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VOICES

Managing growth – Ten Years After GMA

By Tom Geiger

In an extended legislative session in 1990, and in a more lengthy debate and effort in 1991, the state legislature passed the Growth Management Act (GMA). What led to the creation, what was it supposed to do, and what has happened over the last decade?

The end of the 1980s was a booming time in the region's economy, home prices were soaring, sprawl was eating up the land. We had crowded schools, traffic congestion, and people were feeling that their quality of life was at risk of being lost. Sound familiar? Despite the similarities with problems we face today, we would be in much more trouble if the GMA had not become law ten years ago.

In the early part of the 1990 Legislative Session, the environmental community filed several initiatives with the secretary of State's office relating to the issue of how the state would manage growth in the coming years. Initiative 547 was the one for which signatures were gathered and over 229,000 submitted. Faced with the reality of this strongly worded citizen initiative and the increasing public concern over how the region was growing, the legislature passed the GMA, a very scaled-down version of landuse planning. While the initiative failed, it provided a catalyst for real reform and in the next session of 1991, the legislature passed what we today know as the GMA. WEC played a crucial role in both the legislative and initiative processes leading to the creation of the Act.

Despite its more moderate stance, attacks would be made for years to come from those who would rather not have regulations on how and where development occurs. Alternatively, because of some intentionally weak provisions in the GMA, many citizens would have to fight for years to get their local governments to plan in ways that were consistent with the GMA and protective over local lands.

The GMA requires that most local governments (cities and counties) in the state create plans for deciding where

and what sort of residential, commercial, and industrial development would take place, what environmentally sensitive areas would be given special protection, and what resource lands (farms, forests, etc.) would be designated as such. But it did not provide any state approval process of these plans. If plans were inadequate, the state would not have the role of saying so and working to correct them. This responsibility was put on the shoulders of local citizens.

One of the best examples of this is from Chelan County. For years, Chelan had been the poster child of anti-GMA activists. But in the mid 90s some local citizens formed together to create the Icicle Canyon Coalition (ICC) because they were very concerned about the rate of growth, increased taxes and a lack of willingness from local government to follow the state's GMA. The ICC took the issue to the airwaves, buying advertisements on local radio stations to inform their fellow citizens about their concerns and asking people to think about why the county commissioners were opposed to the GMA. One of the ads read as follows:

"Not long ago Chelan County's budget was out of balance by \$260,000. Chelan County Commissioners didn't know whether to sell county property, or eliminate county employees' cost of living pay. But they did find enough money to hire a lawyer from Everett for \$100,000 to fight Chelan County citizens who want nothing more than sensible land use policies for our future. What's wrong with this picture? Think about it."

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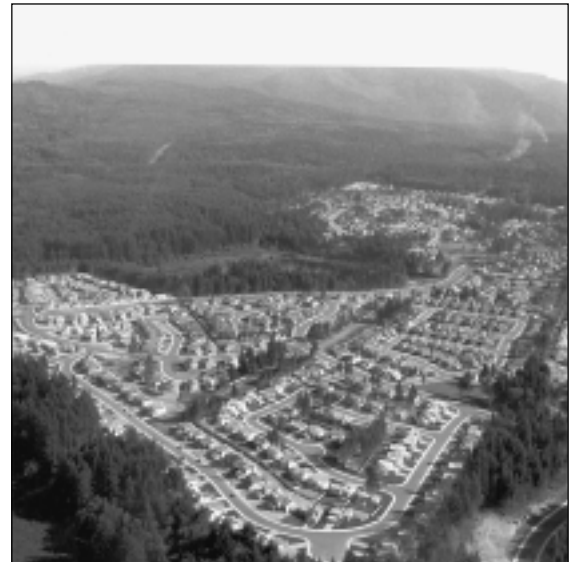


Photo: credit Daily Journal of Commerce

Without smarter growth planning and practice, sprawling developments will continue to eat up forests, farmland and rural communities.



EXECUTIVE DIRECTOR'S MESSAGE



Joan Crooks,
WEC Executive Director

WEC currently is better positioned to meet these challenges than at any other time in its history. So, how has WEC gotten to this point? Passion, dedication, and a lot of hard work by countless individuals. But one of the key elements that has helped to focus these individual efforts has been the leadership provided by our outgoing President David Mann.

threatened wildlife at a time when projections point to 1 million people joining our state's population by 2015. We certainly have our work cut out for us!

On the other hand, in my mind, WEC currently is better positioned to meet these challenges than at any other time in its history. We have a strong, dynamic board (both good thinkers and good doers), an extremely talented and dedicated staff, an active growing membership, and a solid reputation and track record. In addition, I truly believe that the citizens of Washington care about our environment and that a majority are in synch with WEC's mission.

So, how has WEC gotten to this point? Passion, dedication, and a lot of hard work by countless individuals. But one of the key elements that has helped to focus these individual efforts has been the leadership provided by our out-going President David Mann. Over the past four years, I have had the definite pleasure of working closely with Dave to steer WEC through numerous hazards and hurdles and to point us in the right direction for the future. Those of you who have had the opportunity to work with Dave would probably agree that although he certainly is not shy, he's not one to toot his own horn. So, I'll take this opportunity to do it for him.

Dave has a real passion about protecting public resources to ensure that much of the beauty we see around Washington today is left for future generations. That's why he has been fighting no-holds-barred to keep Washington from becoming home to a destructive cyanide-leach gold mine. But in addition to the gold mine, Dave has used his legal expertise to protect other parts of the state including important shorelines and fish habitat on the Olympic Peninsula. Beyond his legal work, Dave has made significant contributions to WEC's Legislative Program. From working with the Legislative Committee to shape WEC's agenda, to meetings with key legislators, to late-night phone calls with staff to discuss legislative strategy, Dave has helped WEC defeat numerous attacks on Washington's bedrock environmental laws such as the Shoreline Management Act and the Growth Management Act.

When friends ask me how things are going at WEC, I usually pause before I respond. On one hand, the environmental challenges we are facing in Washington are mind-boggling: how do we maintain a certain quality of life, clean-up our water and our air and start the process of recovering salmon and other

But Dave clearly recognized that having strong policy and legal shops are not enough to make a healthy organization – therefore much time and energy were devoted to building a strong WEC foundation. Together with the board and the staff, Dave worked to increase our budget by 40 % over four years and diversify our funding base. Dave really recognized the value and importance of WEC's members, and nurtured the concept of adding a staff person who would work specifically with WEC member groups and our Green Tree network. I am excited to say that Amy Zarrett joined us in this role on June 1 (see page 3).

Dave saw the need for WEC to evolve as the landscaped changed in which we do our work and the opportunity for WEC to take full advantage of the strong foundation that has been built. So, before taking a break from WEC (you'll notice I didn't say "before leaving"), Dave got the board interested and involved in a Strategic Planning Process. We now have an active committee working us through this process. In addition, Dave made sure that WEC had a strong healthy board with solid leadership. I am very pleased that Steve Whitney was elected to serve as WEC's next President. Steve has worked in the environmental community for over twenty years, much of the time employed by The Wilderness Society. He brings a wealth of issue knowledge and organizational experience. You will hear from Steve in the next edition of Voices.

On a more personal note, Dave taught me some very valuable things. He helped me learn how to flow with the ups and downs of our work and keep the big picture in mind. And he taught me that sometimes it takes a while to see the payoff from all the hours you put in – you just have to keep at it. Dave, thank you for everything you have done for WEC and for Washington's environment. Happy cycling! ♣

WEC Hires New Staff

New Office Manager / Development Associate, Antonia Jindrich



Starting on May 8, 2000 WEC had a new staff person at the helm – Antonia Jindrich. Most people who have worked for non-profit organizations recognize the critical role that the lead administrative staff person plays. With the departure of WEC's previous Office Manager / Development Associate, Sean Pender, we searched high and wide for the right replacement.

Antonia's (an-toe-nEE-yah) first month at WEC has been filled with activity. Not only has she taken over the responsibilities of holding the office together and supporting our various fundraising and member services efforts, but also on a personal level she has become engaged and bought a house.

Her history with WEC goes back a few years. In 1994-95 she was a volunteer – helping with administrative support for WEC. This was during a year off from college. She then returned to California and finished an undergraduate degree and also received her Masters in Earth Sciences. She spent a year in San Francisco after school. Having enjoyed her stay in Seattle a few years prior, she returned to Seattle last fall. While in the midst of searching for work, Antonia received an email from Becky Kelly announcing the opening of the Administrative position, applied and was hired.

