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# VOICES

## Legislature Treading Water

By WEC Staff

**M**ore than half-way through this year's legislative session, proactive reforms to make government accountable for the protection of our environment are in short supply. On the other hand, proposals that would make things worse are numerous. Our lobby team in Olympia was tracking over 400 environmental bills—mostly bad—before the mid-session cut-off narrowed the number considerably. However, it is clear that the big issues—water, shorelines, energy, transportation and budget—will remain in play until the final days of session.

Furthermore, the state has less money than it needs because of significant cuts in revenue over the past six years and unanticipated costs associated with rising health care costs, increased K-12 enrollment and earthquake damage. Indeed, the lack of spending on real solutions and basic services over the past decade has exacerbated problems associated with education, transportation, social services, and environmental protection. Despite the great need for leadership and vision, real solutions are in very limited supply.

For details about specific environmental bills, please go to our website: [www.wecprotects.org](http://www.wecprotects.org) and look for Legislative Information. To highlight WEC's priorities, here are short updates on shorelines, water, energy, budget, salmon, land use, and pollution.

### Shorelines

The Department of Ecology updated the state shoreline guidelines in November 2000. WEC worked with partner organizations and activists for several years to bring about the new Shoreline Guidelines to better protect our water, salmon and

shorelines. Opponents to shoreline protection want to stop the new Shoreline Guidelines from moving forward.

WEC strongly disagrees with legislators who think that the new guidelines go too far, and we are working tirelessly to defeat legislative efforts to rollback recent gains. At the same time, WEC is leading the environmental community in a legal intervention against a lawsuit filed by big business, developers, and some local governments to repeal this update.

Importantly, Governor Locke has stated time and again his support for the updated guidelines. The governor introduced legislation that would give local governments more time and money to implement the new guidelines. This is a reasonable approach. Unfortunately, a bad bill passed out of the Senate. How things will play out in the House is not at all clear. Anti-shoreline protection forces must negotiate a bill through the House and Senate that the governor will agree to sign or generate enough votes to override a governor veto. Fighting back these shortsighted efforts will be challenging but doable.



David Adam Edelstein

*Tom Geiger (top left), WEC's Outreach Director facilitates a question and answer session with leading lawmakers and activists at our Annual Legislative Workshop attended by over 200 citizens.*

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Josh Baldi

At the close of the year 2000, all of a sudden we had a crisis on our hands in Washington – an energy crisis that is. Brownouts were threatened, electricity rates were suddenly going up, fish were being stranded as power companies ran our rivers dry to produce more power, and people and businesses were talking about the need to conserve energy. To the average citizen who flicks on a light switch, it appeared like this crisis arrived overnight.

First of all, it's hard to decipher how much of the "crisis" was created by increased demand for energy vs. mismanagement of our energy system vs. poor planning for the future vs. energy companies taking advantage of a situation and milking it for all its worth. I think that in the long-run we will find out that it was a combination of all of the above.

Regardless of the causes of the crisis, the way in which our state officials have dealt with it so far has not been inspiring. Most proposed "solutions" are little more than short-term fixes. Some elected officials are willing to forego environmental safeguards to pump out more power ASAP. Others are jumping at the chance to give energy generators big tax breaks. There are only a few who are acting as true leaders, really promoting energy conservation, increasing investments in renewable energy and planning for the future.

Now we have another crisis coming our way – a water crisis. Our state has water shortages every year, but Washington is now slated for its worst drought since 1977 - or maybe in the last century. Not only will a water shortage impact people and the environment across the state, but also means continued power problems since the state gets 78% of its electricity from hydropower. I am hoping that our elected officials will show more leadership in their response to our water crisis, but their efforts so far are not encouraging.

The governor's office has put together a three year Water Action Strategy which purports to provide water for people and growth, protect and restore enough water to help out fish and move forward concurrently with these two goals – sounds good right? Unfortunately, at the time of this writing the governor's 2001 legislation doesn't live up to his own goals.

A couple of the main components of the proposal focus on freeing up more water through water transfers and giving more authority to local water boards. When we ask "where's the water for fish?" we are pointed toward modest tax incentives for water conservation and efforts to find funds to purchase or lease water rights to help out streamflows. We need much bolder action if we are to avoid significant conflicts between water users and the needs of our environment.

Other legislative proposals range from water give-aways to agricultural interests to giving watershed councils more money to keep planning. If any of this sounds familiar, that's because most proposals are not too different than what we have seen over the past decade as our state lawmakers have been in gridlock over how to modernize our water laws.

