

ex 45

Lee McEnery

From: Downes, Ralph L (DFW) <Ralph.Downes@dfw.wa.gov>
Sent: Tuesday, May 15, 2018 11:30 AM
To: Lee McEnery
Cc: Thompson, Doug S (DFW)
Subject: RE: Runstad bulkhead, copy of document

Now that was exactly the simple summary that I was hoping for. Thanks..... Ralph

From: Lee McEnery [mailto:LeeM@sanjuanco.com]
Sent: Tuesday, May 15, 2018 11:26 AM
To: Downes, Ralph L (DFW)
Cc: Thompson, Doug S (DFW)
Subject: RE: Runstad bulkhead, copy of document

Hi
Brief summary -
They applied in 2012 for a "shoreline substantial development permit" for the entire length of the bulkhead.

In 2015 they applied for an "exemption" from a shoreline permit (for the same proposal) on the basis that the purpose of the bulkhead was to protect the driveway and utilities from erosion. There is an exemption in state law for "*Construction of a protective structural shoreline stabilization measure associated with existing single-family residences in accordance with WAC 173-27-040(2)(c).*" The driveway and utilities are "associated" with an "existing single family residence".

We recently denied the exemption request because the fill behind the bulkhead exceeds the volume allowed. If they appeal that denial, that appeal will be heard May 23, along with the shoreline permit proposal.

For the shoreline permit we recommended that IF they can show that there is no alternate route/place for the driveway, then the bulkhead can be approved. That also is set for hearing May 23.

I forgot to mention that they were unable to show that the house was threatened by erosion, so they revised the application to remove the "round rock" bulkhead seaward of the house (Reach 6 on your map.)

Participation of the enforcement branch of DFW is not necessary. DFW habitat people may have comments or may have already issued decisions (I can't remember and am not going to look, right now).

This is only a step toward an end result. It seems likely appeals will follow, regardless of the decision. There you go.

Thanks

Lee

From: Downes, Ralph L (DFW) [mailto:Ralph.Downes@dfw.wa.gov]
Sent: Tuesday, May 15, 2018 10:57 AM
To: Lee McEnery <LeeM@sanjuanco.com>
Cc: Thompson, Doug S (DFW) <Doug.Thompson@dfw.wa.gov>
Subject: FW: Runstad bulkhead, copy of document

Hi Lee,

Doug forwarded the below my way. For my simple type of thought, can you clarify what process is occurring and whether or not WDFW involvement is required. Thanks..... Ralph

Hi Ralph,

I thought this was a done deal with Runstad. Do you think this is something we need to follow up on?

Thanks,

-Doug

From: Tina Whitman <tina@sanjuans.org>
Sent: Monday, May 14, 2018 2:01 PM
To: Thompson, Doug S (DFW) <Doug.Thompson@dfw.wa.gov>
Subject: after the fact bulkhead application

Hi Doug,

I was curious if you were aware of and/or planning to provide comments to San Juan County regarding the May 23 hearing for the after the fact bulkhead application on the Runstad property on SE Blakely Island. Application and hearing materials available at: <http://www.sanjuanco.com/1400/Whaleback-LLC---Bulkhead> (exhibit 12c shows construction images of the bulkhead in question).

Given the history of extensive, multiple unpermitted bulkheads at this site and its location in the highest region and shoreform for PS chinook, it would be great to hear from WDFW.

Thanks

tina

From: Downes, Ralph L (DFW)
Sent: Monday, March 19, 2018 9:09 AM
To: LeeM@sanjuanco.com
Cc: Mullins, Russ K (DFW)
Subject: Runstad bulkhead, copy of document

Hi Lee,

The boss forwarded your request my way assuming that I may have what you seek. As I believe that he mentioned, the Prosecutors Office has the full package though I'd guess that it is archived by now. It was a busy case with numerous players and lots of layers. That being said, our only complete package went to the Prosecutors Office for filing. That is my quick answer to pass the buck ☺. My other option, which would require some effort from me and confess that the boss was correct, is to admit that I have copies of all the layers.

With that said, I do not recall which photos were chosen to be submitted and as is often the situation more were collected than used. I am happy to help get you what you need, but will need a reminder as to what photos you are

referring. Feel free to drop me a line or give a call (360-202-7562) and we can get started on what you need.....
Ralph

From: Lee McEnergy [mailto:LeeM@sanjuanco.com]
Sent: Wednesday, March 14, 2018 9:12 AM
To: Mullins, Russ K (DFW) <Russ.Mullins@dfw.wa.gov>
Subject: Runstad bulkhead, copy of document

Hi
I think we have both worked on this project since the dawn of time. I'm not sure whether that is good or bad, though. Our enforcement officers have come and gone in that time, but I am still here.

Our Director took over analysis of the Runstad project(s) and hopes to go to hearing with the shoreline permit in April or May. I am compiling a complete electronic record for the shoreline permit (PSJ000-12-0019) and the exemption from shoreline permit (PSJXMP-15-0028). It is likely that regardless of the decision, it will be appealed.

I am wondering if you would please mail or scan to me a **COLOR** copy of the 148 page Runstad document below? I have a black and white version but the photos are not usable. The photos provide a great deal of factual information. I am trying to provide as much information as possible to support a logical decision.

WDFW report, case # WA 11-001018, 148 pages

Thanks very much

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