For most of our readers, Antonia would be the first person you talk to if you were to call the main office of WEC. Her tasks in the office largely fit into two roles: administrative and fundraising. For administrative work she: answers phones, attends and takes minutes of Board and committee meetings, maintains WEC's database, and makes sure the office runs smoothly. Her fundraising efforts include: mailings, membership services (both individual and organizational), events, and grant support. Keeping our membership list up-to-date and accurate is fundamental to our organizational health: both in the sense of financial well being and ability to do effective education and activism.

Antonia's interest in environmental issues began as a child growing up in Mill Valley, CA. She recalls recycling everything and being very interested in environmental sciences. She hopes her position with WEC will lead her forward in a fruitful career in environmental work. We look forward to her valuable contributions to WEC's administrative, managerial, and development needs. Her skills, enthusiasm and commitment will serve us well.

New WEC Environmental Organizer, Amy Zarrett

Amy grew up in a suburb of Atlanta, Georgia. She would walk in the woods a lot with her Dad and got to appreciate the environment at an early age. She also became increasingly aware of all the environmentally destructive activities taking place near her home. This is what gives her a passion for environmental activism.



The new Environmental Organizer position has been in the development process for over a year and we are very excited to have this position filled. The focus of her work will be to increase WEC's working relationships with our member organizations. WEC has 89 member organizations. While we have been able to work with many of them to a certain degree, we recognized that there was great potential if we were able to increase the depth of our relationships. The idea is to have Amy do more of this outreach and organizing with member groups in western and central Washington and for Bonnie Mager, WEC's Eastern Washington Field Organizer to play that role in eastern Washington where she has been able to develop personal contacts with many member groups over the past few years.

In addition to Amy's work with member organizations, she will be in charge of organizing WEC's individual members, now numbering 3000 statewide. As part of this work, she will be issuing WEC's GreenTree alerts (periodic email alerts to our activists). If you have an email address and are not on the alert system, and would like to be, please let her know at amy@wecprotects.org.

After Amy graduated from college in 1996, she worked as an organizer on issues relating to Yellowstone National Park and then started working for Montana Audubon Society. It was in this job that she gained experience doing environmental organizing of both individuals and organizations.

WEC's vision for the organizing work is to increase grassroots capacity in Washington by working closely with our member groups. We feel that this increased focus on grassroots organizing will benefit many of the member organizations as well as WEC. We hope that Amy's work and passion will touch many of you over the coming years and that as a result, WEC will become an even stronger organization working to protect the environment of the state of Washington. ▲

Special Session Sputters to a Close

Compiled by WEC staff

It took 93 days, including two special sessions, to bring closure to the scheduled 60-day 2000 Legislative Session. The end for Washington's 56th Legislature finally came on April 27 following Governor Locke's unveiling of his second budget which successfully broke a House and Senate deadlock over how to back fill the \$750 million hole left by Initiative 695 (the 1999 License Tab initiative). When all was said and done there were a handful of policy gains tempered by some erosion of funding for environmental programs.

"Despite some missed opportunities and how much effort it took to beat back some bad bills, on balance we did okay," notes Joan Crooks, WEC's Executive Director. "There were some anticipated gains, such as pipeline safety reform, but we were also pleasantly surprised by actions to protect marine waters including better management of ballast water from ships and some funding for a rescue tug to help prevent oil spills."

All told many budgets were written over the course of the session (three from each legislative chamber and two by the governor). When the budget deal was done, there were few surprises beyond the \$1.2 million for an emergency tug stationed at Neah Bay (roughly seven months worth). "The House Democrats led by Co-Speaker Frank Chopp deserve the credit for the rescue tug funding," notes Josh Baldi, WEC's State Policy Representative. He explained that tug and transit money in particular were key issues pushed by House Democrats during the special sessions.

Another noteworthy budget item was the salvaging of the state's clean air program, 45% of which had been eliminated by passage of I-695 (i.e., a surcharge on the Motor Vehicle Excise Tax was a principle source of revenue for the program). While the legislature failed to come up with Governor Locke's request of \$12.3 million

to make the program whole, the final number of \$9.8 million ensures that the many of the state's air quality efforts will continue.

Overlooked in the budget debate was the erosion of salmon recovery funding. Congress' failure to fund salmon recovery at the level budgeted by the state has resulted in significant shortfalls. The state was expecting roughly \$50 million a year to flow from the federal government, but will actually receive less than half that amount. This leaves several key salmon recovery programs at less than desirable levels, such as water conservation and reuse, and monitoring and enforcement of habitat protection programs. In the wake of I-695, there was little discussion about backfilling these needs.

What was consciously not funded in the supplemental budget was improving shoreline management. "There was a major policy debate around the Department of Ecology's (Ecology) attempts to update and improve the Shoreline Guidelines rule," explains Josh. "Unfortunately, key lawmakers from both parties felt that if they couldn't revisit the Shoreline Management Act then there would be no funding." Such positioning appears shortsighted given the state's need to comply with the Endangered Species Act and Clean Water Act. The lack of funding in this supplemental budget will add pressure on the 2001 Legislature to fully fund the program estimated at roughly \$18 million.

While it was anticipated that the shoreline debate might carry over into the special sessions, the environmental policy debates mainly focused on two issues: SSB 6062, which would have provided a tax deferral for large natural gas-fired electrical plants, and SSB 6525, the so-called "two-line" bill, which would have established a second line for water transfers, separate from new water right applications. Neither bill became law, though there were intense dynamics behind each bill.

Heroes Auction Procurement Team Volunteers Needed!

WEC is planning its annual Celebrating Environmental Heroes event, which will be held in November. The evening includes an awards ceremony honoring citizens who have done tremendous work to protect the environment, as well as silent and live auctions. We are looking for people to join our procurement team. The procurement team contacts businesses, friends or family members, asking them to make a donation of goods or services to the auction. The funds raised at the auction help support WEC's environmental protection efforts. If you are interested in helping out and would like more information, please contact Kathy Malley at 206-622-8103 or via email at kathy@wecprotects.org

2000 Session at a Glance

WEC's Policy Analyst Judy Turpin worked hard on SSB 6525 negotiations. While WEC remained neutral on the final version of the bill, considerable effort had been spent opposing earlier versions that would have constrained Ecology's authority to condition water rights and delegated additional authority to the county-controlled water conservancy boards. Fortunately, the Governor's office became more engaged during the special sessions and worked in collaboration with Senator Karen Fraser to develop a very tight bill that simply would have given Ecology greater latitude to facilitate water transfers. As session came to a close, the agricultural community hammered the bill, raising concerns about Ecology discretion and claiming that key issues were not addressed in the bill. Ultimately, the bill died along with a \$1.1 million budget proviso tied to it. Ironically, the bill could have helped to ease some of the water pressures faced by farmers in places such as the Methow Valley.

"It's fair to say that many interest groups have concern about granting additional discretion to Ecology, and certainly there was much left undone with this bill," explains Judy. "However, the point was to create a tool to respond to changing water needs that could potentially benefit many public interests, whether they be for new municipal use or to respond to fish concerns."

WEC also spent considerable time opposing SSB 6062. This bill sought to provide a \$24 million tax break for a proposed gas-fired energy plant in Sumas. Concerns about the bill ranged from the amount of CO₂ produced (2.4 million tons annually) to the number of long-term jobs created (24), to the local siting issues (e.g., water quality and transmission issues), as well as inconsistency with state and regional energy policy (i.e., gas-fired generation is not a priority). Citing concerns over the number of jobs created in relation to the size of tax cut, Governor Locke vetoed the bill.

What was clearly a sound public policy decision was very difficult politically. Locke faced intense political opposition, primarily from big business and labor, which became quickly apparent when the Senate overrode his veto with merely five no votes. While the vote in the House was less certain, the decision not to override the Governor came merely a day before the end of the second special session. "Even if the bill had been brought to a vote, we felt fairly confident that we could have sustained the Governor's veto," notes Josh. "But the debate shows how out of touch the legislature is with sound energy policy."

