

The Sentry

Kitsap Alliance of Property Owners

www.kapo.org

www.insidekapo.wordpress.com

November 2009

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President Tim Matthes talks about CAO appeal and letters he has received

Executive Director Vivian Henderson discovers November is here once again

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Jack Hamilton provides some discussion of the KAPO Process for dealing with government

Historic context for November is provided

How to become a KAPO member is discussed at the end of this newsletter

KAPO President's comments

Tim Matthes

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KAPO's on going Critical Areas Battle: First, the Appellant Court in Tacoma invalidated the county's CAO plan. Then the county requested that the court change their decision. The court said no. Now the county is asking the State Supreme Court to hear their arguments. Now it is up to the Supreme Court. Also, the State Department of Ecology has weighed in on the issue, and I think The State Department of Ecology is putting pressure on the county to appeal this decision. When we win at the Supreme Court, that decision will benefit all the property owners throughout the state.

Each month I receive letters and e-mails about various subjects. I would like to reprint two of the letters that I have received. These letters are both thought provoking and timely.

FIRST Letter

Subject: Port of Bremerton's new \$80,000.00 Public Relations person!

Port Of Bremerton

Dear Port Commissioner Stokes:

As an American Taxpayer; I VEHEMENTLY opposed your proposed hiring of a Port Public Relation person! And especially spending \$80,000+, Plus \$35,000 for benefits; for another friend of former Mayor Cary Bozeman.

This wasteful spending of our tax monies; on top of our City and County's revenue shortfall, throwing us in a budget deficit of 4=million, not including the City and County's assumed Housing Authority 43=million debt from the City of Bremerton's former Mayor Bozeman Condos failed get rich scheme!

And this proposed wasteful spending comes on the head of a reduction in our sales and property tax; and severe City's Marina moorage revenue shortage! And we're supposed to believe the former Mayor, now Port CEO Bozeman; that we can depend on new revenue from the Port's moorage, Fuel and Parking Fees!

Folks you better wake up, and smell the coffee; this smells like another Bait and Switch scheme!

What ever happened to sensible government; pay-as you go!

Furthermore, why are we paying \$80,000 for a Port PR person; when the Port has a CEO, 33 employees and 3 Port Commissioners? And especially when our County and State Unemployment rate is over 8.5%; and our Homeless families are increasing-draastically!

"Resolve not to be poor; whatever you have, spend less. Poverty is a great enemy to human happiness. It certainly destroys liberty, and makes some virtues impracticable, and others extremely difficult". Samuel Jackson

Willis Papillion

SECOND Letter

Subject: Protest of Real Estate Property Tax

To: Senator Derek Kilmer

Rep. Larry Seaquist

Rep. Jan Angel

Kitsap County Assessor Jim Avery

Kitsap County Treasurer Barbara Stephenson

KAPO Directors Vivian Henderson, Tim Matthes

I paid my 2008 property tax under protest and I protest the 2009 tax.

I am a senior citizen with limited income slightly above the \$35,000 max limit for the tax relief program. This limit has not changed for several years and I believe it is much too low and totally inconsistent with the current economy. It should be regularly adjusted to be in sync with inflation.

Deductions from gross income should include costs for:

- a) Medicare A, B, and D premiums*
- b) Medi-gap insurance premium*
- c) Co-pay of drugs*
- d) Co-pay of medical care visits*
- e) Dental, vision, and hearing care*

We retired seniors, on limited incomes need relief from the excessive tax now, and I respectfully request that you will seriously work for this.

Yours truly,

Walter R. Youngstrom

I bet you have some comments about these letters! The letters have been included on our new blog site. It's easy for you to make your comments. Just go to--- inside kapo.wordpress.com

***Moving Right Along with Vivian ~
Executive Director Vivian Henderson
viviankapo@wavecable.com***

It's November! The time of the year when we ask ourselves ~ "How could it be November already?" We've got a few changes in our monthly dinner meeting schedule. There will be no November dinner meeting. And to avoid conflict with Christmas and New Year celebrations our December dinner meeting will be Thursday, Dec. 10th. We meet at AA China Buffet, 3583 Wheaton Way, E. Bremerton at 5:30pm. Directly across Wheaton Way from McDonalds. Please join us and bring family, friends and neighbors. You'll enjoy our casual and friendly group. No reservations required ~ all you can eat for \$10.80.

