

Erika Shook

From: Erika Shook
Sent: Tuesday, May 22, 2018 10:55 AM
To: 'Kyle Loring'
Cc: 'Stephanie Buffum'; 'Tina Whitman'
Subject: RE: Whaleback LLC hearing, File # PSJ000-12-0009

Hi Kyle,

The notice of application for PSJ000-12-0009 was routed on May 2, 2013 to agencies and Friday Harbor Labs. This is not a new application. The new information we received on May 18, 2018 was in response to technical review found in the staff report and was not a change to the proposal requiring new public notice or a new application.

The denial of PSJXMP- 15-0028 was not appealed, so that decision is now final.

Erika Shook, Director - Direct Line (360) 370-7571
 SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
 360-378-2354 | 135 Rhone Street | PO Box 947 | Friday Harbor, WA 98250

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From: Kyle Loring <kyle@sanjuans.org>
Sent: Monday, May 21, 2018 2:13 PM
To: Erika Shook <erikas@sanjuanco.com>
Cc: 'Stephanie Buffum' <stephanie@sanjuans.org>; 'Tina Whitman' <tina@sanjuans.org>
Subject: Whaleback LLC hearing, File # PSJ000-12-0009

Dear Erika,

I'm writing to confirm that the public comment period for the Whaleback LLC exemption and permit applications extends to June 1, 2018 and to confirm that you circulated recent application materials to state agencies. On that first point, I see that the hearing was scheduled for 21 days after public notice and note that San Juan County establishes a 30-day public comment period for shoreline substantial development permits (SJCC 18.80.030.B.2). Although a public hearing was originally set for these issues several years ago, and Friends of the San Juans submitted comments a couple of years ago, a significant amount of new information has been added to the record, including wetland information that I found only today on the County's website, just two days before the scheduled hearing. These materials certainly warrant 30 days for public review and comment. In addition, I called a UW Friday Harbor Labs representative last week to inquire about their views on the proposal and learned that they did not believe that they had received any project materials over the last month or so. If that is correct, then the current process appears to have run afoul of SJCC 18.80.020.D.7, which requires referral to the Labs and a 20-day window for their comment. I have not inquired whether the application materials that became available two weeks ago or the more recently uploaded materials have been circulated to the Washington Departments of Fish and Wildlife or Ecology, but have not seen comments from either

agency on your online portal. Given that this matter involves a WDFW enforcement inquiry and development through a stream and in proximity to wetlands, it would not have been unusual to see such comments.

In short, the County appears to be rushing this process without adequate public notice and opportunity to comment after having worked patiently with the applicant for more than seven years. Friends asks that the County observe its public comment period and circulate recently-filed project materials to state agencies if it has not done so yet.

Sincerely,

Kyle

Kyle A. Loring
Staff Attorney

Friends of the San Juans

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