

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2016-276L

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Cliff Strong	<i>CS</i>	10/3/2017	<p>RECEIVED</p> <p>OCT 03 2017</p> <p>WHATCOM COUNTY COUNCIL</p>	10/10/2017	Council
Division Head: Mark Personius	<i>MP</i>	10/3/2017		10/24/2017	COTW
Dept. Head: Sam Ryan		10/3/2017		11/8/17	SCOTW
Prosecutor: Royce Buckingham	<i>RB</i>	10/3/2017		11/14/2017	SCOTW
Purchasing/Budget:				11/21/2017	SCOTW/Introduction
Executive: Jack Louws	<i>JL</i>	10/3/2017		12/5/2017	Hearing

**TITLE OF DOCUMENT:**

2017 Critical Areas Ordinance Update

**ATTACHMENTS:** (all materials can be found at <http://www.whatcomcounty.us/2417/County-Council-Review>)

- The draft ordinance adopting the Critical Areas Ordinance and Shoreline Management Program amendments
- Exhibit A – The draft Critical Areas Ordinance code as amended by the County Council
- Exhibit B – *Whatcom County Critical Areas Ordinance Best Available Science Review and Recommendations for Code Update, 2005* (available online)
- Exhibit C – *Whatcom County Critical Areas Ordinance 2017 Update – Best Available Science Review: Addendum to the 2005 BAS Report*

SEPA review required? ( X ) Yes ( ) NO  
 SEPA review completed? ( X ) Yes ( ) NO

Should Clerk schedule a hearing? ( X ) Yes ( ) NO  
 Requested Date: 10/24/17

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Introduction of the proposed ordinance to amend Whatcom County Critical Areas Ordinance (CAO) (WCC 16.16) pursuant to RCW 36.70A.130(1). The Growth Management Act (RCW 360.70A) defines critical areas as wetlands, frequently flooded areas, fish and wildlife habitat conservation areas (including streams), geologically hazardous areas, and critical aquifer recharge areas. The purpose of this periodic update is to ensure that the CAO meets the GMA requirements, including consistency with the Whatcom County Comprehensive Plan, best available science, and state agency guidance updates. Numerous amendments are being proposed, though most of them pertain to correcting grammar, updating references to other documents or laws, clarifying and updating administrative procedures, etc. The County is also required to integrate the CAO provisions with its Shoreline Master Program (SMP). Whatcom County has done so by adopting the CAO by reference within the SMP (WCC 23.10.060(A)). This reference is also proposed to be amended.

**COMMITTEE ACTION:**

10/24/2017: Held in Committee  
 11/8/2017: Discussed and amended  
 11/14/2017: Discussed and amended  
 11/21/2017: Amended and forwarded to Introduction

**COUNCIL ACTION:**

10/10/2017: Referred to Committee of the Whole  
 11/8/2017: Withdrawn  
 11/21/2017: Introduced 7-0  
 12/5/2017: Amended and adopted 6-1, Brenner opposed, Ordinance 2017-077

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2017-077

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

ORDINANCE NO. 2017 – 077

**ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND  
WHATCOM COUNTY CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE  
AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY  
CRITICAL AREAS**

WHEREAS, the Whatcom County Comprehensive Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the State Growth Management Act (GMA) includes goals and requirements to guide the development and adoption of comprehensive plans and development regulations including requirements to designate and protect environmentally critical areas; and

WHEREAS; the County has considered those goals, policies, and requirements in development of the proposed Whatcom County Code amendments related to critical areas, and, has considered other state requirements, law, rules, guidelines, and agency comments; and

WHEREAS, the County researched and assessed the experience of other jurisdictions in regard to standards and requirements for regulating critical areas, undertook a Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Whatcom County Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the County has been provided feedback on draft work products and guidance from members of the public, County staff, the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology, the Washington State Department of Commerce, the Lummi Nation, the Nooksack Indian Tribe, other stakeholders and experts, the Whatcom Planning Commission, and elected and appointed officials during the development of the recommended code amendments; and

WHEREAS, in developing this ordinance, the County has followed the GMA's requirements, including to provide "early and continuous public involvement" through a variety of mechanisms described in the public record; and

WHEREAS, the County has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the public record; and