Veterans' Day is coming up Wednesday Nov. 11th. Veterans' Day, originally known as "Armistice Day" symbolically ended World War I when Germany accepted the terms of peace negotiated in the Hall of Mirrors of the Palace of Versailles, near Paris. The United States played an important part in negotiating the treaty. But the United States never ratified the Versailles Treaty. Instead the United States made a separate treaty of peace with Germany in 1921. The U.S. Congress made "Armistice Day" a federal holiday in 1938. In 1954 Congress changed the name to Veterans' Day to honor all United States veterans. Thirty two allied countries took part in negotiating the treaty. Veterans throughout the world are honored on this special day which is known as "Remembrance Day" in Canada and in Belgium as the "Day of Peace in the Flanders Fields".

I visited Russia in the early 1990's and I was most impressed with how the Russian people revere their veterans; especially World War II veterans. They are honored every day. They are distinguished by wearing their battle medals on their street clothes and are given favored status by citizens who recognize them as they go about their daily lives.

Veterans' Day is a day to honor and thank **ALL VETERANS** for their service to our country. Were it not for the sacrifices, commitment and contributions they have made to serve America we would be overcome by tyranny. I would personally like to thank all Veterans for preserving the freedoms I enjoy every day.

I especially want to thank the Veterans in KAPO's leadership. Many of them are retired career military who have served our country in uniform for many years. And they are still fighting for our freedoms. New battles erupt every day. They have already fought these battles before – threats from foreign governments and enemies outside of our borders. The enemy they are fighting today is our own government. Thank you for your service to America.

“Posterity, you will never know how much it cost the present generation to preserve your freedom. I hope you will make good use of it.”

John Adams, 1735-1826, 2nd President of the United States

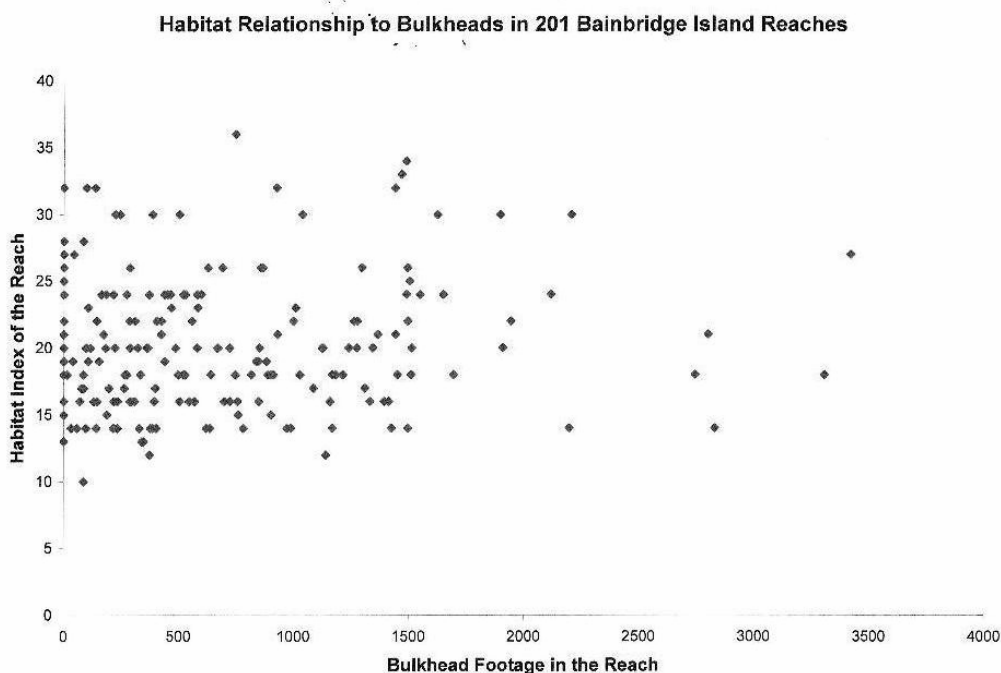
**Environmental Insight With a Touch of Real Science
Shoreline Protection – Honorable After All
Don Flora (a real scientist)**

