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No. 91475-3

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

ERIC HIRST, LAURA LEIGH BRAKKE, WENDY HARRIS, DAVID
STALHEIM, AND FUTUREWISE,

Petitioners,

v.

WHATCOM COUNTY AND WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD,

Respondents.

AMICUS CURIAE BRIEF OF WASHINGTON STATE
ASSOCIATION OF COUNTIES

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I. INTRODUCTION

The Washington State Association of Counties (WSAC) submits this amicus brief concerning Issue 1 of Eric Hirst, Laura Leigh Brakke, Wendy Harris, David Stalheim, and Futurewise (collectively “Hirst”), as set forth in Hirst’s Petition for Review at pgs. 1-2:

Did the Court of Appeals err in reversing the Board’s conclusion that the County’s “rural element” policies and regulations do not comply with Growth Management Act (GMA) requirements to protect water resources, particularly by finding inapplicable the precedent set forth in *Postema v. Pollution Control Hearings Board* (2000) and *Swinomish Indian Tribal Community v. Department of Ecology* (2013) that permit-exempt wells must comply with the priority rules as well as evidence showing that instream flows were not being met and that the permit-exempt wells withdraw water in hydraulic continuity with the Nooksack River and its tributaries?

The Court of Appeals correctly held that the rural element of Whatcom County’s comprehensive plan adequately protects surface water and groundwater resources as required in the Growth Management Act (GMA) by relying on the Washington State Department of Ecology’s (“Ecology”) water resource management regulation applicable in Whatcom County, chapter 173-501 WAC, Instream Resources Protection Program – Nooksack Water Resource Inventory Area 1 (“Nooksack Rule”).

The outcome promoted in this case by Hirst and advanced by the Growth Management Hearings Board (“Board”) is problematic for

Washington's GMA planning counties. Hirst and the Board would have counties disregard water resource management regulations, or portions thereof, otherwise applicable in their jurisdictions.¹ They would have counties disregard state law that specifically exempts permit-exempt wells from impairment analysis² and would obligate local jurisdictions, not Ecology,³ to engage in that analysis. They would have counties disregard this Court's decision in *Kittitas County v. Eastern Washington Growth Management Hearings Board*⁴ calling for cooperation between Ecology and local jurisdictions in addressing water availability and local land use planning. Requiring counties to attain GMA compliance in the manner envisioned by Hirst and decided by the Board is problematic for Washington counties for a number of reasons.

First, the Board's decision, correctly overturned by the Court of Appeals, rejects the notion of partnership and consistency promoted in law. Aligning local GMA plans and regulations with relevant Ecology water resource management rules is not only consistent with the GMA, it

¹ See WAC 173-501-010 ("These rules apply to waters within the Nooksack water resource inventory area (WRIA 1), as defined in WAC 173-500-040").

² See *Department of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 16, 43 P.3d 4 (2002) ("where the exemption in RCW 90.44.050 applies, Ecology does not engage in the usual review of a permit application under RCW 90.03.290, including review addressing impairment of existing rights...").

³ See *Postema v. Pollution Control Hearings Board*, 142 Wn.2d 68, 79, 11 P.3d 726 (2000) ("Ecology must affirmatively find (1) that water is available, (2) for a beneficial use, and that (3) an appropriation will not impair existing rights, or (4) be detrimental to the public welfare"); see also RCW 90.03.290 and RCW 90.44.060.

⁴ 172 Wn.2d 144, 256 P.3d 1193 (2011).

is required under this Court's decision in *Kittitas County v. Eastern Washington Growth Management Hearings Board*.⁵ Further, as explained below, compelling counties to disregard Ecology's water resource management rules exposes counties to liability for making water availability determinations that are inconsistent with Ecology's applicable regulations and state law.

Second, Washington counties need a clear standard to achieve GMA compliance. The ability to rely on agencies with expertise is an important aspect of this. Having to guess which provision(s) of a state water resource management regulation to rely on and which to disregard is not a clear standard. Yet that is the result of the Board's decision. Hirst and the Board insist that Whatcom County align its local GMA plan and regulations with the portion of the Nooksack Rule that establishes instream flows. At the same time, Hirst and the Board insist that Whatcom County ignore those portions of the Nooksack Rule that render it inapplicable to permit exempt wells and single domestic use. Such an arbitrary standard places Washington counties planning under the GMA in a precarious position.

