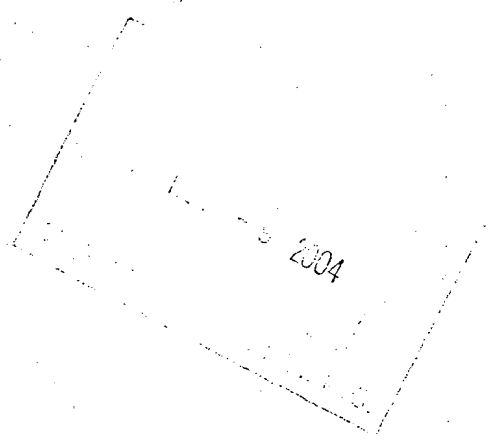


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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR MASON COUNTY

IN THE MATTER OF :
RESIDENTS TO PRESERVE
QUALITY OF LIFE ON HOOD
vs.
PORT of TAHUYA, Washington

NO. 04 2 00954 9
DECLARATION of
CYNTHIA OLSEN

13

I, Cynthia Olsen, have personal knowledge of the facts set forth below, and declare under penalty of perjury under the laws of the State of Washington that the following is true and correct.

The Port of Tahuya began a process to update our comprehensive plan January 15th,2002, with a vote at that regular meeting to run an ad calling for proposals to do such.

The only interest generated was from Colie Hough Beck, of Hough Beck & Baird Inc., a Landscape Architecture, Planning & Urban Design company. The company was hired by the board March 19th,2003 to begin the process. Beginning July 6th, 2002 with a Public Access Intercept Survey at the 2002 Tahuya Day celebration, the survey form was filled out by 301 individuals. At the July 12th,2002 regular port meeting the survey results were

1 discussed, along with the existing inventory and service area for the Port of Tahuya.

2 At the September 18th, 2002 regular port meeting we reviewed vision, goals and objectives,

3 existing inventory and map. Discussed and reviewed development plan elements and

4 proposed project map, and set a date of Oct. 16th, for an open house for public participation.

5 Advertisements in the newspaper, as well as a prominent sign in front of the local fire

6 department on the primary access road, advertised the open house for more than a week.

7 There were 22 attendees at the open house held at the Fire District #8 station. They

8 represented a diverse group of interests: Port of Dewatto, Mason County Planning, Mason

9 County Parks, Tahuya Community Club, Washington State Parks, Hood Canal

10 Coordinating Council, Hood Canal Salmon Enhancement Group, as well as members of the

11 community. In addition, we received a letter of support from the Washington Water Trails

12 Association. 25 organizations including the Tahuya Community Club president had been

13 invited to attend. At the beginning of March 2003 all of the same organizations were

14 mailed a copy of the Feb. 2003 draft plan. Which was also available at the Timberland

15 Library in Belfair. The Port held a Public Hearing on March 19, 2003 on the Port of Tahuya

16 Public Access Draft Plan. 7 individuals attended that hearing, representing the Port of

17 Dewatto, The Hahobas Boy Scout Camp, Washington Water Trails, Fire District #8 Fire

18 Commission and the general public. All public Testimony was positive. A letter from Bill

19 Koss of the Washington State Parks and Recreation Commission was read, complimenting

20 the port for the efforts made in soliciting public involvement and in producing a very

21 usable document.

22 There were no negative comments about the plan until The Port of Tahuya meeting on

23 July 17th, 2003, where Brad Carey and others were under the impression that the plans

1 concepts were all a done deal. The consultant was at that meeting and explained to the
2 audience that was not true and that adoption of the plan in no way commits the Port to any
3 of the conceptual projects in the plan. Brad Carey and others asked for a new survey claiming
4 bias. A Port of Tahuya Special meeting was called July 23rd, 2003 to request another
5 survey. It was the Boards unanimous decision to have no new survey. Just prior to August 20th,
6 2003, the board of Port of Tahuya Commissioners were served with a public disclosure lawsuit.
7 The meeting was attended by the Brad Carey and James Christen group with an attorney not
8 wanting the Port to proceed with the adoption of the Public Access Plan.

9 The Port of Tahuya Board unanimously adopted the Public Access Plan by resolution.

10 The Port of Tahuya Commissioners voted to put the plan on hold until such time as an
11 advisory group could be formed to make recommendations to the board about the plan.