Six months ago I summarized “science” doctrine about bulkheads, all of which declared bulkheads bad form the environment. I ask, “Where is the research?” and “What are the numbers?”

Lo and behold, I hadn’t noticed a lot of existing numbers. They come from shoreline inventories conducted by Bainbridge Island and Kitsap County. The inventories included human-built “stressors” like docks and bulkheads, plus natural habitats including eelgrass beds, forage-fish spawning areas, and the extent of seaweed and kelp.

These things were tallied for each of the hundreds of beach reaches around eastern Kitsap and Bainbridge Island for which data was available. Then a consulting firm combined the data in various ways to develop, for each shoreline reach, an index number intended to summarize habitat welfare in each reach.

At this point one could look at whether, say, bulkheads are associated with low-grade habitats. See the graph below, in which each dot reports a reach’s situation. Dots toward the left are reaches with little shore protection. If those leftward dots are high on the graph they reflect a high degree of habitat welfare. Shoreline doctrine says that the cloud of dots follows a narrow path from upper left to lower right.



But notice that the dots are high and low all across the graph. The cloud is scattered, not compressed, indicating a low correlation between bulkheads and habitats. The graph suggests that bulkheads are neither good nor bad for habitat. Habitats apparently respond to other factors in the environment.

The graph is for Bainbridge Island. East Kitsap's has the same pattern but with fewer dots because there is little data on habitat in the Kitsap assessment.

The visual conclusions were confirmed when I did mathematical analysis of the same data, using common statistical methods including regression analysis.

Specifically, for both easterly Kitsap and Bainbridge Island the correlation between bulkheads and habitat is not significantly different from zero. The regression analysis indicates that neither an increase nor a decrease in shore protection is associated with habitat change, at least within the range of the bulkhead coverage found on the ground.

More detailed analysis showed there is no evidence of a statistically valid relationship between reaches' bulkhead length and eelgrass welfare, overhanging vegetation extent, nor forage-fish (surf smelt and candlefish) spawning-ground expanse.

In short, bulkheads play a statistically non-significant role in near-shore habitat welfare.

Is this important? You bet. It means that three key foundations underlying the new shoreline plans have no relevance for bulkheads. Those three basic drivers are:

NO NET LOSS (The computations show that bulkheads are impact neutral. There is neither gain nor loss associated with removal or addition of shore protection.)

RESTORATION (Removal of bulkheads will not generate better habitat.)

CUMULATIVE EFFECTS (Without effects, even across the broad reaches and the whole aggregate of reaches, there is nothing to accumulate.)

Kitsap County Planning Commission Activity Report

Mike Gustavson

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October 6, 2009

We were to deliberate on a number of site specific land use applications, some of which were encumbered by land use rule RL-8, which restricts further development of commercial and industrial uses in rural areas. For those which weren't encumbered by RL-8, we recommended approval.

I moved we not move forward on the remaining site specifics until final wording of RL-8 was approved by the Board of County Commissioners. The motion failed. Staff suggested we wait until a special Planning Commission meeting on October 13 to address these parcels. In

subsequent correspondence, the RL-8 site specific parcel decisions will be delayed until early in 2010, hopefully after we have a final decision on the wording of RL-8.

We met with the Kingston downtown design citizens and were in unanimous agreement they had done a fine job and we expect to recommend approval of their plan to the Board of County Commissions.