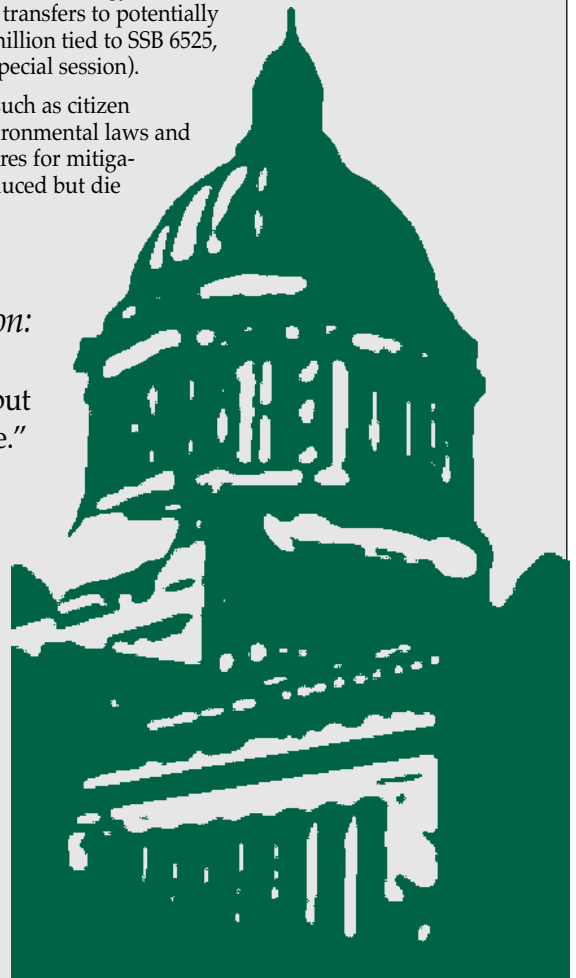
"All in all, we did fairly well given the split leadership of the House and given the focus on fixing the hole left by I-695," notes Joan. "However, this session again underscores the need to more publicly elevate environmental programs in the budget debate. Recognizing that there are growing fiscal constraints (i.e., notably I-601 and I-695), environmental challenges are simply getting to the point that we can no longer afford to have these programs at the bottom of the food chain." ▲

- ◆ New safeguards requiring ocean-going vessels to discharge or treat potentially contaminated ballast water prior to entering state waters (SHB 2466) signed into law.
- ◆ Pipeline safety reforms designed to give the state more authority over siting and management issues (E2SHB 2420) signed into law.
- ◆ Creation of a task force to re-examine (i.e., possibly rewrite) Ecology's Shoreline Guidelines rule narrowly averted.
- ◆ Tax give away to large gas-fired electrical plants narrowly averted.
- ◆ \$2 million of restricted funds to implement the Clean Water Act freed up, though nearly one fourth diverted to experimental pilot projects.
- ◆ \$1.2 million for rescue tug stationed at Neah Bay (roughly seven months worth of protection).
- ◆ No money to update local governments' antiquated shoreline rules.
- ◆ No backfilling of federal shortfall (approximately \$50 million) for salmon funding.
- ◆ \$9.8 million restored to state's air quality program.
- ◆ Lost opportunity to fund Ecology's processing of water transfers to potentially help fish (i.e., \$1.1 million tied to SSB 6525, which died late in special session).
- ◆ WEC-backed bills, such as citizen enforcement of environmental laws and performance measures for mitigation banking, introduced but die in the Senate.

Quote of the Session:

"You can check out any time you like, but you can never leave."

Senator Ken Jacobsen (D-46) citing the Eagles *Hotel California* song on the duration of the 2000 Legislative Session.



Whatcom County Lake Whatcom: Can't Live In It, Can't Live Without It.

By Steve Bassett

The Place

Whatcom County borders Canada to the north, the Skagit Valley to the south, the Cascade Mountains to the east and the Puget Sound to the west. Lake Whatcom is located just east of Bellingham, the county's largest city, and is about 10 miles long with a maximum depth of 328 feet. The lake provides 10 - 20 million gallons of drinking water daily to over 65,000 Whatcom County residents.¹

The Problem

Lake Whatcom is polluted, yet both residents and fish rely on the lake's water for survival. In a study done by the Department of Ecology (Ecology), dissolved fecal matter, heavy fuel oil, toxic pesticides, mercury and other metals were all found in the water and sediment of the lake in high concentrations. Fecal matter content exceeded state standards at every sampling site and the source of the mercury contamination is as of yet undetermined. The report recommended that the lake be added to Washington State's list of impaired water bodies.²

One likely contributor to the lake's declining health is the "Y Road Dump," an unlined disposal area used as an industrial dump for decades that drains into the southern end of the lake. Since the 1940's, there was an average of a fish kill³ per decade near this end of the lake, yet there have been four in the last ten years. Jim Johnston, resident fish biologist for the Washington Department of Fish and Wildlife (WDFW) has dissected fish from these kills in an attempt to determine the cause of death. "Externally they appear perfect," said Johnston, "(but) when you cut them open, you see engorged, horribly colored livers, fire-engine red, mauve, maroon." Johnston suspects the dump is a likely candidate for seeping mercury into the lake.⁴

The reality of the situation is that the declining health of the fish populations in Lake Whatcom is not attributable to just one source. The destruction of habitat due to over-development of the watershed is as suspect as any other for being the main cause of the sick fish. Sewage overflow, stormwater runoff and loss of habitat due to the siltation from logging and construction are all heavy contributors and are all directly linked to the increased development around the lake.

The Science

Tissue samples taken from Lake Whatcom fish were found to exceed acceptable levels of mercury, dieldrin (a chlorinated pesticide) and PCB's.⁵ A recent study recommended that mercury be considered an "existing problem," while levels of dieldrin and PCB's were low "when compared to urban areas." But Lake Whatcom is the main source of drinking water for area residents, thus the pollution levels should have been compared to the standards set for other watersheds where urban-area residents get their drinking water, like the Cedar River watershed for Seattle. In addition, pathogens such as giardia and fecal coliform are entering the lake from failing septic tanks and 4 to 5 public sewage overflows each year near the lake.

The Law

Since the early nineties, the Lake Whatcom Water District and developers have been applying and appealing to get a new sewer line installed to allow for new development in the Sudden Valley neighborhood along the lake. The watershed's current population could double under the city's and county's zoning which would allow an increase to 10,804 dwelling units.⁶

Where's The Fish?

Over the last 25 years, the fish populations have been on a drastic decline. In 1974, the WDFW spawner survey showed there were over 20,000 naturally spawning kokanee trout in Lake Whatcom and its tributaries. However in 1985, the number was down to only 500, followed by 300 in 1992, and in 1999, there were less than 100 non-hatchery kokanee. The cutthroat showed similar declines: "The 1999 surveys compared to the 1987 surveys, even with hatchery fry supplementation, shows a decline in cutthroat spawners of 65% just in the last 12 years. Some of the creeks, such as Beaver Creek, show a much greater decline: 92%.⁷

There are many individuals and organizations that are actively trying to prevent the Lake Whatcom watershed from becoming degraded any further. From those who are attempting to educate residents about the harm caused by lawn and garden chemicals to those who are trying to stop further development in the area, many people are doing everything within their power to preserve the quality of the lake. And except for mercury, the source of which is as of yet undetermined, other harmful pollutants found in the water and sediment of the lake are directly linked to over-development or logging.

When viewing the health of Lake Whatcom, the fish are like the proverbial canary in the coal mine. And according to Jim Johnston, "the canary is damn near dead." Whatcom county government and residents need to think hard about the future of their lake. There are many people and organizations working hard to preserve the lake for all the right reasons, and there are many big businesses wanting to log and develop for all the wrong ones. ▲

- 1 "Technical Report: *Water Quality Assessment/Conditions* - Lake Whatcom Stormwater Program." Pg. 7, Nov. 1999.
- 2 Whatcom Watch, "State Ecology Study: *Degradation of Lake Whatcom Water Quality Needs to Be Addressed*" pp.1,8-9. October/November 1999.
- 3 A "fish kill" is when a large number of fish die around the same time.
- 4 Whatcom Watch, "State Ecology Study: *Degradation of Lake Whatcom Water Quality Needs to Be Addressed*" pp.1,8-9. October/November 1999.
- 5 "Technical Report: *Water Quality Assessment/Conditions* - Lake Whatcom Stormwater Program." Pg. 43, Nov. 1999.
- 6 Lake Whatcom Watershed Cooperative Drinking Water Protection Project: *Results of 1998 Water Sediment & Fish Tissue Sampling*. Pub. No. 99-337. Sept. 1999, Washington State Dept. Of Ecology. Pg.1
- 7 Jim Johnston, Resident Fisheries Biologist for WDFW.