WHEREAS, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Commerce and to other State agencies on February 2, 2016, for a 60-day review and comment period in accordance with State law; and

WHEREAS, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on March 17, 2016, in the Bellingham Herald; and

WHEREAS, the Planning Commission held a total of 7 public meetings to consider the proposed amendments, which included two public hearings, one on May 12 and one on June 12, 2016, with deliberations throughout these meetings; and

WHEREAS, the Planning Commission has provided a recommendation to the County Council related to the proposed amendments; and

WHEREAS, the County Council held 22 public study sessions on the proposed amendments between September 20, 2016 and November 21, 2017; and

WHEREAS, the County Council held an initial public hearing on October 25, 2016 and a final public hearing on December 5, 2017, both of which were duly noticed on the County's website and the Bellingham Herald; and

WHEREAS, the County Council has considered the recommendation of the Technical Advisory Committee, Citizens Advisory Committee, the County Planning Commission, and the public comments received; and

WHEREAS, the County Council has reviewed and considered a variety of information sources including Best Available Science materials, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the County Council; and

WHEREAS, the County Council desires the proposed amendments to be effective throughout the county, including within the shoreline jurisdiction, a concurrent Shoreline Master Program amendment has been prepared for submittal to the State Department of Ecology for approval;

WHEREAS, based upon the foregoing process, the County Council makes the following Findings of Facts and Conclusions:

#### **General Findings**

1. The Growth Management Act requires critical areas to be designated and protected and to include and be informed by BAS when developing critical areas regulations. RCW 36.70A.
2. Critical areas include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.
3. The Whatcom County has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.
4. Unregulated development may result in cumulative impacts to those functions and values of critical areas that contribute to and are necessary for a healthy natural environment and perceived quality of life.
5. The unregulated development of residences, businesses, shopping areas and other structures, and the clearing of land for accommodation of livestock and for such development all have the potential of adversely and significantly impacting the functions and values of critical areas.
6. The unregulated development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.
7. It is more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.
8. In determining what critical areas are to be afforded a particular degree of protection, Whatcom County has evaluated a wide range of the best science available with respect to the critical areas to make informed decisions that meet the intent of the Growth Management Act and that are also reflective of local needs.
9. The sources of this best available science that were evaluated and included in this ordinance are contained in Exhibit B: *Whatcom County Critical Areas Ordinance Best Available Science Review*

*and Recommendations for Code Update, 2005, and Exhibit C: Whatcom County Critical Areas Ordinance 2017 Update – Best Available Science Review: Addendum to the 2005 BAS Report.*

10. Protection standards for one critical area often provide protection for one or more other critical areas.
11. Critical areas may also be protected by other actions by the County, such as stormwater management standards, clearing and grading regulations, critical area restoration, and public education; and from other regulations, such as the Forest Practices Act, the Shoreline Management Act, the State Environmental Policy Act, and others.
12. The U.S. Constitution prohibits the taking of private property without just compensation.
13. The proposed regulations for critical areas are sufficient and appropriate to protect the functions and values of those areas consistent with the Whatcom Comprehensive Plan and Growth Management Act.
14. The amendments hereafter set forth address requirements related to development in and near environmentally critical areas including environmentally critical areas buffers, performance standards, mitigation requirements, exemptions and exceptions.
15. The amendments serve to further implement the Comprehensive Plan, and provide protection for critical areas that is consistent with BAS and with providing options and development flexibility, and are in the public interest.
16. The critical areas regulations continue to allow for reasonable use of property to ensure that such regulations do not infringe on constitutional private property rights.
17. The public record demonstrates that the amendments were developed through a review of the BAS literature available to the County for review and consideration.
18. The County has followed the GMA's requirements for public involvement and for including and considering BAS in modification of the regulations for critical areas.
19. The public testimony provided to the County included both support for the proposed amendments and suggestions for modifications.
20. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the County's requirement to protect critical areas and to consider the planning goals of the GMA, while recognizing public and private interests.

