviewed and made recommendations regarding Dungeness River Floodplain projects.	a) The administration of all ordinances affiliated with the Comprehensive Plan is the responsibility of the Department of Community Development (CCC 26.01.040(2)). Although large-scale projects do impact future policy, the Planning Commission's role is limited to recommendations on policy and regulations (CCC 26.01.050(1) & (2)). b) The same organizational structure identified in a) above, also applies here. c) The same organizational structure identified in a) above, also applies here. The limited project review authorities expressed under CCC 26.01.050(3) and (5) were preempted with the adoption of Ch. 26.04, Hearing Examiner (Ord. 580, 1995). d) The Lead Agency responsibility for the county is vested in the Director of DCD (CCC 26.01.040(4) and 27.12.030(8)). e) The Planning Commission has reviewed and made recommendations concerning watershed planning (WRIA 18 Plan) but has not been involved in the review and recommendations of specific projects involved in the restoration of any river system or similar habitat. This is the responsibility of DCD and other County agencies (CCC 26.01.040 and Section 4.25, Clallam County Charter).
60) Emailed testimony from John Worthington, dated April 1, 2026. Comment	No policy change is recommended.

indicated a “Jimmycomelately hybrid” could be built on the Dungeness for \$42M. Comments included an estimated cost breakdown, and an estimated price range of \$29 - \$38M.	
61) Emailed testimony from John Worthington, dated April 2, 2026. Comments provided rebuttal testimony to discussion held by the Planning Commission on April 1, 2026. Comments criticized the Lower Elwha Levy project; lack of “professional endorsement” concerning Dungeness policy; allegations that the CPU process is being influenced by North Olympic Development Council (NODC) and the Straits Ecosystem Recovery Network (SERN); and failure to apply the “Jimmycomelately science” to other river restoration projects is a “violation of equal protection.”	No policy change is recommended. To date, the County has not received comments from the NODC or SERN regarding the Comprehensive Plan Update.
62) Emailed testimony from John Worthington, dated April 2, 2026. Comments include: a) Express concern that future plans of the Jamestown S’Klallam Tribe and the Lower Elwha Klallam Tribe are not integrated into the CPU process. b) Express concerns about citizen engagement and lack of response to testimony.	a) The DCD engaged area tribes in the CPU process as required under RCW 36.70A.040 and .210. Four of five tribes have responded with comments. They are under no mandate to provide comment and their involvement is strictly voluntary. b) The County has generally followed its Public Engagement Plan, as detailed in the Public Engagement Report. Questions are responded to.

c) Criticisms of the Lower Elwha Levy project, including placement of log jams d) Concerns that there is a lack of lack of endorsement concerning Dungeness policy;	Suggestions or other comments that do not lend themselves to meaningful policy recommendations are not offered a policy response. c) Not applicable to the CPU. d) The work of the DRMT is not specifically germane to the CPU.
63) Emailed testimony from John Worthington, received April 4, 2026. Included comments from Testimony #56, and includes: rebuttal that the proposal is “too grandiose,” criticisms of the entities focused on recovery of the Dungeness, criticism of log jam construction in the Lower Dungeness Levee project area, criticism of the Dungeness irrigation piping project, advocating for diversion of other stream corridors to supplement water flow in the Dungeness, and criticism of the Dungeness Off-Channel Reservoir project—citing seismic structural risks.	No policy change is recommended.
64) Emailed testimony from John Worthington, dated April 5, 2026. Comments appear to incorporate edited versions of Testimony #59 and #63.	No policy change is recommended.
65) Email from Stephanie Martin, Habitat Division Manager, Makah Indian Tribe, dated April 6, 2026. Comments included reference to habitat and water resource studies that have been conducted in the Hoke Watershed, and recommendations for further study and collaboration, including: “natural restoration to help naturally increase water	Recommend including the following sub-regional policy regarding water resources under new subsection 31.05.60(1)(c): <u>“Policy 3. Despite exceptional precipitation, water availability in the Straits Region is limited by geologic formations that prevent the accumulation of ground water in naturally occurring aquifers. Where available, the withdrawal of water for domestic use can impact instream flows needed for restoration and</u>

storage in the watershed and slow drought impacts, and man-made opportunities to capture and store water.”	<u>health of fish stocks. More study of the region's water resources is needed along with additional efforts focused on naturally increasing water storage for resilience against drought impacts, considering man-made structures and other opportunities to capture and store water, and balance domestic and environmental needs.</u> ”
66) Article from Hood Canal Environmental Council, dated Spring, 2024, discussing the Pleasant Harbor Master Planned Resort in Jefferson County, submitted by Heather Cantua, received April 7, 2026.	No policy change is recommended.
67) Emailed letter from Judy Larson, received April 8, 2026. Comments included a series of email chains with communications with County staff. Comments included: a) Concern that respondent was unable to provide testimony during the 4/1/26 hearing due to being held in “muted” status. b) Expressed concerns about proposed zoning changes represented in Zoning Amendment Map Exhibit B. c) Concerns that the SEPA Threshold Determination should have considered testimony regarding impacts related to the irrigation ditch tightlining project.	a) Under the Zoom meeting format, all electronic attendees are held in “mute” until opportunity for public comment. They signify their desire to provide comment by raising their hand icon during opportunity for comment. Those attending by phone can raise their hand by touching “*9” on their keypad. b) The siting of the proposed zoning change from S(R-II) to S(R-II) included analysis of the vicinity. The proposed zoning designation was determined by the Planning Commission to represent a transition from the more intensive commercial and high-density residential areas to the west and south, and the character of residential development within the Palo Verde Loop area (ranges 0.7 to 2.9 acre lots). c) The potential impacts related to the ongoing irrigation system tightlining project was fully analyzed in the FEIS for the project in 2003, including the concerns expressed by the commentor. The project is an

d) Concern that record of public and agency comments were not included in the Draft CPU hardcopy documents placed at the Public Library. e) Concerns about consideration of the historic, cultural and hydrologic contributions provided by the open-ditch irrigation network—citing comments submitted by Virginia Shogren (Testimony #57). f) Reference to email correspondences with DCD staff and “questionable responses” relating thereto. g) Requests that Part 6 (Critical Aquifer Recharge Areas) be “added as a Comp Plan element.” New language is also requested: “Activities that can impact quality or quantity of exempt wells must complete an environmental assessment described under Section (9) on p.27-82”	adopted element of WRIA 18 Watershed Plan (2004). More analysis is provided in the April 6, 2026, Memorandum on this subject. d) All written public and agency testimony is included in the packets to the Planning Commission and are available at the Planning Commission portal at: https://www.clallamcountywa.gov/AgendaCenter. As an ongoing process, it is impracticable to maintain current written testimony with the hard-copy CPU documents at the libraries. e) Please see analysis is provided in the April 6, 2026, Memorandum on this subject. f) Unclear what responses were “questionable.” There was need to provide clarification on certain issues. g) The Standards of Part 6, Critical Areas Ordinance (CAO), is a regulation required to implement the policies of the Comprehensive Plan. It does not serve as a policy document. Section 27.12.615 establishes specific performance standards for land use activities within a designated Critical Aquifer Recharge Areas (CARAs), including those activities that require a Hydrogeologic Assessment under 27.12.865. Amending standards in the CAO will be processed within 12 months of adoption of the CPU.
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