Small Forestland Owners: To Be or Not To Be?

By Steve Bassett, WEC Intern

The average timber harvest in Washington State for the nine-year period 1990-1998 was 4.6 billion board feet, making it one of the most productive sources of timber in the world. It may come as a surprise to many readers to learn that all, non-industrial private forests (NIPF) are responsible for approximately one-third of the State's lumber supply, more than all public lands combined.

NIPF's are defined as forest holdings of less than 1,000 acres with no primary manufacturing facilities.¹ There are over 100,000 NIPF landowners in Washington State, and while only 53% of NIPF's harvest timber from their land, 80% of these employ partial cuts, a method that retains forest canopy and structure in contrast to the clearcut harvest methods more typical of large-scale industrial forestry.²

"Sustainable Forestry" is a slightly ambiguous term. It can be used to describe large plantation forests, since they are replanted and thus renewable and therefore "sustainable." However, the term is more accurately used to describe forest management that employs methods that can meet the current needs of society without compromising the ability of present and future generations to meet their needs by protecting the ecological functions of the forest ecosystem. Sustainable forestry assumes that long-term economic returns can be sustained only if natural capital—this case, the forest ecosystem and its stock of natural resources—is maintained or enhanced.

In order to understand what an NIPF who practices sustainable forestry is like, I recently paid a visit to Doug Stinson at his home in the woods of Lewis County: The Cowlitz Ridge Tree Farm. Lewis County is in southwestern Washington, just northwest of Mt. St. Helens and just southwest of Mt. Rainier. The Cowlitz Ridge Tree Farm (CRTF) is in the heart of Lewis County just east of the Interstate-5 freeway corridor. The CRTF forests are in the core of the county's rural-urban interface and are surrounded by numerous smaller landowners

Mr. Stinson has been managing forestlands for 30 years. He has worked for large industrial timber companies and for the US Forest Service, and around 1990, he acquired enough land to become self-employed as an NIPF landowner. Doug's son Steve, his daughter Julie and his wife Fae Marie Beck are all involved in forest management and all hope to maintain a forest that can be handed down for many generations to come.

He took me on a walk through the forestlands that showcased his non-intrusive forest management style. His motto is "allow the best trees to grow as fast as possible for as long as possible." His tree farm operates as a natural forest, not a plantation. There were cedars, firs and alders all growing in the same stand. Among the species there were all different ages of trees as well. There were many different habitats represented within the forests from wetlands, to open space, to heavily wooded areas. There were snags left standing for eagles and owls to hunt from and deep forest litter that allows critical soil microorganisms to flourish. As we hiked through the

huge tracts of forest that surround his home, he explained some of the main concerns facing family owned forests. Development pressure driven by population growth was first on the list, and the most difficult problem to tackle. The Federal Estate Tax was the next to be mentioned followed by the increased regulations placed on the timber industry.

The problem with population growth is fairly obvious: more people equal more pressure on resources. In Washington State, the problem is compounded by a large influx of people relocating themselves to rural areas. Urban boundaries are being pushed outward in nearly every township. As that happens, forestlands are converted to commercial and residential developments. In the last 30 years, more than 2.3 million acres have been converted to other land uses.³

In addition, increased timber industry regulations have made it more difficult for large industrial timber companies to maintain profit margins. This has caused many to invest and relocate overseas where there are more lucrative and less restricted areas to harvest. Many Washington residents consider this move a blessing for the environment, but most NIPF landowners, including Doug Stinson, have a different opinion. Aside from the obvious fact that pushing big timber companies overseas is a global "passing of the buck," it is the tracts of available land left in the wake of their departure that are being converted to other land uses at the highest rate. The NIPF's, most of whom practice good forest management, are being hit with the same regulations. The problem is, most NIPF's can't relocate so many are pushed by economics to sell to developers. The Forest and Fish Report could take up to 25% of forestlands out of production, and while big companies can afford it or will relocate, NIPF landowners might sell because of it.

"Unless a mechanism is found to give NIPF landowners relief from the economic impacts of regulatory constraints, large areas of critically important family forestland will likely be lost to development in the future," states Steve Stinson. Over the last ten years, 56 square miles per year of NIPF land in Washington State have been converted to residential and commercial use.⁴ I asked Doug if he could change a few things, what would he do, and one of the things he listed was to change to an incentive system. "I prefer a carrot to a stick. With a stick, you might move an inch. But, with a carrot you'll jump a foot. I just don't see any carrots." WEC believes that there are many carrots available, from reduced taxes to technical assistance to cost sharing measures and often sticks that exist are not used. For several reasons, from political opposition to a lack of enforcement staff, given the high number of violations, actions from the state against those who break the law are relatively few.

The other thing he would do is to eliminate or at least rewrite the Estate Tax, otherwise known as the inheritance tax, for family owned forests. Currently, when a forest landowner passes away, up to 55% of their assets must be



Steve Bassett

Doug Stinson and his dog take a walk in their woods

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paid to the government within nine months. In the case of family owned forests, that usually means that half of the family forest must be liquidated, to produce that tax liability. One would think that the tremendous public good that is created by well-managed NIPF's would be enough evidence to create a case for a break in the Estate Tax for NIPF landowners. Otherwise, since the average age of an NIPF landowner is 57, within the next twenty years, 55% of the 288 million acres of timberland owned by NIPF landowners nationally will be cut down to pay the government.

Doug left me with the four principles under which he and his family operate the tree farm: To earn a living; To live in balance with nature; To keep the land forested for future generations; and To educate the public and other NIPF managers. He has high hopes that he and his smaller

neighboring NIPF landowners will get a break in the form of incentives, from either the regulations or the Estate Tax structure. Without it we may lose this unique type of forester, and this type of forest, in our lifetime. ▲

- 1 Silvicultural Options for Non-Industrial Forests: A Landscape Approach for Creating Adaptable, Habitat Based Management Plans. Master's Thesis, University of Washington College of Forest Resources. S. Stinson, 2000. Pg. 1.
- 2 Survey of Washington State NIPF Landowners. Blatner & Baumgartner, Dept. of Natural Resources Sciences, Washington State University. 1999.
- 3 Forest, Fish & Wildlife News, April, 2000. Pg.7.
- 4 WA Department of Natural Resources, 1998.

In 1996, Chelan County Commissioner John Wall was defeated at the polls by a pro-growth management candidate. In the next two years several other county councils around the state that had been anti-GMA switched to pro-growth management majorities. A significant contributor to the political shift away from attacking the GMA can be credited to the defeat of Referendum 48.

And people must have thought about it. In 1996, Chelan County Commissioners John Wall was defeated at the polls by a pro-growth management candidate. The next year several other county councils, including Chelan, that had been anti-GMA switched to pro-growth management majorities, but this was only the beginning of the work. Getting these newly elected officials to act in ways that support environmental protection can sometimes be a different matter.

A very significant contributor to the political shift away from attacking the GMA can be credited to the defeat of Referendum 48. This was a sweeping proposal that would have required taxpayers to pay private property owners for following environmental laws. Despite the sizzling rhetoric of the anti-environmentalists, R-48 was soundly defeated at the polls in November of 1995 and served as major victory for the environmental community.

Despite the various weaknesses of the GMA, it remains a very important step in the development of the state's environmental protection laws. As David Bricklin, well-known land use attorney and former President of WEC said during an interview on GMA, "The Growth Management Act is working, not to perfection, but we are a lot better off than we would have been without it." The nature of planning is that you will see the benefits of the work over the longer term. Bricklin continues, "If you look out into the landscape, you don't see much of the impact yet, but we now have the plans in place. And if we hold true to the plans, and if manage growth the way we say we are going to in the plans that over the next 5, 10, 20 years, you will see some very significant changes in the development landscape."