### **Wetlands**

21. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include but are not limited to: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations, these functions cannot be adequately replicated or replaced.
22. The scientific literature supports the inclusion of protective buffers adjacent to wetlands to provide refuge to wetland dependent species, moderate water level fluctuations, and sediment and nutrient filtration functions.
23. Wetlands are identified according to the U.S. Army Corps of Engineers' *Wetlands Delineation Manual*, 1987 Edition, and the *Western Mountains, Valleys, and Coast Region supplement* (Version 2.0) 2010, and rated according to the *Washington State Wetland Rating System for Western Washington*, revised 2014, prepared by the Washington State Department of Ecology (Ecology).

24. The scientific literature supports the inclusion of protective buffers of relatively intact native vegetation from wetlands to adequately protect functions and values.
25. Appropriate wetland mitigation ratios—ratios of areas of wetland replacement and enhancement to that altered or destroyed—are established in *Wetland Mitigation Replacement Ratios: Defining Equivalency*, published by Ecology, 1992, and *Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands*, Ecology Publication 05-06-008, April 2005.

#### **Critical Aquifer Recharge Areas**

26. WAC 365-190-080 defines wellhead protection areas, sole source aquifers, special protection areas, and other areas that are susceptible or vulnerable to ground water contamination as areas with a critical recharging effect on aquifers used for potable water (also referred to as critical aquifer recharge areas).
27. Potable water is an essential life-sustaining element.
28. Much of the County's drinking water in rural areas comes from groundwater supplies.
29. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up.
30. Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.
31. The County has used *Guidance Document for Establishment of Critical Aquifer Recharge Area Ordinances*, by Ecology, 2000, which includes scientific recommendations for protecting ground water, including limiting certain uses and the intensity of development in critical aquifer recharge areas.

#### **Frequently Flooded Areas**

32. Flood hazard areas are subject to periodic inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
33. These flood losses are caused by development in areas prone to inundation that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.
34. Floodplain and stream connectivity are major elements in maintaining healthy riparian habitat and off-channel habitats for the survival of fish species and conveyance of floodwaters. If river, floodplains, and other systems are not viewed holistically as biological, geomorphological units, this can lead to serious degradation of habitat and increase flood hazards, which in turn can contribute to listing of various fish species as threatened or endangered and result in extraordinary public expenditures for flood protection and relief.
35. Frequently flooded areas, including the 100-year floodplain and the floodway, are commonly mapped on flood insurance maps, often known as Flood Insurance Rate Maps, or FIRMs.

#### **Geologically Hazardous Areas**

36. Geologically hazardous areas are subject to periodic geological events that result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

37. Geologic hazards may be exacerbated by development and human activity in sensitive areas, and impacts resulting from geologic hazards may be reduced by limiting development and human activity within or adjacent to the geologic hazard.
38. Some geologic hazards may be intensified during periods of consistent or heavy rainfall that results in ground saturation or surface water drainage flows.
39. Regarding amendments to the section on Volcanic Hazard Areas, in particular potential lahar hazards, Council finds:
  - a) Based on observable deposits only one far-reaching lahar is known to have impacted the lower reaches of the Nooksack River drainage (25-foot thick deposit preserved at the confluence of the Middle and North Fork valleys), by way of the Middle Fork Valley, since cessation of the last Ice Age approximately 11,000 to 13,000 years ago ("Middle Fork Lahar," approximately 6,500 years ago);
  - b) Based on an absence of extensive lahar deposits in the North Fork Nooksack River drainage no far-reaching lahars are interpreted to have traveled down the North Fork Valley since cessation of the last Ice Age;
  - c) The initiation of extensive lahars that could impact the lower reaches of the Nooksack River drainages are most commonly associated with periods of significant volcanic unrest;
  - d) Periods of significant volcanic unrest may be preceded by weeks to months of advanced warnings, including increased fumarolic activity and volcanic seismicity as magma migrates through the volcanic edifice towards the ground surface;
  - e) The USGS has limited monitoring equipment in place but has expressed intent to expand the volcanic monitoring network at Mt. Baker to meet the minimum standard defined by Open-File Report 2009-1165. In addition, the USGS has the ability to deploy portable monitoring arrays capable of measuring seismicity, ground deformation, fumarolic activity, and other parameters during periods of volcanic unrest that would be useful for informing emergency preparedness and evacuation planning;
  - f) During periods of unrest the USGS would produce information updates, warnings, and risk estimates for the danger areas around Mt. Baker, including developing "scenario maps," which can be used to notify and warn people within the potential danger zones. During such an event communication between the USGS, State, County, emergency management organizations, and the public would be conducted in accordance with the Mount Baker/Glacier Peak Coordination Plan, as well as local emergency preparedness plans that are to be completed;
  - g) The area subject to the most frequent lahar hazards are currently in the more active portion of the volcano, which include the south and east sides of Mt. Baker, in particular the area surrounding Baker Lake.
  - h) People visiting, working, or residing in the "lahar hazard zone" would have ample time to be warned of the increased volcanic activity and associated lahar risk and make reasoned and safe evacuations until volcanic activity quieted;
  - i) As an example, when Mt. St. Helens erupted in 1980, there were weeks of advance warning signs of increased activity. A large number of people evacuated the potential impact area during the lead up to that eruption. The only lives lost were due to people who refused to evacuate after receiving warnings to do so;