Lawmakers and the governor's office certainly can't ignore the problems that will be facing agriculture and some businesses as the drought worsens. But they also should use the drought as an opportunity to educate more people about our out-dated water management system and the need to make some major changes to a system that is based on 19<sup>th</sup> century thinking. Yes, we need to install low-flow shower heads, but we also need to confront large-scale water users such as agriculture or industry in a significant way.

We need to quickly figure out how much water is needed in rivers and streams to keep them healthy. If too much water is being removed, we need to leave more in streams by decreasing demand through water conservation and water reuse (recycling water), cracking down on illegal water use, and in some cases, purchasing water rights. A broken system can't be fixed overnight, but our elected officials should be approaching the drought as an opportunity to jump-start the process.

As I am writing this I notice that it's starting to sprinkle outside. But wait, before the rain can really get started, the sun is starting to shine. Darn, it looks like is going to be a very long summer. ▲

# WEC Kicks Off Two Strategic Environmental Campaigns

By Jerry Gorsline, Tom Geiger and Josh Baldi

**A**s a result of strategic planning, the Washington Environmental Council will be taking concentrated action in four issue areas – water, forests, land use and pollution prevention – to achieve improved environmental protection. At its January meeting, the Board selected two campaigns in which to focus our efforts: 1) Local Habitat Protection Campaign and 2) Healthy Streams Campaign. A third campaign will be added by the end of this year. Our goal is to have conducted four successful campaigns by 2004.

We will be reaching out to our local member groups, citizen activists, and other partners to inform and collaborate on our campaigns. The campaigns will have grassroots, legislative, legal and media components. Here is a brief description on the Local Habitat Protection and Healthy Streams Campaigns – both are up and running.

## Campaign to Restore Healthy Streams

The goal of the Healthy Streams Campaign is to restore and protect instream flows statewide by leveraging specific gains in a few critical areas into better state management of Washington's rivers, streams and water resources.

### Background

Water is one of our most precious resources. Without it our lives would be impossible. Yet most years, not just dry years, rivers and streams around the state run so dry that there ceases to be enough water for the needs of people and fish. The major cause of the lack of water is over use, waste and a lack of conservation. Despite years of lip service by government to manage our water resources well, the problem of waste and abuse continues. If we are to have enough water for the people and fish of Washington, our government needs to be accountable and protect this vital resource. Our lives depend upon it.



Becky Kelley

While WEC has worked on water resources for several decades, the capacity for a broad-based campaign has only recently arisen. This is due primarily to three factors: potential lawsuit liability under the Endangered Species Act, increased uncertainty of water rights due to recent court decisions, and the elevation of the issue on the public policy agenda (primarily as a result of the former two). In mid-January, Governor Locke announced his four-year „Washington Water Action Strategy. This timeline coincides well with WEC's Healthy Streams Campaign. He has tried and failed to address water before, notably in the 1999 Legislative Session. This time, Locke has named a „water czar in an attempt to move the issue forward and has appealed to the legislature to help reform the water code. While this latter approach also has been tried before, the circumstances inspiring change are significant.

### Our Plan

Through our Healthy Streams Campaign, WEC will pressure the state to better manage the state's water resources through the following coordinated actions:

- ▲ Introduce legislation and pursue proactive policy efforts that protect and restore stream flows, encourage water conservation and reuse, and require better metering of water use;

*The drought that will soon be upon us only exacerbates a long-term water problem in Washington. Many streams, such as this one, have too much water withdrawn even in wet years, and as a result our water future and the survival of fish are both threatened.*

Strategic Environmental Campaigns • continued on page 4

- ▲ Petition the state to take administrative action consistent with the governor's salmon recovery strategy if commitments are not forthcoming;
- ▲ Take strategic legal actions designed to establish sound case law, positively affect the political landscape, and secure improved stream flows in specific basins;
- ▲ Support significant new investment in Washington's water management infrastructure; and,
- ▲ Implement educational, outreach and communications efforts, including two water summits that support and move forward all of the above actions.

The governor's water strategy provides a powerful policy catalyst for reform but his strategy is generally disappointing: while sound on principle, the strategy is long on promise and short on substance.

WEC will press for policies that address three basic needs:

- ▲ Protection and restoration of stream flows;
- ▲ Enhanced water conservation and reuse; and,
- ▲ Better enforcement of the water code, notably metering to increase the efficient use of water.

Additionally, WEC will oppose efforts to further devolve water management decisions to local politicians. WEC will involve a team of legal, technical and policy experts in shaping our concepts that will be turned into legislative, initiative, policy and/or petition actions.

In addition to legislative and policy approaches, we will use our legal program to strategically move policy and politics. Not all of our legal action will pertain to the ESA. WEC's legal program has a long history of establishing precedent-setting environmental law and these efforts will move forward in tandem with our ESA efforts. A final necessary component will be to identify funding for solutions that benefit streams.