After the GMA passed, WEC created 1,000 Friends of Washington to watchdog implementation of the new law. They eventually became an independent organization and continue to work together with WEC to ensure implementation and enforcement of the GMA and ward off attempts to weaken the law. Local citizens have played

the major role in making the GMA work. Literally hundreds of appeals to the State Growth Management Hearings Boards have been led by local people trying to protect their way of life and their local environment. In testament to the soundness of the decision made by the Boards, and the veracity of the citizen's concerns, only a very small percentage of the decisions have been overturned by a court.

As the 1990s came to a close, legislative attempts to weaken the GMA continued to fail – but the need to fight for smarter land use was stronger than ever. The amount of traffic continues to increase, not just because of more people, but because people are driving more and more miles. Our roads, bridges, transit systems, schools, sewage and stormwater systems, parks and balls fields were falling apart more than they are being maintained.

How can all these needs be paid for? One concept that is supported by WEC is to make growth pay its way. New growth places extra burdens on the communities in which it takes place. The GMA gives local governments the ability to impose fees on new development. These "impact fees" can help raise funds for transportation, schools, parks, and sewers. Until recently most jurisdictions used impacts fees minimally, if at all.

The funding challenge is just one of many that faces Washington as it attempts to meet the needs of its growing population and at the same time protect the valuable natural heritage that attracts so many people and businesses to call this state home. WEC will be working with 1000 Friends of Washington and others around the state to help develop a smart growth agenda. This will include a proposed screen for funding infrastructure resulting from growth. Additionally, WEC will continue to work within the Blue Ribbon Commission on Transportation to promote a prioritization of transportation funding which would enhance transit, environmental protection and sustainable land use. ▲

Spokane Smart Growth Forum Provides a Breath of Fresh Air

By Bonnie Mager

High energy defined this spring evening in Spokane as specialists, both local and regional came together to discuss the benefits for cities that manage their growth well. The Smart Growth topic was particularly timely for the citizens of Spokane County who are on the brink of adopting their county and city comprehensive land use plans.

It is no secret that the GMA has sparked as much controversy and conflict in Spokane County as it has in much of eastern and rural Washington. Without the bumper-to-bumper traffic jams and wall-to-wall-cities that characterize the western part of our state, GMA is often a hard sell. This is a region largely built on an inherent belief that our natural resources are boundless and our property rights unquestionable. These beliefs make fertile ground for those who desire to promote myths about the costs of planning and for managing growth.

It was with those myths in mind and the desire to draw on the numerous examples of the benefits to be reaped by planning well that the Growing Smart Forum was conceived. WEC, League of Women Voters, 1000 Friends of Washington, Washington Conservation Voters, Transportation Choices Coalition and a host of other organizations and local businesses sponsored an evening for professional visionaries to share their collective wisdom and success stories.

Most of the speakers emphasized the point that the GMA provides an impetus and framework to plan within but is not, in and of itself, the answer to good planning. "We've got to look to creating comprehensive plan policies and good development regulations that create good and livable neighborhoods; just a boundary won't do that," stressed developer, Jim Frank. Well known West Coast developer Rick Holt quipped, "don't get caught thinking that having an urban growth boundary will prevent sprawl.... in Portland we have proven that you can sprawl very nicely within your urban growth boundary!"

Spokane Neighborhood Action Plan (SNAP) Housing Services Coordinator, Julie Dhatt, expressed the hope that Spokane would implement good goals and policies that speak to design issues and thereby create a situation where increased density can provide "a bag of tools that will increase affordability." She stressed the need for all types of housing for rich and poor alike, making the point that it takes diversity to have a vibrant core. All panelists expressed a vision that included revitalizing the downtown into a vibrant core district. And although developer Ron Wells confessed that developing downtown property was more costly and "doesn't always pencil out" he extolled the advantages of living within walking distance of downtown where he doesn't have to get into a car for days.

The myth that urban growth boundaries are the cause of skyrocketing housing and land costs in cities operating under GMA were summarily put to rest. Sandy Burgess, Director of Community Development and Housing Services for the Metro Housing Development Council in

Tacoma, was adamant as she drove home the point that so many of the panelists before her had made, "housing costs have increased because our economy has increased not because of managing our growth...the increases in our economy are good but they do impact housing costs." She also noted that even with the increase in costs it is still possible for her organization to provide affordable housing for very low-income clients within a county with very strictly managed growth regulations.

The last myth taken to task was the idea that strict growth laws are bad for economic development. John Savich, Assistant Director of the state's Department of Community Trade and Economic Development (CTED) cited several examples where large corporations located in communities with very well defined growth management planning. He advised the community to plan and think through potential problems so that "certainty can be provided for companies when they are looking to make their investment. Companies have to get the answers they need quickly, accurately, and with certainty or they will blow on by." He stressed that economic prosperity was a function of well thought out planning. "You plan actively or by default," he warned.

There was an overriding sense of optimism that the time is finally right to put the myths behind us and look forward to the tasks at hand. As we left the Spokane Convention Center the energy level was palpable. It made you want to roll up your sleeves and get to work! ♣

Copies of the Growing Smart in Spokane taped video can be made available. For more information contact Bonnie Mager at (509) 747-3663.

WEC Board Of Director News

We are pleased that our Board of Directors is so active and effective. Below is a list of new members, outgoing members, and the officers.

A special thanks to our outgoing board members for their years of hard work:

At-Large David Mann, Seattle

Organizational David Kliegman, Okanogan Highlands Alliance

New Board members:

Organizational Bryan Burke, Pullman, Palouse-Clearwater Environmental Institute

Kevin Ranker, Friday Harbor, Surfrider Foundation, WA State Chapter

Greg Wingard, Seattle, Waste Action Project

At-Large

Dee Arntz, Seattle

Laura Gephart, Moscow, ID

WEC Officers:

President, Steve Whitney

Vice President - Administration, Larry Harris

Vice President - Legislative Affairs, John S. Karpinski

Vice President - Organizational Liaison, LeeAnne Tryon

Treasurer, John Anderson

VOICES IN CONSERVATION

In this edition of *Voices In Conservation* Tom Geiger interviews the Director of Department of Community Trade and Economic Development (CTED). Governor Locke appointed Martha Choe to this position in October of 1999. Prior to joining the agency she served for 8 years on the Seattle City Council where she chaired the Finance & Budget and the Transportation & Economic Development Committees. Before her government work she was in private commercial banking for 10 years and she started her professional career as a High School teacher.



Martha Choe

Transportation is also a measure of our competitiveness or lack of competitiveness. If we don't figure out a solution I think in a few years we will begin to see companies saying the congestion is too bad, there are not enough alternatives, they are not going to seriously consider this area or choose to go elsewhere.

TG: What is the mission and structure of your agency?

MC: Simply, it is to help get a community healthy and stable enough to solicit economic development to broaden its base. The merger 5 years ago of two agencies into this one hasn't worked well and the governor requested legislation to split the agency (CTED, Community, Trade and Economic Development) in two. We were disappointed that the legislation did not pass. The governor felt so strongly that a couple weeks ago he issued an administrative order for us to split. So for all intents and purposes, the old CTED will no longer

exist. We will be known as the office of Trade and Economic Development, which I will head, and the Office of Community Development that Busse Nutley will head. Her focus will be local government, growth management, and housing. Mine will be international; trade, economic development and energy policy.

TG: Is your work oriented toward cities, counties, rural, or urban areas?

MC: We work with cities, counties, and Economic Development Councils (EDC). These EDCs are all over the state and they are the economic development agents for business attraction and retention. The majority of our time and resources are spent focused on rural economic development. But I think that it is a mistake to take for granted a huge driver in the state's economy. We know that our major companies in the I-5 corridor are being marketed by Arizona, and Mexico, all of our neighbors and all around the country. So I think it is important for us to keep and grow our economic base AND to figure out how we share the prosperity. The governor feels very strongly about leveling the playing field between urban and rural. For example, he introduced two rural telecommunications bills that passed in this last legislative session which would allow PUDs (Public Utility Districts) and

Ports to wholesale telecommunications band width to local providers. It is part of our infrastructure like water, sewer and roads. If you do not have that you are absolutely not competitive. We are finding that businesses are either leaving or not even considering those places that don't have sufficient bandwidth.

TG: This is an area that has not been hooked up to the information superhighway?

MC: That's right. There is not the technology infrastructure in parts of the state. The Ports and PUDs have an incentive because as part of what they are doing to enter the 21st century they are going to need some of this technology to do business. It makes sense to sell their extra capacity to local carriers. That is an example of leveling the playing field.