⁵ *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172 Wn.2d 144, 180, 256 P.3d 1193 (2011); see also WAC 365-196-825(3); RCW 90.54.090 ("All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter").

Finally, Washington's GMA planning counties should not be turned into the de facto defenders of Ecology's water resource management rules to secure a finding of GMA compliance. It is clear that Hirst fundamentally disagrees with certain aspects of the Nooksack Rule. But Washington GMA planning counties should not be penalized -- by a finding of GMA noncompliance -- for whatever disputes a challenger and/or the Board may have with the substance of Ecology's water resource management rules.

WSAC respectfully asks this Court to affirm the decision of the Court of Appeals.

II. IDENTITY AND INTEREST OF AMICUS CURIAE

WSAC is described in its Motion for Leave to File Amicus Curiae Brief filed herewith. WSAC and its members -- elected county officials from all of Washington's 39 counties -- have an interest in this matter, which will have statewide implications for counties planning under the GMA. WSAC's interest is in ensuring that counties may rely on state agency expertise in meeting their GMA obligations. Washington counties should not be subjected to a standard for GMA compliance that dismantles the cooperative relationship envisioned for Ecology and counties regarding water resource protection simply because Hirst disputes the validity of the Nooksack Rule. Resource management regulations

established by Ecology are important tools that assist counties in planning for the protection of surface water and groundwater resources under RCW 36.70A.070(5)(c)(iv) and making water availability determinations pursuant to RCW 19.27.097 (building permits) and RCW 58.17.110 (subdivisions), while preserving the partnership with Ecology recognized by this Court in *Kittitas County*. WSAC has an interest in ensuring that counties are not subjected to an unlawful and unworkable standard for GMA compliance.

III. STATEMENT OF THE CASE

WSAC adopts the Statement of the Case set forth in Respondent Whatcom County's Supplemental Brief dated August 7, 2015.

IV. ARGUMENT

A. Aligning GMA Plans and Regulations with Relevant Ecology Water Resource Management Regulations is Specifically Contemplated by and Consistent with the GMA

Whatcom County's reliance on, and incorporation of, the Nooksack Rule into its GMA comprehensive plan was reasonable and consistent with state law and regulations and the Board erred when it concluded otherwise. Coordination and consistency between local jurisdictions and Ecology regarding water resources is specifically contemplated and provides the protection required in the GMA in RCW

36.70A.070(5)(c)(iv). Directing local jurisdictions to determine water availability in a manner inconsistent with Ecology, the agency with expertise in managing the state's water resources, sets up local jurisdictions for legal challenges and liability. This Court should reject the notion that noncompliance with relevant water resource management regulations is necessary to achieve GMA compliance.

Kittitas County expressly recognizes this partnership between counties and Ecology.⁶ This Court observed therein that “[i]n recognizing the role of counties to plan for land use in a manner that is *consistent* with the laws regarding protection of water resources and establishing a permitting process, we do not intend to minimize the role of Ecology.”⁷ This Court concluded that although *Kittitas County* could not separately appropriate groundwaters, “nothing in the text of chapter 90.44 RCW expressly preempts *consistent* local regulation.”⁸ This Court further observed that Ecology “maintains its role, as provided by statute, and ought to assist counties in their land use planning to adequately protect water resources.”⁹ Ecology’s statutory role includes exclusive authority to

⁶ *Kittitas County*, 172 Wn.2d at 180.

⁷ *Kittitas County*, 172 Wn.2d at 180 (emphasis added).

⁸ *Kittitas County*, 172 Wn.2d at 178 (emphasis added).

⁹ *Kittitas County*, 172 Wn.2d at 180.

establish instream flow rules¹⁰ and to develop a “comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use....”¹¹ In turn, state and local governments are specifically directed, “whenever possible,” to “carry out powers vested in them in manners which are *consistent* with the provisions of [chapter 90.54 RCW].”¹²

It is not unreasonable or contrary to law for Whatcom County to rely on Ecology’s Nooksack Rule because Ecology is the agency with expertise in water resource management.