WEC encourages input to the campaign strategy from our members. We also are looking for examples of where stream flow problems are directly impacting fish. Please contact the campaign coordinator and share your ideas and examples:

Josh Baldi, State Policy Director, Washington Environmental Council. Phone: 360-357-6548 E-mail: [josh@wecprotects.org](mailto:josh@wecprotects.org).

## Local Habitat Protection Campaign

The goal of the Local Habitat Protection Campaign is to protect fish and wildlife habitat across Washington through improved shoreline and land use ordinances.

### Background

90% of wildlife species are dependant on riparian areas—the areas near our rivers, lakes and streams. Yet these areas constitute just 10-15 percent of our land. Unfortunately, since the early 1800's, at least 50 percent and as much as 90 percent of the riparian habitat in Washington has been lost or degraded due to human impacts.

Our quality of life and our environment face increased threats from the pressures of development, especially in these particularly important riparian habitats. Through effective enforcement and implementation of the state's two bedrock land use laws, the Growth Management Act and the Shoreline Management Act, we can significantly improve the protection of these areas. Updating local regulations based on these laws will be taking place over the coming two years, providing a great opportunity to promote responsible land use that protects our natural heritage.

Protection for critical areas is a central feature of the Growth Management Act (GMA). There are two distinct parts regarding requirements for protecting critical areas under the GMA. First, planning jurisdictions must classify and designate critical areas including fish and wildlife habitat and wetlands. Second, each jurisdiction must adopt development regulations to protect these critical areas.

After considerable delays, and in many cases substantive effort by local environmentalists, nearly all cities and a majority of counties planning under the GMA have adopted comprehensive plans, urban growth areas, and development regulations to protect critical areas and resource lands.

The Shoreline Management Act (SMA) is one of the most successful and important environmental laws in the State of Washington and gives the state the authority to regulate development within the first 200 feet of the shorelines of saltwater and all major rivers, streams and lakes in the state. These areas are of critical importance to salmon and other wildlife as well as for recreational purposes.

The SMA creates a partnership between state and local government. Local governments develop plans

and issue permits that must be consistent with state regulations. The state regulations are referred to as "Shoreline Guidelines." The guidelines flesh out the policies established under the SMA and helps ensure that the SMA policies are fully implemented at the local level. Over 245 local governments statewide are required to develop and implement local shoreline programs

Two key legal provisions have combined to leverage implementation of both GMA and SMA:

First, the 1995 Regulatory Reform Act (ESHB 1724) requires local governments planning under the Growth Management Act to review and/or update their comprehensive plans and development regulations by September 1, 2002. Importantly, all jurisdictions planning under the GMA are to include best available science (BAS) in their Critical Areas Ordinances by 2002. The statute also requires integration of Shoreline Master Plans with the GMA. The law mandates that local shoreline programs be considered a part of local comprehensive plans and regulations.

Secondly, in 2000, Ecology implemented the procedural changes required under ESHB 1724 by adopting new Shoreline Guidelines after a 5-year review and extensive update of past inadequate state rules. Under the law, local governments must now amend their local master plans to be consistent with these guidelines within two years.

While far from perfect, the new guidelines represent a significant step forward in the protection of this critical resource. The original guidelines of 1972 had never been comprehensively updated. The current guidelines incorporate new information about the functions and processes that maintain this rich and important habitat. The intent of the guidelines is to reflect this advance in science and to better address shoreline development issues, such as urban growth, which were thought to be less significant when the guidelines were first adopted.

## Our Plan

Some of the basic elements of WEC,s Local Habitat Protection Campaign include the following:

- ▲ Defend SMA and GMA from attacks in the legislature and the courts;
- ▲ Develop a model Critical Areas Fish and Wildlife Habitat element to define exemplary performance standards;
- ▲ Organize and advocate around revisions to Critical Areas ordinances (CAO) and local shoreline master plans (SMP);
- ▲ Review strategic CAO and SMP updates to



Brian Walsh

identify good and bad examples;

- ▲ Recognize responsible jurisdictions that provide political and technical leadership;
- ▲ Promote model ordinances, and challenge bad ones;
- ▲ Work to improve the state,s hydraulic code;
- ▲ Use appeals and litigation to further the "Best Available Science" requirement as local governments go through the comprehensive plan revision process; and,
- ▲ Evaluate the potential of ESA take lawsuits related to habitat destruction.

*Land near creeks, wetlands and other habitats need increased protection if we want to preserve our natural heritage for future generations.*

WEC has initiated this campaign with an important legal action: leading and coordinating a diverse group of interveners in the business lawsuit that is challenging the recently adopted Shoreline Guidelines. A victory in this case is vital to maintaining statewide interests in the protection of shoreline habitat in urban and rural areas.

