

From: [Gary Huff](#)
To: [Countryman, Ryan](#)
Cc: [Douglas A. Luetjen](#)
Subject: Attorney General's new Open Government Resource Manual
Date: Monday, December 07, 2015 4:01:21 PM

Ryan—As we've discussed, the Attorney General's Open Government Resource Manual was published on October 1, 2015. The purpose of the publication is described by Attorney General Ferguson as follows:

This manual modernizes the prior online manual to reflect the past several years' developments in the state's Public Records Act and Open Public Meetings Act, and court decisions interpreting those laws. The manual includes summaries of and links to relevant statutes, court decisions, formal Attorney General Opinions, and Public Records Act Model Rules.

The manual was produced by my office with the assistance of attorneys representing media and requesters, and local and state government organizations . . .

The following is a link to Chapter 2 of the Manual which discusses the various exemptions to the Public Records Act:

<http://www.atg.wa.gov/Open-Government-Resource-Manual/Chapter-2>

The Deliberative Process and Drafts exemption which is set forth in RCW 42.56.280 is discussed at Chapter 2.2(A)(1). This discussion is directly applicable to the various drafts of studies and particularly of draft DEIS chapters which incorporate and discuss those studies which by definition include "preliminary drafts or recommendations, notes and intra-agency communications which may be withheld if they pertain to the agency's deliberative process and show the exchange of opinions within an agency before it reaches a decision or takes an action."

The preparation of a DEIS certainly pertains to the County's deliberative process. The various reviews, suggestions and drafts no doubt reflect an exchange of opinions before the recommendation is made and action is taken on the application.

Our shared experience regarding the preparation of the Point Wells DEIS and the unending public record requests, and the harm resulting from the inappropriate use of such materials by our opponents, underscores the rationale and justification for this exemption. We request that PDS and your attorneys revisit this matter in light of the newly published Resource Manual and hereafter protect such covered documents and drafts from disclosure prior to the publication of the DEIS.

Gary Huff
Karr Tuttle Campbell
Land Use Counsel for BSRE Point Wells, LP

GARY D. HUFF
ATTORNEY AT LAW | GHUFF@KARRTUTTLE.COM | OFFICE: 206.224.8024 | FAX: 206.682.7100
KARR TUTTLE CAMPBELL | 701 Fifth Avenue, Suite 3300 | Seattle, WA 98104 | www.karrtuttle.com

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