Hirst’s characterization of this cooperative approach as somehow absolving counties of the need to make water availability determinations¹³ is misleading. The Court of Appeals did not conclude, as Hirst states, that “the County does not need to require evidence of water availability...”¹⁴ or that aligning local GMA plans and regulations with relevant water resource management regulations creates an “exception” to the requirement to determine water availability.¹⁵ Those standards are still

¹⁰ See RCW 90.03.247 (Ecology’s authority to establish instream flows is “exclusive”) and RCW 90.22.010.

¹¹ RCW 90.54.040(1).

¹² RCW 90.54.090 (emphasis added); see also WAC 365-196-825(3) (“If the department of ecology has adopted rules on this subject, or any part of it, local regulations should be consistent with those rules. Such rules may include instream flow rules, which may limit the availability of additional ground or surface water within a specific geographic area”).

¹³ Supplemental Brief of Appellants at 3.

¹⁴ Supplemental Brief of Appellants at 3

¹⁵ Supplemental Brief of Appellants at 8.

relevant; it is how those standards are met that is at issue. That is, “whether the County must make its own determination about the availability of water or whether it may meet the requirements of the GMA by invoking the assistance of Ecology....”¹⁶ The Court of Appeals held, correctly, that utilizing Ecology’s assistance, through relevant water resource management regulations, is an appropriate means to determine water availability.¹⁷ Whatcom County did not “substitute” the Nooksack Rule for its GMA obligations, as Hirst alleges.¹⁸ Whatcom County aligned its GMA plan and regulations with the Nooksack Rule to protect water resources in its jurisdiction consistent with Ecology, the agency with expertise.

Hirst suggests that the solution here “is for Ecology to provide the technical assistance envisioned by the *Kittitas County* decision, and for counties to follow the GMA in making their planning decisions.”¹⁹ That is what Whatcom County did. Hirst does not explain why the “technical assistance” referenced cannot include the applicable water resource

¹⁶ *Whatcom County v. Western Washington Growth Management Hearings Board*, 186 Wn. App. 32, 49, 344 P.3d 1256, review granted, 183 Wn.2d 1008 (2015).

¹⁷ *Id.* at 51 (“[b]y incorporating Ecology’s regulations to determine availability of water for development, the County’s regulations provide for cooperation between the County’s exercise of its land use authority and Ecology’s management of water resources. This method is consistent with the cooperative relationship contemplated in *Kittitas* and is consistent with the laws regarding protection of water resources under the GMA”).

¹⁸ Eric Hirst’s, Laura Leigh Brakke’s, Wendy Harris’s, David Stalheim’s, and Futurewise’s Answer to the Amicus Curiae Brief of Washington State Association of Counties dated December 24, 2014, at 16.

¹⁹ *Id.*

management rule with which Whatcom County aligned its regulations. As described above, Whatcom County's reliance on, and incorporation of, the Nooksack Rule was not contrary to the GMA and is consistent with this Court's holding in *Kittitas County*.

Further, directing, as the Board did here, that Whatcom County regulate water resources in a manner different than the applicable Nooksack rule, exposes Whatcom County to liability. Should this Court affirm the Board, there is no reason to believe that other GMA planning counties will not be put in the same troubling position. Compelling counties to disregard Ecology's water resource management rules and make an independent and conflicting determination of surface flow impairment and the status of water rights exposes counties to liability for water availability determinations inconsistent with Ecology's applicable regulations and state law.²⁰ For example, in this case the Board's ruling would have Whatcom County denying development applications due to the unavailability of water where Ecology's applicable regulation, the Nooksack Rule, otherwise provides that water is available. On the other hand, in a basin that has been closed to new permit-exempt groundwater withdrawals by Ecology, such as the Carpenter-Fisher in Skagit and

²⁰ See RCW 64.40.020 (authorizing damages claims against local governments for denial of a permit due to agency action that is "arbitrary, capricious, unlawful, or exceed[s] lawful authority").

Snohomish counties, the Board's ruling could be interpreted as authorizing or compelling local jurisdictions to disregard Ecology's determination and independently assess water availability, perhaps in a manner inconsistent with Ecology's regulations.

