From:	Ellison, Becki (PARKS)
To:	Washington State Parks Planning
Subject:	Fw: Cama Beach agenda item for October 10, 2024 -- Major legal concerns were omitted in the background information for the staff recommendation
Date:	Sunday, September 29, 2024 7:51:33 PM

From: Gary Worthington <gsworthington@comcast.net>
Sent: Sunday, September 29, 2024 7:50:10 PM
To: Ellison, Becki (PARKS) <Becki.Ellison@parks.wa.gov>
Subject: Cama Beach agenda item for October 10, 2024 -- Major legal concerns were omitted in the background information for the staff recommendation

External Email

Please note: The following text was also submitted on the public comments form on the agency web site. We are also emailing it, for convenience and so it is clear that it was submitted before the deadline.

Re: Major Legal Issues -- Cama Beach Requested Action, Agenda Item E-2

Dear Commissioners and Director Dupuis:

We are again writing as former owners of Cama Beach, and as donors to Washington State Parks through our charitable trusts of approximately $10 million in property and well over $2 million in cash to fund the Master Plan and what eventually became the Cama Center building.

In reviewing the newly posted Agenda Item E-2, we are surprised and puzzled that nowhere in the background information is there any mention of our 2004 agreement with the Commission requiring protection of the historic resort buildings.

That agreement could usefully have been referenced:

On page 5, where the turnover of the ownership of the resort area is mentioned.

On page 6 under “Laws and Governor’s Executive Order.”

On page 8, second paragraph, when the protection of historic buildings and cultural landscapes is mentioned.

And in Appendix 5: “Laws or Other Influences on Decision Making.”

As we said before, we believe that the Commission is legally obligated to protect the historic cabins and other resort buildings and to reopen them to the public in their current location as soon as feasible.

In the agreement dated April 12, 2004, and ratified June 1, 2004, between us and the Commission for the cash donations for what became the Cama Center Building, Section 14 states that "the parties understand that one of the most important reasons for the Trusts to make the donation of the buildings is that the activities conducted in the buildings are anticipated to enhance and help ensure the preservation of the adjacent historic resort buildings and related structures. The Commission undertakes to make bona fide and continuing significant efforts to preserve, in accordance with its own Cultural Resources Management Policy, and to interpret to the public, the historic structures and artifacts of Cama Beach."

We consider that agreement to still be in effect and binding upon the Commission and the agency. Both the likelihood of future sea level rise and the condition of the sea wall were well known at the time of the agreement. Consequently, projected possible sea level rise and the sea wall condition would not be valid legal reasons to abandon the cabins and other historic resort buildings in their waterfront locations. Nor, of course, would any tribal concerns, which were also well known at the time.

A recent letter to the Governor signed by a number of park volunteers, including an attorney at law, in addition to ourselves, states:

"By its action of closing the cabins, effectively terminating all public activities associated with them, the State Parks and Recreation Commission violated the terms of the sale and gift agreements with the donors and the public and exposed the State and its taxpayers to substantial potential liability for the breach of the original gift agreement."

"[That action] subjects the State to a costly breach of contract action that could require the purchase of the donated land at current market value ($10 million in 1990) and the repayment of the $2 million-plus cash donation plus interest."

We sincerely hope that the Commission will keep these legal obligations foremost in mind in all deliberations concerning the future of Cama Beach.

Sincerely,

W. Gary Worthington, Attorney at Law, and Trustee, Worthington Foundation

Sandra R. Worthington, Trustee, Worthington Foundation