An Island Perspective

Bainbridge Shoreline Homeowners

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Ed. – *This material was taken from the BSH web site with their permission.*

According to an article in the Kitsap Sun, the Puget Sound Partnership is preparing several requests for the coming legislative session. One of them is a shoreline moratorium that would halt construction of bulkheads and docks in “sensitive areas” until new rules are approved.

Because of the importance of “feeder bluffs,” which create gravel beaches, as well as spawning areas for small forage fish, one proposal would halt shoreline construction in the vicinity of these areas. Degradation could be reduced until new rules and incentives are in place.

State Rep. Christine Rolfes, D-Bainbridge Island, cited her city’s legal defeat over a shoreline moratorium and recommended against such temporary measures. What may be needed instead, she said, is better enforcement of existing rules through permits issued by the Washington Department of Fish and Wildlife.

Josh Baldi of the Washington Department of Ecology said his agency has not yet decided whether to support the idea. Existing shoreline rules require “no net loss” of ecological function, he said. If that’s not happening now, is a moratorium the solution?

Kathy Fletcher of People for Puget Sound also questioned the approach. “If bulkhead armoring and overwater structures shouldn’t be built, then a moratorium adds a period of (unnecessary) agony and contentiousness,” she said.

But David Trout of the Nisqually Tribe argued that something needs to be done now, because docks and piers are being built at a rapid pace to get ahead of new shoreline regulations being formulated by local governments.

One problem that the Partnership will have to overcome is a recent analysis of data used by Kitsap County and the City of Bainbridge Island to justify stricter regulation of bulkheads and docks. The analysis by island resident Dr. Don Flora shows that harm from nearshore development is almost zero.

If the Partnership and others concerned about the health of Puget Sound were truly interested in solutions, one wonders why they don’t consider something more practical. They say that “feeder bluffs” create gravel beaches and spawning areas for small forage fish, and that that justifies banning bulkheads and docks.

Why not take some of the Partnership's \$500 million budget and fund mitigation programs to add sand and gravel to beaches? This would eliminate the need for erosion of personal property and serve the perceived needs of the fishes.

If there is truly a public interest in their cause, don't the state and federal constitutions say the public should pay?

Observations on the PSRC Transportation 2040 Workshop

Chuck Shank

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The Workshop was given on Thursday, October 8 at the Seattle offices of the Puget Sound Regional Council (PSRC), wherein the representatives of Snohomish, King, Pierce, and Kitsap Counties are deliberating on the Transportation Vision 2040.

This Vision 2040 prepares the way today for what the regional transportation system will become by year 2040. Our progeny will inherit a highway system designed to alleviate the overwhelming pressure from two developing changes in our region, namely population growth of 1.4 million more persons, and global warming.

That's right. The four counties will grow that much and the greenhouse gas emissions from that growth will affect the entire Earth's climate. These premises are inviolable. No planning is allowable under any other circumstances. Therefore the transportation system must accommodate all the persons trying to get around in 2040 as well as trying to save the climate.

Up to this point 5 Alternatives were analyzed – KAPO prepared comments about these Alternatives which are available from our website. The Alternatives used varying mixes of transit, capacity, and management techniques to achieve the Vision 2040 policies.

I cannot include all 80 pages of material, but can give you subject matter of each handout. First is the "Workshop". Next is 'Getting to a Preliminary Preferred Alternative'. Third is the "Public Opinion Survey" preliminary top-line report, and last is the "Kitsap County Break-out Group". Although I'm not sure, the documents used in the Workshop and by the Transportation Committee should be available online from the PSRC website. Please check it out if you want more info. There's a lot to wade through, and acronyms galore and if asked I'll also try to explain more of what The Planners are really saying.

To read Chuck's full report you will find it on the KAPO web site at www.kapo.org

Cap-and-Trade – The rest of the story

Bob Benze

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The major news outlets regularly carry alarmist stories on why legislation must be passed to reduce carbon dioxide emissions to combat climate change. But almost no one in the media seems concerned with the rest of the story -- that the cure may well be worse than the disease.