Another key player in this are community colleges and four-year institutions. The higher education piece of the infrastructure is very important. In a healthy functional community you will see the president of the community college, the EDC, the chamber, the ports, local businesses, labor unions, sitting around saying how do we make sure that we continue to be a healthy, vital community.

TG: Just about everybody recognizes that the state has a great shortfall on in transportation infrastructure. How do you see its future and how it impacts the environmental, social, and economic health of the state?

MC: I think that it is absolutely critical to making sure the state continues to be a healthy, vital state. The link between transportation, economic development and a healthy community is obvious. I don't know how you can separate them. Our agency hasn't been as involved in transportation as I would like. Much of what we do and what I do is act as a facilitator and a convener to discuss issues like transportation.

Transportation was the issue following I-695 this past session. I think that with leadership from the governor and legislature there was agreement to get through this one year. I think that everybody will agree that it was a one-year fix. Transportation should and will be center stage next year.

As a local official, I recognized that Seattle's needs were very different than Moses Lake, Yakima, Spokane and Port Angeles. But what we were arguing for and I think that what still makes sense is to give locals some tools. Then they will have to go out to the voters and make the case.

Transportation is also a measure of our competitiveness or lack of competitiveness. If we don't figure out a solution I think in a few years we will begin to see companies saying the congestion is too bad, there are not enough alternatives, they are not going to seriously consider this area or choose to go elsewhere. You need to expand the capacity and maintain your roads. That is absolutely essential. But you also need to provide alternatives to single occupancy vehicle that don't exist today.

TG: In addition to political will, vision, etc. money is needed to make that happen. What is your opinion on different funding mechanisms?

MC: That is the key. I think that it is to provide a menu of options. There isn't a silver bullet that will fund the backlog or new transportation needs. We certainly should look at the gas tax. It has not been raised in a long time. Even though inflation has been fairly low, the buying power of the tax has significantly eroded compared to how much maintenance we need because more people are driving more. People are paying a \$1.60- \$1.90 a gallon, and compared to other parts of the world our gas is pretty cheap. So I think that an array of options around gas tax can help.

The way the budget has been formulated will free up some capitol money that may produce an opportunity to look at some investments. So I think that there will be a menu of options, some local and some statewide, that together can form a good long-term strategy for funding transportation.

TG: What is your opinion of the Growth Management Act (GMA) now that a decade has passed since the GMA became law?

MC: I think that what this state did was very bold and still is something that most other states haven't chosen to grapple with. It was and is certainly controversial, but I think as we become denser and our population increases, we are going to have to weigh the balance of development in the urban areas and preservation of non-urban areas.

For rural communities, how do you provide incentives for high school graduates to want to stay in those communities, so that there is a real future? There is no easy answer. The Superintendent of the Quileute School District is talking about examples of providing Internet access for his students to courses or content around the US to give them tools and information that kids in a small rural community otherwise would not have.

The GMA obviously did not anticipate the Internet. It didn't really exist ten years ago. With new bandwidths and new technologies it is much easier to telecommute because you have the ability to download and manipulate data that you really couldn't even do a year or two ago.

TG: Your agency is heavily involved in the development of Best Available Science standards for the state. Could you give us an update on this process?

MC: The comment period on this advisory rule has closed and our staff is in the process of reviewing that input to come back with recommendations on what, if any changes will be made to the Best Available Science rule as it now stands. I think that major changes in the rule are unlikely.

This also relates to the development of the response to the 4 (d) rule [a rule being developed by the federal government in response to the ESA listings of various salmon species]. Of course it is not a formula, but there are some pretty specific suggestions of what elements to include to pass that benchmark. It is actually one of the issues that will unite rural and urban because for the first time there will be an large urban area that will be subject to the impact of a listing of an endangered species.

TG: Have you heard whether or not there may be attempts to continue this urban/rural split by having the urban areas written off, in terms of helping to recover salmon?

MC: I think that it would be problematic. Because from a rural perspective, what they see is that the urban areas are a contributor to what happens to salmon. So people around the state will expect that everywhere in the state will have to contribute to salmon recovery. It is obviously a challenge when you have urban areas that are built, dense environments but I think that rural Washington will argue that the impact from urban areas is significant.

There is a lot of frustration to understand what the expectations are. Whether people are in the business community or the environmental community, they are saying to the federal government, tell us what the rules are and we, in good faith, are going to try to meet those. But unless it is specific, it has the potential to put things in a real paralysis for a number of years where the potential of harming economic development could be very real and not increase the understanding of what we need to do to help protect the environment.

There continues to be a lot of frustration and fear about what this will mean. What does this mean for being able to provide jobs and a livelihood? There are a lot more questions than answers.

TG: But the story can also be told as the environment and the economy as opposed to the false choice of environment versus economy.

MC: I think that is one of the reasons why this state is such an attractive place to live and do business – the environment, clean air, and clean water. These are huge reasons why we are so competitive. I think that a lot of people in this state have foregone promotions because they like it here. They like what this state represents. Our approach to economic development is to have sustainable economic development. It is not economic growth at any cost. You can argue about what that means, but we want to provide real jobs for the future and families, whether you are in Everett, or Tacoma or Forks. And at the same time protect the things that are the reasons why people want to live here. And businesses continue to site quality of life as a real plus for them. †

I think that is one of the reasons why this state is such an attractive place to live and do business – the environment, clean air, and clean water. These are huge reasons why we are so competitive.

W EC MEMBER ORGANIZATIONS

Friends of the San Juans

Twenty-one years ago, the Friends of the San Juans formed after a group of concerned citizens sued San Juan County to prevent the first Comprehensive Plan's implementation. With the mission to protect and promote the health and future of the San Juan Islands land, water, natural and human communities, the organization has worked since 1979 to increase citizen participation in development decisions that affect environmentally significant areas of San Juan County. Through public education and activism, Friends emphasizes the importance of public support for comprehensive planning, individual and community participation, and fostering a stewardship ethic.

Friends has established itself as a strong voice for land management in the San Juan Islands. The group often finds itself in the courts advocating protection of environmentally sensitive areas against private or commercial development. As a result, many of its court victories have helped prevent large developments that would inevitably and irrevocably degrade the San Juan county environment.

Public outreach and education is also a large part of the work of Friends. One of its more recent projects concerns shorelines. To fill gaps in understanding shorelines and educate citizens about the importance of these habitats, Friends of the San Juans locally implemented and gathered volunteers for the Citizens Shoreline Inventory (CSI). CSI is a volunteer coastal monitoring program developed for the entire Puget Sound. People for Puget Sound and Adopt a Beach created CSI to address these educational needs throughout the Sound. This program allows identification of critical habitats and other areas of the shoreline ecosystem that need further monitoring and/or protection.

Friends hosts Shoreline Stewardship Training sessions for CSI volunteers from throughout the San Juan Islands. By community members actively participating they come to understand the methods for identifying threatened habitats, species and non-sustainable or non-permitted developments. The information collected by their stewards is stored together with information from volunteers from throughout the Puget Sound at People for Puget Sound. The resulting Citizens Shoreline Atlas is a comprehensive citizen-based, nearshore habitat assessment for Puget Sound.

Friends of the San Juans is currently opposing construction of an 18,000-square-foot supermarket due to environmental issues concerning runoff, aquifers, and shorelines. Friends also continues to works on San Juan County's Comprehensive Plan revisions and reviewing the Shoreline Master Program.

On the future, Tom Owens, President of the Board of Directors says: "We want to grow the organization and work in close cooperation with different entities, including the county and other environmental groups, to preserve our rural way of life. The Friends will be larger and stronger and have more influence on how things go here - whether we will keep the quality we have or lose it."

If you are interested in learning more about Friends of the San Juans please feel free to contact Kevin Ranker, Executive Director, kevin@sanjuans.org, or phone 360-378-2319.

Spokane Audubon

The work of the Spokane Audubon chapter is threefold: to provide services to the Spokane region that allow natural ecosystems to become more healthy, thriving and restorative; to nurture and protect birds and other wildlife and their habitats; and to encourage biological diversity for the benefit of people and nature in the Spokane region and the world we live in. A membership organization, the Spokane Audubon Chapter covers most of Northeast Washington, including Spokane, Pend Orielle, Stevens, Ferry, and Lincoln Counties.