The GMA's requirement of consistency provides something of a safe harbor. But the Board's order forces counties to independently make such determinations without regard to Ecology's interpretation of its regulations and the applicable statutory scheme, which undoubtedly sets up counties for damages claims for denial of a permit due to agency action that is "arbitrary, capricious, unlawful, or exceed[s] lawful authority."²¹

B. Maintaining Consistency with Ecology's Water Resource Management Regulations is a Clear Standard to Guide GMA Compliance

Washington counties must have the ability to rely on relevant laws, rules, and regulations, and the agencies with expertise that administer the same, in meeting their myriad GMA responsibilities.²² Penalizing a county for aligning its regulations with the agency with expertise and rule making authority, as was done here, needlessly obscures the path by which counties can achieve GMA compliance concerning water resources. Clarity, not confusion, is needed.

²¹ RCW 64.40.020.

²² Counties must address a wide range of land use issues under the GMA, from transportation planning (RCW 36.70A.070(6)) to providing for the siting of essential public facilities (RCW 36.70A.200).

But Hirst asks this Court to conclude that the appropriate manner for a GMA planning county to meet the requirements of RCW 36.70A.070(5)(c)(iv) is to cherry-pick from within relevant Ecology water resource management regulations. In this case, Hirst insists that Whatcom County rely on and comply with WAC 173-501-030, the portion of the Nooksack Rule that establishes instream flows. Indeed, the basis for Hirst's claims against and the Board's decision concerning Whatcom County's approach to water resources is that the instream flows set forth in WAC 173-501-030 are not being met.²³ At the same time, Hirst and the Board insist that Whatcom County not rely on or comply with the portions of the Nooksack Rule that render it inapplicable to permit-exempt wells (WAC 173-501-030, -040, and -060) and single domestic uses (WAC 173-501-070).²⁴ In short, the Board found GMA noncompliance by relying on the very water resource management rule that the Board then concluded Whatcom County could not rely on to achieve GMA compliance. This is a challenging standard to foist upon GMA planning counties.

This is also a standard that will have significant resource implications for Washington counties. In most circumstances, counties do

²³ See *Whatcom County et al v. Western Washington Growth Management Hearing Board*, 186 Wn. App. 32, 52 ("Contained in its analysis is the Board's determination that the County must deny a building or subdivisions permit in WRIA 1 unless the applicant can demonstrate that the proposed groundwater withdrawal in that area will not impair minimum instream flows").

²⁴ See State of Washington Department of Ecology's Amicus Curiae Brief dated August 29, 2014, at 13-18.

not have the local resources and expertise necessary to become the water resource super-agencies envisioned by Hirst and the Board. This is not surprising given that the overarching regulatory framework of the GMA, as discussed above, is one of consistency and, in many circumstances, cooperation.²⁵ Many counties simply do not have Ecology's expertise concerning surface flow impairment analysis, existing water rights, and hydraulic connectivity. Not even Ecology is required to perform the impairment analysis required of Whatcom County by the Board before the use of a permit-exempt well is authorized.²⁶ Although Hirst disclaims any desire for counties "to make water rights decisions,"²⁷ Hirst nevertheless perceives no dissonance in arguing that counties should be engaging in aspects of water rights analysis reserved to Ecology prior to Ecology's granting of permitted water rights. This standard is illogical.

Counties should be able to reasonably rely on relevant water resource management regulations, as drafted and interpreted by Ecology, in planning for the protection of surface water and groundwater resources under the GMA and making water availability determinations required for

²⁵ See, e.g., WAC 365-196-825(3); RCW 90.54.090.

²⁶ See *Department of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 16, 43 P.3d 4 (2002) ("where the exemption in RCW 90.44.050 applies, Ecology does not engage in the usual review of a permit application under RCW 90.03.290, including review addressing impairment of existing rights...").

²⁷ Eric Hirst's, Laura Leigh Brakke's, Wendy Harris's, David Stalheim's, and Futurewise's Answer to the Amicus Curiae Brief of Washington State Association of Counties dated December 24, 2014, at 17.

subdivisions (RCW 58.17.110) and building permits (RCW 19.27.097). Counties should not be barred, as the Board effectively did here, from relying on the relevant regulatory guidance of an agency with expertise.

