

1 **Participants:**

2 Mark Rose, Appellant, and Al Scalf, Respondent, met briefly with the
3 Examiner in an administrative pre-hearing conference to discuss the
4 number of parties each would ask to testify for them.

5 Josh D. Peters, Associate Planner

6 Mark Rose, Appellant

7 Peter Siefert, for the Appellant

8 Ted Labbe, Habitat Biologist, Port Gamble S'Klallam Tribe, for the
9 Appellant

10 Walt Parks, for the Appellant

11 Nancy Dorgan, People for a Livable Community, for the Appellant

12 Other parties present:

13 Lori Beringer, PO Box 639, Brinnon, WA

14 George Sickel, PO Box 228, Brinnon, WA

15 Tom McNerney, 354 Point Whitney Road

16 Bud Schindler, 270 Rhododendron Lane

17 Kirie Pedersen, 687 Pulali Pt Rd, Brinnon

18 Debbie Siefert, PO Box 412, Brinnon

19 The Hearing Examiner closed the public hearing at 4:40 pm, and
20 provided for the ability to re-open the record to obtain copies
21 of documents identified in the GMA file logs.

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23 **TABLE OF EXHIBITS:**

EXHIBIT	DOCUMENT	DATE
1	Staff Report to the Hearing Examiner together with attachments noted on detailed logs:	2/11/2002
1-1	MLA02-00014 File Log	No date
1-2	Memo from C Halvorson, GMA File Clerk to HE	2/8/2002
1-3	GMA 2046 Comp Plan file log for Brinnon	2/8/2002
1-4	GMA 2046e Comp Plan Public Comments file log	1/17/2002
2	Mark Rose Written Testimony (28 pages), together with Attachments (112 pages):	2/19/2002

EXHIBIT	DOCUMENT	DATE
2-1	WDFW (J Davis) letter to JeffCo DCD	12/24/2001
2-2	Four Tribes joint letter to JeffCo DCD	12/21/2001
2-3	Nancy Dorgan letter to J Peters, DCD	12/24/2001
2-4	Email exchange: A Scalf and T Labbe	12/21/2001
2-5	Email from T Labbe to L Tudor	6/13/2001
2-6	Email from P Mackrow to L Tudor	6/14/2001
2-7	Email exchange: E Rodrick WDFW and K Pedersen	4/11/2001
2-8	Email exchange: C Corrigan DOE and K Pedersen	4/10/2001
2-9	K Pedersen: Questions & Concerns Regarding Brinnon Sub Area Plan	4/10/2001
2-10	K Pedersen: Shoreline Habitat in Jefferson County - Attachment to Ex 2-9	No date
2-11	Email from J Peters to BPG members	3/1/2001
2-12	K Pedersen - duplicate of Ex 2-9	4/12/2001
2-13	Email exchange: M Peter DOE and K Pedersen	4/25/2001
2-14	Email exchange: J Wells BSA and K Pedersen	5/21/2001
2-15	Email from K Pedersen to "Planners"	5/15/2001
2-16	Email from K Pedersen to J Peters	6/13/2001
2-17	Web page: Brinnon's Wildlife & Habitat	10/1/2001
2-18	Email from M Rose to J Peters fwd J Marti DOE	8/15/2001
2-19	Email from K Pedersen to R Kline	2/21/2001
2-20	Letter from M Rose to A Scalf (7 pages)	12/24/2001
2-21	Planning Commission Minority Report to BOCC by T McGuire and D Wipple	2/6/2002
2-22	"Brinnon's Wildlife & Habitat" update	6/15/2001
2-23	Email from K Pedersen to R Kline DCD	2/27/2001
2-24	Email exchange: J Gorsline and K Pedersen	3/27/2001
2-25	Email exchange: J Gorsline and K Pedersen	4/5/2001
2-26	Web site: Pleasant Harbor Golf	2/11/2002
2-27	North Olympic Salmon Coalition "Canlefish"	No date
2-28	Letter from H Beale, Puget Sound Water Quality Action Team, to BOCC	11/22/1999
2-29	Letter from G Schroer, Resouces Northwest to Port Gamble S'Klallam Tribe	5/11/1993
2-30	"Elk in Olympic National Park: Will They Persist Over Time?" Natural Areas Journal, vol 10(1), 1990	1990
2-31	Email from M Rose to J Peters w/attach	7/28/2001
2-32	Email from M Rose to J Peters w/attach	7/15/2001
2-33	M Rose Comments submitted via email	7/15/2001
2-34	Comments from T Labbe to BSPG	8/8/2001
2-35	"Teeing up resort in Brinnon" PT Leader	7/25/2001

EXHIBIT	DOCUMENT	DATE
2-36	"Putting Chinook, chum salmon habitat on map"	12/5/2001
3	Peter R. Siefert SEPA Hearing Testimony	2/19/2002
4	Ted Labbe Testimony	2/19/2002

REVIEW CRITERIA

Applicable Plans, Environmental Documents, and Regulations:

- Jefferson County Comprehensive Plan, adopted August 28, 1998
- Draft Jefferson County Comprehensive Plan EIS, February 24, 1997
- Final Jefferson County Comprehensive Plan EIS, May 27, 1997
- Jefferson County Unified Development Code [UDC]
- Chapter 36.70B RCW, Local Project Review [a/k/a Regulatory Reform]
- Chapter 43.21C RCW, State Environmental Policy Act
- Title 197-11 WAC, SEPA Rules
- PC & DCD Recommended Draft, Brinnon Subarea Plan, January 16, 2002

Scope of Review:

Appeals of SEPA Threshold Determinations for Type V Actions are reviewed *de novo*. The Examiner gives "...deference to and affords substantial weight to the decision of the responsible official."¹ The Examiner can grant, modify or deny the appeal; however, the actual proposed Brinnon Plan and UDC amendments are not before the Examiner.

Decision Organization:

The following Findings of Fact may include Conclusions, and the Conclusions of Law may include Findings. Both sections will contain headings for the purpose of organizing subject matter.

¹ UDC 8.12.i Scope of Review