A local chapter of the larger National Audubon Society, Spokane Audubon offers many educational opportunities to the public. They help distribute and implement an innovative environmental education program called Audubon Adventures for children in grades 4 to 6. The goal of the Audubon Adventures curriculum is to develop in young people an appreciation, awareness, and understanding of the natural world — birds, other wildlife, and all living things; the habitats, systems, and interplay of forces that affect living things; and the connections between people and nature.

Other local activities include bird-watching field trips and nature projects at the Spokane Audubon Center where people can connect to nature in a positive and meaningful way. The Center's purpose is to allow for people to develop an appreciation for their environment, and to provide the knowledge and skills needed to protect it. The Center includes a mix of science, education and conservation action for the Spokane community. The ultimate goal is to create a culture for conservation.

In their Chapter Conservation Program, Spokane Audubon actively participates in an Important Bird Areas (IBA) program. The aim of the IBA program is to identify and conserve local key sites for birds. An IBA is a place that provides essential habitat for one or more species of bird for breeding, wintering or during migration. As part of a National Audubon Society program, more than 500 IBAs have been identified across the US.

Preservation of native plants is also a priority for the Spokane Chapter. Many a Saturday volunteers for Spokane Audubon can be found enjoying the great outdoors while digging up native plants from sites scheduled for development. The native trees and shrubs are used to help restore and protect nature areas throughout the Spokane region.

To find out more or volunteer with Spokane Audubon, contact chapter President Charles Lattimer, LatimAudu@aol.com, or call 509-838-5828.

The Bicycle Alliance of Washington

The mission of the Bicycle Alliance of Washington is to promote bicycling for transportation, recreation, adventure and fitness. It seeks the funding and provides support for projects and programs that assure access for bicyclists in WA. The Alliance educates bicyclists, motorists and the general public about the environmental, health and transportation benefits of bicycling — it reduces pollution, conserves resources, and alleviates traffic congestion. It also educates bicyclists, motorists and pedestrians about safety, and works to increase compliance of traffic laws.

The Bicycle Alliance was organized in 1987 as the Northwest Bicycle Foundation; in the mid 1990's it merged with the Bicycle Federation of Washington to become the Northwest Bicycle Federation (NowBike). Then in 1998, the name was changed again to accurately reflect its statewide advocacy mission – more people bicycling more often, safely.

The Alliance's most significant statewide accomplishment was the passage of the Cooper Jones Bicycle and Pedestrian Safety Act in 1998 which was responsible for the rewriting of the Washington State Driver's Guide to include eight pages of information about bicycling and the rights of a bicyclist as a vehicle operator. It also included provisions for the mandatory driver's license retesting of drivers included in fatal and serious injury collisions. Also the Bicycle Alliance membership helped to stop anti-trail legislation at both the state legislature and US Congress in both 1999 and 2000.

The Bicycle Alliance has a membership of 1,300 throughout the state. The Alliance uses email to send out action alerts, and to ask members to respond to issues, or to turn out at hearings, etc.

One of the priority issues the Alliance works with involves raising awareness of anti-trail legislation that is introduced every year. In addition, they fight legislation that tries to marginalize cycling – for instance “must only ride on the shoulder.” With this type of legislation, even if you're not a cyclist, the Alliance feels the issues are similar whether you're a hiker, pedestrian, equestrian. For them, it's about assuring access.

“Strength in numbers,” said Barbara Culp, the Alliance Executive Director, of the benefits of being part of a WEC member. “Coalition and collaborations are the most powerful tools environmental organizations can offer one another.”

Contact Barbara Culp at 206-224-9252 or barbc@bicyclealliance.org about statewide legislation issues and interest in the Bicycle Alliance of Washington. Contact Louise McGrody, same phone number, or email her at louisemc@bicyclealliance.org for questions about bike trails in Washington.

Evergreen Islands

Evergreen Islands is dedicated to promoting, protecting, and defending the unique ecosystem involving Fidalgo and Whidbey Islands and their environs. They function with a particular emphasis on human interaction with and impact on the environment. Through education, public testimony, and serving as a liaison between

agencies, government and private citizens, Evergreen Islands has become a strong voice in promoting citizen input and participation in local land use planning on Fidalgo and Whidbey Islands.

Evergreen Islands is an all-volunteer organization founded in 1977 in response to a proposed clear-cut on the north end of Whidbey Island, a challenge they successfully met. Since then they have effectively promoted various, eco-conscious development alternatives and conducted interventions with government agencies and developers. Some of the issues they have focused on over the years concern wetland protection, wildlife habitat protection and restoration, and environmentally responsible development.

In particular, the group is currently working with the real estate community to provide skilled consultation to new property owners interested in conserving wildlife habitat as they develop. They also discuss many projects proposed on the islands with developers in an effort to highlight and hopefully reduce the impacts of development projects.

They are also active partners in the Ship Harbor Interpretative Preserve (SHIP). SHIP is a program designed to preserve and protect a small but very valuable wetland in Anacortes near the busy Washington State Ferry Terminal. The area includes 25 acres of freshwater wetlands, five acres of upland habitat, and 2,000 feet of sandy beach and sub tidal eelgrass beds, which makes it a rich area with an abundance of plants and wildlife. Not lacking in local history, the area was also the site of some of the largest salmon canneries in the world before returning to its current natural state. The first stage of the SHIP project involves the construction of an accessible trail in order to lessen the impact of visitors to the area, complete with interpretative signs about the wetland. Eventually a more extensive interpretative center will operate a program for public education on broader topics of local marine and coastal environments and the area's cultural importance and history.

Evergreen Islands is always welcoming new members. To learn more or become a member, contact Kathryn Alexandra at jham@island-health.org or call 360-293-8606.

Beautiful Deception Pass separates Fidalgo and Whidbey Islands, two places Evergreen Islands works to protect



Brian Walsh

A History of WEC's Legal Action

by Sonja Carlson, Intern

Thirty years ago, Roger Leed and former congressman John Miller successfully represented WEC in *Sutherland v. Southcenter Shopping* (1970), securing the right to circulate initiative petitions in shopping centers and marking the beginning of WEC's involvement in litigation. This case was centered around the gathering of signatures for the WEC sponsored Shoreline Protection Act, which was the instigator for the legislature's Shoreline Management Act. Since this time, WEC has twice traveled to the United States Supreme Court. In *Robertson v. Methow Valley Citizens Council*, David Bricklin represented WEC, Methow Valley Citizens Council, and Sierra Club; challenging the adequacy of the Environmental Impact Statement (EIS) for a proposed ski resort development in the Methow Valley. More recently, WEC appeared before the US Supreme Court as an intervenor in *Intertanko v. Locke*, where WEC sought to help defend Washington's oil tanker safety rules.

When WEC was founded in 1968, the organization focused primarily on lobbying in the State Legislature. As a result, many laws were passed: the State Clean Air Act (1970), Shoreline Management Act (1971), the State Environmental Policy Act (SEPA, 1971), and the Growth Management Act (1990) were passed. After legislation passed, WEC increased its corresponding legal work to ensure the laws were properly implemented and enforced.

One law WEC has worked particularly hard to enforce is the Forest Practices Act. The landmark Classic U case (1978-79) on Whidbey Island was won by WEC and Save the Trees; establishing that forestry on both state and private lands must comply with SEPA. Charles Ehlert and Daniel Sydral represented WEC in this case.

In 1979 the WEC Legal Committee was formed. It was to act as a filter, reviewing the increasing number of legal requests and advising the Board of Directors on legal matters. Richard Arambaru, was the first Legal Committee chair, along with John Cary, and he remembers when meetings were informal gatherings of a few attorneys. The Legal Committee has since grown to include a network of over forty attorneys who assist with strategy and occasionally take cases on behalf of WEC. About a dozen of these attorneys actively participate in the monthly Legal Committee meetings.

Executive Director, Joan Crooks held the position of Program Coordinator from 1993-95, staffing several committees, including the Legal Committee. Joan's

contributions include making the first docket, setting up basic case files, and creating the intake form for requests for legal assistance. Toby Thaler was hired as a half-time Legal Program Director further developing and organizing the volunteer efforts into a coordinated program. During this time while the program developed, WEC was fortunate to have amongst the notable attorneys chairing the committee: Loren Dunn, Denise Dee Knapp, Tom Bjorgen, John Arum and Rick Smith (current). Then in November of 1998, Michael Rossotto became WEC's first full-time Legal Program Director.