### **Fish and Wildlife Habitat Conservation Areas**

40. Fish and wildlife habitat conservation areas perform many important physical and biological functions that benefit Whatcom County and its residents, including but not limited to: maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.
41. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced.
42. The scientific literature supports the inclusion of protective buffers from streams to provide sediment and nutrient input control to downstream waters, large woody debris, and other functions important to riparian areas.
43. The Washington Department of Fish and Wildlife (WDFW) has prepared management recommendations for the preservation of priority habitat and species, which are based on the best available science, and include, in some instances, recommended protective buffer distances.
44. Kelp and eelgrass beds have been identified and mapped by the Washington State Department of Natural Resources (DNR) in some areas. Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-260. Locations for both may be found by referring to *Critical Spawning Habitat for Herring, Surf Smelt, Sand Lance and Rock Sole in Puget Sound, Washington: A Guide for Local Governments and Interested Citizens*, 2002, and the *Puget Sound Environmental Atlas*, Volumes 1 and 2.
45. Salmonid and anadromous fish may be more impacted by development and human activity during some times than others. Such times are referred to as “fish windows,” which have been documented by WDFW.
46. DNR has classified watercourses according to two stream-typing systems based on channel width, fish use, and perennial or intermittent status.
47. WAC 365-190-080(5) grants Whatcom County the flexibility to make decisions in the context of local circumstances, and specifically excuses local jurisdictions from being required to protect “all individuals of all species at all time.”

### **Critical Area and Water Quality Related Monitoring and Enhancement Activities & Strategies**

48. The County monitors various metrics to ensure that critical areas’ functions and values are protected. Monitoring programs include:
  - a) Participating in the WDFW High Resolution Change Detection Project (BAS Document #22), which measures changes in riparian vegetation cover.
  - b) Performing critical areas mitigation monitoring for 5 years post-permit approval to ensure mitigation success [WCC 16.16.260]
  - c) Participating in Puget Sound Partnership’s monitoring programs:
    - (i) Puget Sound Ecosystem Monitoring Program
    - (ii) Effectiveness Monitoring
    - (iii) Puget Sound Vital Signs Program

- d) PDS' ongoing administrative review of consistency between CAO requirements and permit conditions to ensure staff is applying code requirements consistently and correctly
- e) CPAL Conservation Farm Plan monitoring to ensure the CPAL program is working effectively [WCC 16.16.860]
- f) Whatcom Clean Water Program, Pollution Identification and Correction (PIC) Program, and Surface Water Quality Monitoring to identify and improve water quality issues [<http://www.whatcomcounty.us/1072/Water-Quality>]
- g) Whatcom County Health Department's Potable Water Well Testing Program to test new wells for contaminants in order to meet state water quality standards [<http://www.whatcomcounty.us/856/Drinking-Water>]
- h) Monitoring of the Department of Ecology's Drinking Water/Well Testing Program [<http://www.ecy.wa.gov/water/DrinkingWater.html>] for monitoring drinking water quality, including their 2017 report (BAS document #93)
- i) Participation in the nascent Nooksack-Fraser Transboundary Nitrogen Study to work cooperatively with Canadian and U.S. agencies to address the transboundary issue of excess nitrogen in the aquifer.
- j) Council's formation in 2016 of the Whatcom County Wildlife Advisory Committee to develop critical area monitoring and adaptive management program recommendations [2017 *Ecosystem Report*, Section VIII, Recommendations]
- k) The Wildlife Advisory Committee's preparation of the *Whatcom County 2017 Ecosystem Report*, including and existing ecosystem baseline conditions assessment and findings [2017 *Ecosystem Report*, Section VI, Findings].