There has been little discussion of the economic impacts of the cap-and-trade programs. These programs are designed to radically restrict the only readily available large-scale source of energy used in this country—fossil fuel, which will dramatically drive up energy costs. Few people comprehend the real impact this would have on our economy. There are some rose-colored studies, like the Stern Review, but other studies paint a more sobering picture.

For example, a Heritage Foundation analysis of the current Waxman-Markey bill, projects that by 2035 the bill would: Reduce aggregate gross domestic product (GDP) by \$9.6 trillion; Destroy 1,105,000 jobs on average, with peak years seeing unemployment rise by over 2,479,000 jobs; Raise electricity rates 90 percent after adjusting for inflation; Raise inflation-adjusted gasoline prices by 74 percent; Raise residential natural gas prices by 55 percent; Raise an average family's annual energy bill by \$1,500; and Increase inflation-adjusted federal debt by 26 percent, or \$29,150 additional federal debt per person, again after adjusting for inflation.

The Congressional Budget Office has raised major concerns over the negative economic impact. Republican leader John Boehner estimates the average American family's federal taxes will increase by \$3,100 a year just to pay the \$366 billion a year the new program will cost.

But that isn't the worst part. Even if the U.S. were successful in eliminating 70 to 85 percent of the carbon dioxide it produces by 2050, as the environmentalists say we must, a strong case can be made that there would be no meaningful environmental benefit--ever.

Energy expert Peter Huber, in a City Journal article, says: "We rich people can't stop the world's 5 billion poor people from burning the couple of trillion tons of cheap carbon that they have within easy reach. We can't even make any durable dent in global emissions—because emissions from the developing world are growing too fast, because the other 80 percent of humanity desperately needs cheap energy, and because we and they are now part of the same global economy. What we can do, if we're foolish enough, is let carbon worries send our jobs and industries to their shores, making them grow even faster, and their carbon emissions faster still."

Wind and solar energy, which depend on wind and sunlight, aren't really suitable for baseload power, and they can't compete cost-wise with traditional coal, natural gas or hydroelectric generation without major federal subsidies or requiring utility customers to pay a steep premium. These alternative energy subsidies must come from an increased tax base--placing an unacceptable burden on individual people and further crippling the ability of American manufacturers to compete in the global marketplace.

What sane country would implement policies that place the very segment that generates its wealth at such a disadvantage—policies almost guaranteed to put major U.S. industries out of business?

If people are really concerned about carbon there are better answers. France decided some time ago to produce its power with safe, clean nuclear energy. The ITER is an international project to design and build an experimental fusion reactor. It is a precursor to a worldwide power system that will obviate the need for fossil fuel long before global warming endangers the planet. And the biological sequestration of carbon in new forests already captures more carbon than is produced in North America--an interim solution that could be expanded worldwide.

Finally, there is the question of whether the science of carbon dioxide causation is really settled. The answer is clearly “no”. Over 30,000 reputable scientists have signed a petition saying otherwise—including far more atmospheric scientists than the number of IPCC scientists who supported the conventional view.

Increases in greenhouse gasses do cause warming. But the latest research suggests the real culprit isn't the weak carbon dioxide input, but rather the much stronger effect of atmospheric water in the form of clouds. A number of scientists, including Heinrich Svensmark of the Danish Space Research Institute, make a compelling case that cosmic radiation seeds the formation of clouds; with cosmic ray intensity a direct function of solar activity.

Indeed, there is a far better historical correlation between solar activity and global temperature than the carbon dioxide correlation. Even the data used by the IPCC shows no rise in global temperature over the last decade, in direct relationship to decreased solar activity, not the rising carbon dioxide levels. The total temperature rise this last century has been about one degree Fahrenheit.

The issue may be settled in the minds of environmentalists, politicians and the media, but it is far from settled in the scientific community. And the public remains unconvinced. Today, only about a third of people surveyed considers climate change to be a real problem.

So perhaps we should all step back and take a deep breath before we break something that we may never be able to put back together again—the greatest economy in the world.

