

**Debbie Beadle**

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**From:** Reid Brockway <waterat@comcast.net>  
**Sent:** Thursday, September 20, 2012 3:47 PM  
**To:** Debbie Beadle  
**Cc:** Kathy Richardson  
**Subject:** Fwd: Re: The PC meeting this evening  
**Attachments:** Testimony to 9-20-12 PC mtg.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

EXHIBIT NO. 213

Debbie,

Attached is the testimony I had hoped to present verbally in advance off this evening's meeting. I would greatly appreciate it if you would distribute it to the commission as Kathy suggests, and I will bring hardcopy for handout as well.

Thanks,  
Reid

----- Original Message -----

**Subject:**Re: The PC meeting this evening  
**Date:**Thu, 20 Sep 2012 15:26:22 -0700 (PDT)  
**From:**Kathy Richardson <kathymrichardson@yahoo.com>  
**Reply-To:**Kathy Richardson <kathymrichardson@yahoo.com>  
**To:**Reid Brockway <waterat@comcast.net>

Reid,

If I make an exception for you, I have to make an exception for everyone and I am not inclined to do that.

I suggest you send your comments to Debbie ASAP for distribution and hand out a hardcopy to Commissioners at the beginning of the meeting but you will not have an opportunity for verbal comment until the public comment portion of the agenda.

Kathy

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**From:** Reid Brockway <waterat@comcast.net>  
**To:** Kathy Richardson <kathymrichardson@yahoo.com>  
**Sent:** Thursday, September 20, 2012 2:35 PM  
**Subject:** The PC meeting this evening

Kathy,

I'm emailing you this to give you a chance to think about it and in case I don't get a chance to touch

base with you before today's meeting.

I note that the agenda has public comment only after the evaluation form discussion. I have a short, concise message (about two minutes) I need to communicate to the PC before the evaluation form review takes place; afterward will be too late. The reason will be obvious when you hear what I have to say. I therefore request the opportunity to address the PC before that discussion. I hope we are not so hardened into a protocol that this flexibility is precluded.

Thanks,  
Reid

**To Commissioners for 9/20 PC meeting:**

The following are two quick things that I wish to bring to the attention of the Commission in advance of discussion of the amendments on the table tonight. One pertains to streams (which is my focus) and one pertains to process. The reason these should be considered in advance should be apparent.

Earlier this week I sent in two one-page documents that I believe you will find useful as references during your discussion of stream-related amendments. One is the city's definitions of the three stream Types, copied out of the code.

The other is a summary I prepared of the restrictions that apply to streams, with references to the code sections in which they are found. If you are already fully aware of these restrictions, that may be of no use to you. But if not, it is important, I think, that you refer to this, as it is the basis for why there is a problem with the current code. In our code any non-man-made drainage qualifies as a stream. Even the lowest quality stream type – which can be merely an intermittent trickle -- imposes a 130 foot wide band of restricted land use. That's a problem that these amendments can overcome.

As for process, you also have two alternate versions of evaluation forms from me dealing with two of my issues sent Sunday, and a third submitted today. At the last meeting you invited me to produce these. I hope you refer to them in your discussion. I have been saying all along that a problem with this process is the absence of an opportunity for dialogue between you and the concerned public. I guess we have to be content with having the option to submit our versions of reality in this way as being the next best thing. But that only works if you give them serious consideration.

If you have read my offerings, you know that Staff's view of reality and mine are very different. I presume I will not have the opportunity this evening to jump in to refute or defend. And decorum prevents me from making gestures of acute exasperation. But if you hear...

Mr. Brockway does not understand

or

BAS does not support that

or

We can fix that problem with some editing

bear in mind that there may be good reason to challenge those assertions. My fear is that the proposed amendments will effectively get dropped from further consideration tonight and the dialogue, such as it is, will be over. I have great faith in you folks, and I urge you to not let that happen.

Thanks,  
Reid Brockway