12 An advisory committee was formed. Brad Carey, who is the Director of the plaintiffs and
13 Harold Carey were appointed, and to this day the public access plan has not been addressed.

14 Also during this period of time the Residents to Preserve Quality of Life on Hood Canal filed
15 a lawsuit against Commissioner Olsen and Commissioner Gilbert and their spouses alleging
16 violations of the Open Public Meetings Act, which is still pending at this time. Also through
17 all of this, erroneous information has been mailed to property owners and voters in the entire
18 port district, which would have made it impossible to do another unbiased survey.

19 Commissioner Christen filed a declaration for the Residents to Preserve Quality of Life on
20 Hood Canal, which he was a member of , claiming he could have produced a records request
21 in 4 hours, that took Commissioner Olsen 25 hours with help. At the June 18th, 2004 hearing
22 The Residents to Preserve Quality of Life on Hood Canal vs. Port of Tahuya , Commissioner
23 Christen admits, page 16, line 8 thru 24, to 10 hours plus 4 hours for himself, and 4 hours for

1 the plaintiffs records technician.

2 On June 18th ,2004 Christen also testified, yes, he is a member of the plaintiff's group.

3 At the July 9th,2004 Special meeting of the Port of Tahuya, Commissioner Christen voted
4 against the indemnification of Commissioners Olsen and Gilbert.

5 Commissioner Gilbert resigned immediately after that meeting.

6 A Recall was filed against Commissioner Olsen. It failed in Superior Court ,but is being taken
7 to the Supreme Court.

8 At the Aug 9th,2004 Recall Hearing of Port of Tahuya Commissioner Olsen, Judge Draper
9 identifies Commissioner Christen as "a plaintiff for the Recall litigation, the litigation that the
10 Citizens group vs. Olsen, he as a plaintiff with one hat, a plaintiff in that litigation, another
11 hat as a commissioner of the port." Page 21, lines 17 on.

12 I was in attendance at a Port of Tahuya public hearing June 17th, 2004 at the Timberland
13 Library in Belfair at approximately 6:30 pm. Commissioner Gilbert chaired the opening
14 of the meeting and then excused himself from the hearing, stating he had a conflict of
15 interest. He stated that he was in receipt of a letter that offered to drop a personal lawsuit
16 against him if he was willing to vote to unadopt the Access Plan. He then left the room.

17 Brad Carey, the "Director of Residents for Preserving Quality of Life on Hood Canal",
18 stated that he withdrew his offer on the 10th of June. Brad Carey also later explained
19 That he withdrew his offer from the table, and for that reason Commissioner Gilbert's
20 excuse was not valid. Brad Carey said the deal he made to Commissioner Gilbert was
21 gone, so he could vote tonight because it would have no effect on the lawsuit.

22 The letter that Commissioner Gilbert was referring to was a Settlement Agreement.

23 The Agreement states in part;

1 #1 Action, Robert Gilbert will vote in favor, the final vote to remove the Port of
2 Tahuya Public Access Plan from the Port of Tahuya's Comprehensive Plan on June
3 17th, 2004.

4 #2 Action, Robert Gilbert agrees to resign from his public office as Port of Tahuya
5 Commissioner District # 1 on June 17th, 2004.

6 #3 Dismissal of Actions: Residents for Preserving Quality of Life on Hood Canal
7 shall file with Mason County Superior Court, Agreed Orders of Dismissal with prejudice
8 and without cost or fees to any party. The Open Public Meetings Lawsuit filed against
9 Robert and Pamela Gilbert and the Recall Action against Robert Gilbert shall
10 unconditionally be so dismissed within 10 days of the date of the mutual agreement and
11 the signing of said agreement. The Residents for Preserving Quality of Life on Hood
12 Canal therein having the obligation to present the respective Agreed Orders to the Court.

13 #4 Additional Lawsuits, Residents for Preserving Quality of Life on Hood Canal
14 agree not to file additional Lawsuits already prepared, but not yet filed against Robert
15 and Pamela Gilbert.

16 See attached Settlement Agreement:

17 #5 Refers to: No Admission of Liability.

18 #6 Refers to: Full Disclosure

19 #7 Refers to: Attorneys Fees and Cost if Breach.

20 #8 Refers to: Venue.