Legislative Update

Jack Hamilton

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In the other Washington

The sad downturn of our representative republic form of government adopted and formalized by “We the people” continues as the current administration and the members of Congress fail miserably to carry out their sworn duties and, instead, attempt to extend government control over citizens. I find it very interesting that through the previous 16 years of political party unrest with both Clinton and Bush, there was no real organized individual citizen opposition to either. In less than ten months in power, the current ruling party, has incited the American public to outrage in “tea parties”, town halls, and a Tea Party Express movement that crossed the nation. Now a second edition of that Express is traveling from the west coast to the east coast. The fact that Americans of all ages and political persuasion are becoming both concerned and involved is good news. Those of us who have been in the fight for some time need to take advantage of the time and the opportunity to increase our education efforts.

At Home in Kitsap – DCD may be overworked

The recently released 2010 work schedule for the planners in DCD indicated that the poor darlings would be stressed beyond the limits of their endurance trying to solve the major land use problems facing the County. In the past we have solved these “under-manning” difficulties by simply spending a few million dollars to hire “consultants” to do the work for the planners. We

don't have the money so we need to think about hiring more people. Of course we might also think about asking the current staff to go back to work on a full 40 hour per week basis and actually get off the permanent 3-day week end schedule they currently enjoy. Some of the projects that have been called out for next year are ones that have simply been deferred in the past as "too hard". In reality although easy solutions were available they just did not meet the agendas of DCD planners of the Commissioners. For example the Rural Industrial use question is up for resolution. The current zoning and uses are consistent with existing County-wide planning policies and there are no obvious problems with implementing the existing zoning. However, allowing any development in rural areas is contrary to the recently adopted PSRC Vision 2040 policies so it's time for Kitsap to get in line. Also up for reconsideration is the unsolved question of Interim Rural Forest zoning. After 20 years one would think that the property owners had had enough but the Commissioners apparently believe they can work some new extortion scheme with the owners. Since no one has ever identified the specific problem that all this is supposed to correct, why not just ask the owners what they would like to do and get on with it? It should be reasonably obvious that if the owners had wanted to clear cut and develop the properties, that would already be done. I find it very interesting that government operates with a "we know best, just trust us" attitude, but that government could never trust it's citizens.

Citizens Alliance for Property Rights (CAPR)- The statewide group)

Jack Hamilton

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On October 24, I attended the CAPR Board of Governors meeting as the KAPO representative. The 7 ½ meeting made the normal KAPO Board meetings look like well ordered and highly effective events. It took a while but I did come away with some observations and opinions. Citizens Alliance for Property Rights is the state (national) level organization and consists of a separate operational unit, PAC, and Legal Fund. There are currently 10 "local chapters" tied to CAPR including one in Ventura County California. There are two "affiliate" units; KAPO and Olympic Stewardship Foundation (OSF) in Jefferson County. There is no current formal organization in King County which explains why they are not at the table with PSRC or Puget Sound Partnership. The local Chapters are, in most cases, new and still getting organized. They are concentrating on some single issue or current election matters. They are not as well prepared as KAPO to actually conduct necessary research, educate the public, mount a coordinated testimony effort or remain current on the business of their respective counties. In part, this is because the CAPR effort to establish chapters does not put much emphasis on local capabilities and local operations but, rather, seems to stress building numbers and raising funds for CAPR operations.

The major issue of the meeting was how to fund CAPR operations. While a proposed budget was not available for review or consideration, an estimate of approximately \$100,000 for next year was offered. That was based on current expenses of about \$8000 a month. What the funds were being spent on was just a bit fuzzy (try not explained) other than compensation for an Executive Director and paying travel expenses. This entire issue will need better understanding and a much better process of decision making that includes the membership before the organization can really be effective. The one bright spot is that CAPR has what appears to be a well established accounting system that properly tracks all funds and makes all required reports to PDC and IRS.

Now that the first meeting is out of the way and a better understanding of exactly what the intended organizational structure and areas of responsibility are, we will have an opportunity to start working on refining the actual structure and making sure that this is not just a playground for some at the expense of many.