At the same time, WSAC would like to emphasize that this Court need not, in affirming the decision of the Court of Appeals, rule that local jurisdictions must, in all circumstances, comply with the recommendations of a state agency with expertise. Such an expansive holding is not necessary to the resolution of this case, nor is it consistent with controlling precedent. For example, in *Kittitas County*, the Court held that Kittitas County did not violate the GMA provisions in RCW 36.70A.547 and RCW 36.70A.510 regarding general aviation airports by adopting regulations that “diverge[d] from [Washington State Department of Transportation] recommendations for land use near airports.”²⁸ Similarly, in *Ferry County v. Concerned Friends of Ferry County*, 155 Wn.2d 824, 123 P.3d 102 (2005), the Court noted that while counties and cities may use information prepared by the Washington Department of Wildlife to classify and designate habitats and species of local importance, consistent with WAC 365-190-080(5)(c)(ii), such reliance was not required so long

²⁸ *Kittitas County*, 172 Wn.2d at 174-175 (“The County clearly did not follow all of WSDOT’s recommendations. While this may be imprudent, the statutory scheme does not suggest that counties must follow the advice of WSDOT. Considering the loose statutory language and the requirement of boards to defer to counties’ planning choices, the record before the Board does not establish firmly and definitely that the County erred” (emphasis in original)).

as Ferry County considered best available science in reaching its own determinations, consistent with RCW 36.70A.172.²⁹

C. This Court Should Not Sanction Challenges to Ecology's Water Resource Management Rules in the Guise of a GMA Challenge

Whatcom County complied with the GMA by making its GMA plan and regulations consistent with Ecology's water resource management regulations, which "provide guidelines to facilitate the further development of the water resources to the extent of their availability for further appropriation...."³⁰ The fundamental dispute here actually lies with Hirst's criticisms of the particulars of the Nooksack Rule, a rule adopted by Ecology under its exclusive authority.³¹ This Court should decline to sanction the use of GMA challenges to seek modification of Ecology's management of water resources because such an approach is inconsistent with law and unfairly and unlawfully burdens GMA planning counties.

There are numerous appropriate means to challenge the substance of Ecology's Nooksack Rule. Challenging Whatcom County's reliance on it to meet its GMA obligations is not one of them. One could petition for

²⁹ *Ferry County v. Concerned Friends of Ferry County*, 155 Wn.2d 824, 836, 123 P.3d 102 (2005).

³⁰ WAC 173-500-020.

³¹ RCW 90.03.247 and RCW 90.22.010.

rule-making under chapter 34.05 RCW,³² seek the establishment of a groundwater management zone under chapter 90.44 RCW, or pursue an adjudication of water rights through chapter 90.03 RCW. Challenging an Ecology water resource management rule by way of a GMA challenge because of a county's alignment of its regulations with said rule is problematic for a number of reasons.

First, such an approach is inconsistent with law. The Board here effectively modified the Nooksack Rule, or, rather, has compelled Whatcom County to modify the Nooksack Rule by disregarding relevant provisions thereof³³ to achieve GMA compliance. This is contrary to the statutory directive that Ecology has exclusive authority concerning instream flow rules.³⁴

Second, Washington GMA planning counties are unfairly and unlawfully burdened by a standard for GMA compliance that bars them from relying on an agency with expertise and instead compels them to recreate that level of expertise at the local level. The Board's decision in this case requires GMA planning counties to develop the expertise

³² See, e.g., *Squaxin Island Tribe v. Washington State Department of Ecology*, 177 Wn. App. 734, 312 P.3d 766 (2013) (Squaxin Tribe petitioned Ecology for amendment to the WRIA 14 water management rule pursuant to RCW 34.05.330(1)).

³³ Specifically, those portions of the Nooksack Rule that Ecology contends render it inapplicable to permit-exempt wells (WAC 173-501-030, -040, -060) and single domestic use (WAC 173-501-070). See State of Washington Department of Ecology's Amicus Curiae Brief dated August 29, 2014, at 13-18.

³⁴ RCW 90.03.247 and RCW 90.22.010.

necessary to defend the substance of Ecology's water resource management rules in order to demonstrate GMA compliance.

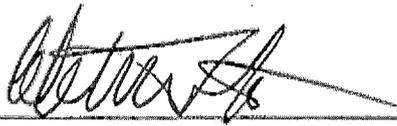
This Court should conclude, consistent with the decision of the Court of Appeals, that it is appropriate for GMA planning counties to align their GMA plans and regulations with relevant water resource management rules. This Court should further conclude that Washington GMA planning counties should not be penalized -- by a finding of GMA noncompliance -- for whatever disputes a challenger and/or the Board may have with the substance of those rules. WSAC asks this Court to reverse the Board's determination of noncompliance with RCW 36.70A.070(5)(c)(iv), because counties should be able to rely on Ecology's water resource management rules and the GMA is not the proper vehicle to challenge the validity of those rules.