#### **Critical Area Enhancement Activities**

- 49. Under the direction of the Whatcom Conservation District from 1995 through November 2017, the following critical area enhancement activities have been implemented:
  - a) Through the CREP Program, 425 projects have planted 1.67M seedlings along 213.6 miles of stream buffers, covering 2,858 acres.
  - b) Working with Whatcom County Public Works, 288,120 linear feet (176 acres) of stream buffers have been replanted.
- 50. Working through the Nooksack Salmon Enhancement Association (NSEA), since 2009 over 500 restoration, riparian and instream habitat enhancement, and fish passage projects along 100 miles of stream channel have been accomplished.
- 51. Since 1995, through implementation of the Critical Areas Ordinance, 114 conservation easements have been placed over critical areas and private property. These easements are held by Whatcom County or non-governmental organizations (e.g., Whatcom Land Trust, Lummi Island Heritage Trust, etc.) and are subject to monitoring.

**NOW THEREFORE, THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Adoption of amendments to Whatcom County Code Chapter 16.16 – Environmentally Critical Areas.** The amendments to the Whatcom County Code as set forth in Exhibit A to this ordinance are hereby adopted.

**Section 2. Adoption of Best Available Science.** Exhibit C, the *Whatcom County Critical Areas Ordinance 2017 Update – Best Available Science Review: Addendum to the 2005 BAS Report*, is hereby adopted as the basis for those amendments made that are required to be supported by science.



**Section 3. Adoption of amendments to Whatcom County Code §23.10.060(A) – Shoreline Management Program.** The below amendments to WCC §23.10.060(A) are hereby adopted.

**23.10.060 References to plans, regulations or information sources.**

- A. The Whatcom County critical areas ordinance, Chapter 16.16 WCC (Ordinance No. 2017-077, dated December 5, 2017) is hereby adopted in whole as a part of this program, except that the permit, nonconforming use, appeal and enforcement provisions of the critical areas ordinance (WCC 16.16.270 through 16.16.285) shall not apply within shoreline jurisdiction. All references to the critical areas ordinance (CAO), Chapter 16.16 WCC, are for this specific version.

**Section 4. Follow-Up Tasks.**

(a) Planning and Development Services staff shall work with the farming community to develop creative solutions that would allow farmers to maintain or attain “ongoing agriculture” status pursuant to applicable laws. Proposed code amendments to the Critical Areas Ordinance related to ongoing agriculture shall be processed with all due haste, but the first proposal shall be brought to Council for consideration no later than July 1, 2018.

(b) Planning and Development Services will continue to implement Whatcom County Comprehensive Plan policies 10K-15, 10K-16, 10L-17 and 10L-18, and goal 10G, as well as bring forward a plan to enhance groundwater quality sampling as called for in best available science, in order to monitor the functions and values of critical areas and to develop baseline data to use for such monitoring. An update of the implementation of these policies will be presented to Council no later than January 2019.

**Section 5. Codification of the regulations.** The County Council authorizes the Director of Planning and Development Services and the County Clerk to correct scrivener’s errors in Attachment A, codify the regulatory provisions of the amendment into Chapter 16.16 and §23.10.060(A) of the Whatcom County Code, and publish the amended code.

**Section 6. Interpretation.** The County Council authorizes the Director of Planning and Development Services to adopt administrative rules, adopt interpretations, update the County’s critical areas maps based on the amendments, and administer the amended code as necessary to implement the legislative intent of the County Council.

**Section 7. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 8. Effective Date.** This ordinance shall be published in the official newspaper of the County, and shall take effect and be in full force 10 days after the date of publication.

APPROVED this 5th day of December, 2017.


ATTEST:

  
Dana Brown Davis, Clerk of the Council


APPROVED AS TO FORM:

  
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

  
Jack Louws, County Executive

Approved ( ) Denied

Date Signed: 12.11.17