The Legal Committee's criteria for initiating a case include:

1. statewide significance, to ensure WEC's effort in a case will have farther-reaching effects than simply one isolated event;
2. the availability of resources, including a volunteer attorney and money for filing fees, copying, expert witnesses and other related costs; and,
3. whether the case is winnable and a good fit with WEC's organizational priorities.

Recently these priorities have included forests, water, salmon, shoreline protection, and growth management. If the Legal Committee finds the case has merit and meets the criteria, the Committee makes a formal recommendation to the WEC Board, which must give final approval in order to undertake any legal action.

One of the reasons WEC has such a thorough process for case acceptance is that litigation can take years to conclude and be very resource intensive. For example, David Mann has been representing WEC, opposing Battle Mountain Gold Company's (BMG) efforts to develop a cyanide leach gold mine on Buckhorn Mountain since the early 1990s. In January 2000, the Pollution Control Hearing Board (PCHB) overturned the Department of Ecology's issuance of water rights, water quality certification, and approval of the mitigation plan in Okanogan Highlands Alliance and WEC v. Department of Ecology, but an appeal from BMG means that the case is not yet over.

Looking ahead, the Legal Program's goal is to be increasingly pro-active by identifying and developing cases that support WEC's priorities. At the same time, we will continue to provide advice and referrals to our member groups and more intensive assistance if an issue is of statewide significance. It is a long-term approach to a long-term issue, protecting our environment – and that is just what WEC plans to keep doing. †

Recent Developments in WEC legal actions (volunteer attorneys' names in parenthesis):

- † **Sumas Power Plant:** WEC was granted intervention by the Washington Energy Facility Site Evaluation Council (EFSEC) in the siting proceeding for a natural gas fired electric power plant in Sumas. This is a significant victory since EFSEC has generally been hostile to intervention by non-governmental organizations. (Roger Leed)
- † **Methow Valley irrigation ditches:** WEC notified the U.S. Forest Service of our intent to sue if the Forest Service continues to allow the operation of irrigation ditches that harm endangered salmon and steelhead in the Methow Valley without the biological opinion and reasonable and prudent alternatives required under the Endangered Species Act. (John Arum)
- † **Skagit County critical areas:** WEC filed briefs and presented oral arguments as an intervenor in a case involving Skagit County's inadequate response to an order from the Growth Management Hearings Board to adopt a plan to protect salmon from agricultural practices. (Lynn Bahrych)

WEC Legal Action: In the News

On June 20, 2000, WEC and a coalition of environmental and fishing groups signaled their intent to sue the National Marine Fisheries Service (NMFS) for failing to protect salmon and steelhead from harmful logging and urban development. On June 19th, 2000, the federal government issued its final rules for certain species of salmon listed under the Endangered Species Act. The rules — commonly referred to as “4(d) rules” - purposely contain major loopholes that allow the timber industry and developers to continue harming threatened salmon.

“The government is letting timber companies and big developers off the hook,” said Michael Rossotto, legal program director for the Washington Environmental Council. “Once again, the federal government has bowed to industry pressure. We will not see the return of healthy salmon runs in Washington if two of the state’s largest industries are allowed to continue harming salmon.”

WEC was in major news stories across the region on this topic: two TV interviews, over a dozen newspaper articles and several radio stories.

Earthjustice Legal Defense Fund sent the notice letter on behalf of the Washington Environmental Council, Pacific Coast Federation of Fishermen’s Associations, Institute for Fisheries Resources, and Northwest Ecosystem Alliance. The National Marine Fisheries Service has sixty days to respond to the letter before the courts go to court.

In a separate letter by Earthjustice Legal Defense Fund, the Washington Environmental Council, Northwest Ecosystem Alliance, and Pacific Coast Federation of Fishermen’s Associations, and Institute for Fisheries Resources also gave notice that they intend to sue the Environmental Protection Agency (EPA) for granting timber companies a 10-year delay in preparing cleanup plans for streams polluted by logging. The cleanup plans are required under the federal Clean Water Act.

Please go to www.wecprotects.org for full press materials and for background fact sheets on the legal action.

CALENDAR

Speak Up For Our Beaches, Lakes and Rivers:

“Support Section 4” of
Proposed SMA Guidelines

Over the next month, the WA Dept. of Ecology will hold hearings on the long-awaited proposed update state guidelines for how development can take place nears our waters. The choice: cleaner water, more salmon or more pollution, more out-of-control development, and extinction of salmon. If we want to prevent extinction of salmon and protect our waters, updating the guidelines with Section 4 of the Shoreline Management Act (SMA) guidelines is critical.

So called “Section 3,” of the proposed guidelines, for all intents and purposes, is the salmon “extinction option.”

“Section 4”, however contains substantial, strong definitions and

requirements for ecological conditions throughout. Despite some of its shortfalls, this section creates requirements to maintain “properly functioning” habitat for salmon. This is a very good step for salmon recovery.

Hearings:

* Vancouver, July 10, Water Resource Education Center, 4600 S.E. Columbia Way

* Seattle, July 11, Seattle Center, Shaw Rm., 305 Harrison St.

* Bellingham, July 12, Whatcom County Courthouse council chambers, 311 Grand Ave.

Please go to www.wecprotects.org for detailed talking points on this proposal. For copies of the draft rule or a draft environmental impact statement (DEIS) call toll free 1-888-211-3641 or visit Ecology’s website at www.wa.gov/ecology/ under Shorelines and Wetlands.

WEC VOLUNTEERS

The Washington Environmental Council (WEC) relies upon scores of volunteers. WEC Board and Committee members contribute many hours to policy development, organizing, litigation, field monitoring, and public outreach. In addition to the above, we would like to acknowledge the following people, who have recently donated their time to WEC:

Laura Ackerman

John Anderson

David Aries

Steve Bassett

Randy Brook

Sonja Carlson

Jane Cunningham

Hugh Davy

Meg Decker

David Adam Edelstein

Charis Keller

Kelly McCaffrey

Dan Mensher

Sean Pender

John Price

Aimee Rachunok

Sheri Stephanson

Rona Soemarmo

Melissa Sparks

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Ellen Tracht

Jonathan Yeh

Claudia Zeibe

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Voices is published quarterly. We welcome articles, comments, and editorials from our readers.

Please contact editor Tom Geiger at 206/622-8103 or tom@wecprotects.org, before submitting material.

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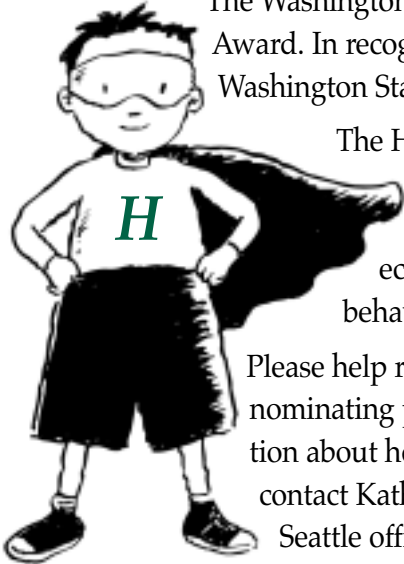
WEC is a member of Earthshare of Washington.



Earth Share
OF WASHINGTON

Nominate your Environmental Hero

The Washington Environmental Council is seeking nominations for our 2000 Environmental Heroes Award. In recognition of the diligence, work and passion required to protect the natural heritage of Washington State, WEC would like to honor dedicated citizens at a November awards celebration.



The Heroes Awards are given for sustained and effective action (ongoing or completed) to preserve or enhance the environment in Washington state, including, but not limited to: protecting endangered species; combating pollution; restoring damaged ecosystems; raising public awareness of environmental issues; and influencing public behavior or environmental policies.

Please help recognize the unsung heroes who give so much to protect the environment. The nominating process is an easy one. If you know of a potential nominee, and would like information about how to make a nomination, please look at our web site at www.wecprotects.org or contact Kathy Malley at WEC, (206) 622-8103. Nominations must be received in the WEC's Seattle office on or before September 25, 2000.



WASHINGTON ENVIRONMENTAL COUNCIL

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