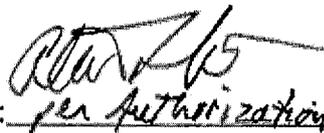
V. CONCLUSION

For the foregoing reasons, amicus WSAC respectfully requests that the Court affirm the decision of the Court of Appeals setting aside the Board's Final Decision and Order dated June 7, 2013, and hold that Whatcom County's rural element complies with RCW 36.70A.070(5)(c)(iv) by requiring water supply for rural development to be consistent with the Nooksack Rule, chapter 173-501 WAC.

Respectfully submitted this 4th day of September, 2015.

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DECLARATION OF SERVICE

I, Cindy Ryden, hereby declare that I am an employee of the Civil Division of the Snohomish County Prosecuting Attorney, and that on this 4th day of September, 2015, I caused to be filed with the Supreme Court of the State of Washington the Washington State Association of Counties' Motion for Leave to File Amicus Curiae Brief and Amicus Curiae Brief of the Washington State Association of Counties, and caused to be delivered to the following parties and in the manners indicated:

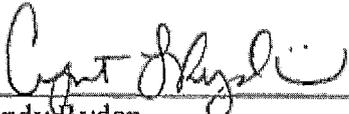
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<p><u>Attorneys for Amicus Center for Environmental Law & Policy:</u></p> <p>Rachael Paschal Osborn P.O. Box 9743 Spokane, WA 99209</p> <p>David L. Monthie DLM & Associates 519 75th Way NE Olympia, WA 98506</p> <p>Dan J. Von Seggern Center for Environ'l Law & Policy 911 Western Avenue, Suite 305 Seattle, WA 98104</p>	<p><input type="checkbox"/> ABC Legal Messenger <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> <i>U.S. Mail, postage prepaid</i> <input checked="" type="checkbox"/> <i>Email:</i> <i>rdpaschal@earthlink.net</i></p> <p><input type="checkbox"/> ABC Legal Messenger <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> <i>U.S. Mail, postage prepaid</i> <input checked="" type="checkbox"/> <i>Email:</i> <i>dlmandassoc@comcast.net</i></p> <p><input type="checkbox"/> ABC Legal Messenger <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> <i>U.S. Mail, postage prepaid</i> <input checked="" type="checkbox"/> <i>Email: dvonseggern@celp.org</i></p>
<p><u>Attorney for City of Bellingham:</u></p> <p>Alan Marriner City of Bellingham 210 Lottie Street Bellingham, WA 98225</p>	<p><input type="checkbox"/> ABC Legal Messenger <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> <i>U.S. Mail, postage prepaid</i> <input checked="" type="checkbox"/> <i>Email: amarriner@cob.org</i></p>
<p><u>Attorney for Amicus Party The Squaxin Island Tribe:</u></p> <p>Kevin Lyon, WSBA #15076 Sharon Haensly, WSBA #18158 Squaxin Island Legal Department 3711 SE Old Olympic Highway Shelton, WA 98584</p>	<p><input type="checkbox"/> ABC Legal Messenger <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> <i>U.S. Mail, postage prepaid</i> <input checked="" type="checkbox"/> <i>Email: klyon@squaxin.us;</i> <i>shaensly@squaxin.us</i></p>

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED at Everett, Washington, this 4th day of September, 2015.


Cindy Ryden

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Subject: RE: Hirst, et al. v. Whatcom County, et al.; Washington State Supreme Court #91475-3

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Subject: Hirst, et al. v. Whatcom County, et al.; Washington State Supreme Court #91475-3

Importance: High

Hello,

Enclosed please find Washington State Association of Counties' Motion for Leave to File Amicus Curiae Brief and Amicus Curiae Brief in connection with the above-entitled matter.

Pursuant to RAP 10.2(h), we are sending copies of these documents to the parties listed on our Declaration of Service by the methods indicated.

Thank you.

Cindy Ryden, Legal Asst., Civil Div.
Snohomish County Prosecutors

3000 Rockefeller Ave., M/S 504, Everett, 98201

Tel: (425) 388-6385 / Fax: (425) 388-6333



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