The KAPO Process

Jack Hamilton

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Throughout its history, KAPO has consistently followed a clear and well defined process of decision making and preparing position statements to present to the public. Understanding and appreciating the soundness of that process is essential to our continued success. Adoption of the process by all KAPO members will aid each individual and KAPO is achieving the highest level of meaningful impact.

We firmly hold that the first step in any process that would lead to creation new policy or regulation or revision of existing policy or regulation is to ask and answer the question “What is the specific problem we are trying to solve?” Far too often, government jurisdictions or agencies set out to solve the “ills of the world” with no clear understanding of the actual problem. More frequently than not, proposed actions and regulations are actually directed at fixing a symptom rather than a problem. The end result is a continuing string of effort and failed policies that never address a problem and thus have no chance of correcting underlying deficiencies.

A second question that needs to be answered is “what is the current condition or “baseline” of the matter to be addressed. If you don’t know where you are starting from it is most unlikely you can ever arrive where you plan to go. If planners and legislators do not have a firm picture of existing conditions, there is no real basis for any specific corrective action and the planning process is one of assumption turned to fact and guessing sold as estimates. In addition, if there is no firm established baseline, there is no possible opportunity to determine if the policies, regulations, and restrictions enacted actually “fix” anything. The end result of a process that has no baseline to work from is that regulations are deemed successful on enactment and then considered lacking or failures when it is time for revision. A very unique outlook that is both expensive and ineffective.

Finally, any policy or regulatory process must include the means to determine if it is indeed achieving the ends it was stabled for. That means that very specific and clear measurement parameters (called metrics) must be established for each element of the regulatory effort as, necessary. The jurisdiction imposing the policy or regulations must have a clearly established methodology to collect necessary data at appropriate time and to conduct solid, unbiased analysis of that information to determine the progress being made and to determine if alternate actions may be required. The effort to establish metrics, collect data, conduct analysis, and assess effectiveness of ongoing actions is one that demonstrates an understanding that decisions are not final but reflect the conditions and information available ay t the time the decision is made. Unfortunately, our monitoring process in today’s world is little more than passage of time and established periodicity of review and revision. Without effective means to measure success the review process is not possible and thus the revision process simply restarts a sequence if ill informed actions directed at undefined problems.

As you talk to your friends and neighbors about KAPO and how we work, explaining our approach to establishing our positions would be very beneficial. It is very important that the public understand that we do use a very logical, fact based approach to our work and that we do our very best to avoid emotional response or shooting from the hip. Equally significant is that through the implementation of our process we demonstrate that we actually do care and want to solve problems and not just regulate for the sake of regulation or control.

November Historical Almanac

November 1, 1765	“Stamp Act” enabled – and so it started.
November 2, 1947	“Spruce Goose” only flight
November 10, 1775	Continental Congress establishes US Marine Corps
November 11, 1889	Washington becomes 42 nd state
November 11, 1918	WWI ends
November 11, 1919	First “Armistice Day” – Now Veterans Day
November 13, 1777	Continental Congress adopts “Articles of Confederation”
November 18, 1883	US divided into time zones at urging of railroads
November 22, 1842	Mt St Helens erupts
November 22, 1963	John F, Kennedy assassinated in Dallas
November 29, 1890	First Army-Navy football game (Navy wins) BEAT ARMY!

KAPO Membership

Membership in Kitsap Alliance of Property Owners is available at three levels

Voting Membership is open to applicants and includes voting rights. Membership dues are \$100 per year.

Associate Membership is also available. Associate Members do not enjoy voting rights. Associate Membership dues are \$25 per year

Life Membership, voting membership for the life of the members, is available for a single payment of \$1000.

The list of KAPO members is not released to the public and the individual member information is not available for or used for other than the specific business of KAPO.

For more information or to receive a membership application visit the KAPO web site at www.kapo.org or contact Executive Director Vivian Henderson at viviankapo@wavecable.com or Phone: 360-710-8560