21 #9 Refers to: Countersignatures and Faxed Signatures.

22 Also Attached : The June 17th approved meeting minutes from the Port of Tahuya public

1 hearing meeting minutes that validate Brad Carey's comments about his offer to
2 Commissioner Gilbert.

3 All of this transpired while Commissioner Christen was a member of the Residents for
4 Preserving Quality of Life on Hood Canal

5 The Residents for Preserving Quality of Life on Hood Canal served the Port of
6 Tahuya, with a Summons and Complaint for Declaratory Judgment and/or Writ of
7 Certiorari on Oct.20th, 2004. In order to defend against this lawsuit , the Port must
8 respond to the complaint by stating it's defense, in writing, and serve a copy upon
9 The attorney Thomas O'Hare within 20 days of that service.

10 I immediately mailed Commissioner Christen a letter requesting a Special Meeting be set
11 for the Port of Tahuya to discuss the appointment of an attorney to represent the port in
12 this matter. Commissioner Christen's reply in part states: If this suit goes unanswered
13 by the Port then we would save the people the cost of litigation. The Courts could simply
14 rule in their favor without rendering a finding of wrong doing on the Ports part. I
15 responded in part stating again the need to schedule a special meeting to discuss the
16 appointment of counsel for the pending litigation. Pointing out that allowing the lawsuit
17 to go unanswered would expose the Port to needless damages with a default judgement.
18 Commissioner Christen did set a special mtg for Nov 5th,2004 but refused to approve the
19 appointment of legal counsel to represent the port. Those minutes are not available yet.

20 The Residents to preserve Quality of Life On Hood Canal have had counsel since before the
21 adoption of the Port of Tahuya Public Access Plan and never appealed the plan during the
22 window of time between the adoption on Aug 20th 2004, and it's effective date 21 days later.
23 All of the Lawsuits that are pending against the port and against Commissioner Olsen and

1 former Commissioner Gilbert, and the Recalls that were filed against Commissioner Olsen
2 and Gilbert , have been represented by attorney Thomas O'Hare. Attorney O'Hare is also
3 representing Commissioner Christen as he has been served with a recall. The Port of Tahuya
4 has had no legal representation since the end of July,2004, resulting from Commissioner
5 Christen's refusal to approve payment of the port's attorney fees. Due to these extenuating
6 circumstances, I respectfully request the Court to not enter a default judgement against the Port
7 of Tahuya.

8 The supporting documentation is attached as follows:

9 Exhibit A: Settlement Agreement

10 Exhibit B: June 17th, 2004, the approved, Port of Tahuya Public Hearing Meeting minutes.

11 Exhibit C: Cause No. 04 2 00954 9 "Residents" vs. Port of Tahuya

12 Exhibit D: Correspondence between Commissioner Olsen and Christen

13 Exhibit E: copy of the Port of Tahuya Public Access Plan

14 Exhibit F: the contact and mailing list for the Public Access Plan

15 Exhibit G: June 18th,2004 partial transcript No. 03-2-00758-1

16 Exhibit H: Aug 9th,2004 Olsen Recall transcript.

17 Exhibit I: the Jan 2003 thru Aug 2003, Port of Tahuya meeting minutes.

18 Exhibit J: Notice of Withdrawl and Consent to Substitution *-inadvertantly omitted*

19 Exhibit K: Public Access Survey used by the port.

20 Exhibit L: Public Document Ledger from the Timberland Library in Belfair.

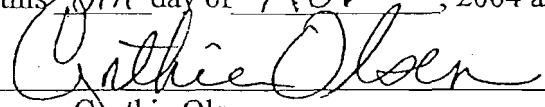
21 Exhibit M: Oct 6th,2002 Open House sign in form and format.

22 Exhibit N: Letter from Commissioner Christen, to Brian Sonntag Wa. St. Auditor.

23 Exhibit O: Declaration of Jean Gall in the Recall of Commissioner Christen

- 1 Exhibit P: Declaration of Patricia Perry in the Recall of Commissioner Christen.
- 2 Exhibit Q: Declaration of Jan DeStephano in the Recall of Commissioner Christen.
- 3 Exhibit R: RCWs referred to in the summons No. 04 2 00954 9

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Signed this 8th day of Nov, 2004 at Tahuya, Wa

Cynthia Olsen