While the GMA and the SMA will be the primary focal points of WEC,s Local Habitat Protection Campaign, other issues (e.g., the hydraulics code, ESA, etc.) will clearly be instrumental in our efforts. Along those lines, WEC encourages input to the campaign strategy from our members. Please contact the campaign coordinator and share your ideas and opinions:

Jerry Gorsline, Policy Associate, Washington Environmental Council. Phone: 360-385-6132 E-mail: [jerry@wecprotects.org](mailto:jerry@wecprotects.org)



*For this issue of Voices in Conservation, WEC's Outreach Director went the Olympia to interview Attorney General Christine Gregoire, the first woman to be elected as the Attorney General in Washington. From 1988-1992 she was the Director of the State Department of Ecology. Attorney General Gregoire is probably most well known for her role as the lead negotiator for the states in a case against the tobacco industry. She grew up in Auburn and now lives in Olympia with her husband and two daughters.*

**Tom Geiger:** What is the role of the AG's office in regard to environmental policy and laws in WA?

**Chris Gregoire:** Our day-to-day role is to give legal advice, upon request, to the legislature, the governor, and the resource agencies. But it is not uncommon for us to see ourselves in a policy role where I will testify before Congress. Additionally, we will argue cases before the US Supreme Court, which I did successfully on a case that clarified the state's authority in regard to the Clean Water Act.

Our role is one of enforcing the law, acting as legal counsel, and advocating policy. And ultimately I think that the US Supreme court may be the biggest forum for policy because that case had such an important impact in the environment.

**TG:** Have you seen a shift in environmental policy and enforcement since your tenure as Director at the State Department of Ecology?

**CG:** When I started people were really trying to work together, now there is much more litigation. I am delighted to say that the level of public involvement and awareness is greater today than back then.

**TG:** The fact that many species of fish have been listed under the Endangered Species Act has changed the political landscape. From your perspective is the state doing enough to protect resources like these listed fish, and is the Attorney Generals Office likely to do work to enforce against violations of the ESA?

**CG:** The US Fish and Wildlife and the National Marine Fisheries Service are the two agencies responsible for that enforcement action. But we are constantly advising our clients how to be sure that they are in compliance with the ESA. We worked very closely with Commissioner of Public Lands Jennifer Belcher to get her agency in compliance with the ESA. We have worked with Ecology to assure that in its permit granting authority that it is in compliance with the ESA. The ESA is about both the private and public sectors. And it can hit the public sector in two ways: either you are doing something that you shouldn't do, or you are not doing something you should do.

I think that it goes without saying that there is more to be done. Otherwise we would not be in the crisis that we face today. We are going to have to make sure that local governments are engaged and involved, that citizens are engaged and involved, and we are all working in partnership with the federal government.

**TG:** Do you see your office becoming more engaged in that water resource issue?

**CG:** The Governor has asked me to engage in his effort over the next four years to make sure that we have water policy where it ought to be in the State of Washington. This involves protections under the ESA, public consumption issues, and looking at the demands from business, industry, and agricultural community. I have indicated to him that I will do my best to help.

Out of my frustration for the lack of movement in the legislature, I issued a treatise on water law last year. The purpose was to send a very distinct message: we have relegated water policy to the courts and the legislature has to step up and start grappling with the water policy issues. This is a policy issue. Senator Fraser said this treatise was a marvelous tool for her to get her colleagues to understand who is now in charge, and that is the courts. I do not know if the court is the most well equipped branch of government to deal with water policy. Further, one decision can unravel a previous decision.

**TG:** I know your office has spent a huge amount of resources working on the cleanup at Hanford. What is the status at this point and what is your opinion about its chances for success?

**CG:** I consider this one of the biggest environmental threats in Washington State right now.

I served as one of the lead negotiators when I was at Ecology to enter into a cleanup agreement with the Department of Energy. We did so because we thought that litigation was not necessarily going to be the answer. What we really wanted to do was to get our human and financial resources involved in getting the cleanup done.

The single biggest threat at Hanford is the contamination to the groundwater with a plume moving toward the Columbia River. Obviously, once the river is contaminated, it would become formidable, if not impossible in our lifetimes to cleanup the highly radioactive waste—we have to get the waste in those single-shelled tanks vitrified (changed to a glasslike substance).

It has been a very frustrating process with the Department of Energy. Last year was a "get-tough" year and ended up in litigation before the Pollution Control Hearings Board last month. We won and the case clearly lays out the milestones for the cleanup. Another consent decree issued last year in federal court made clear that the Department of Energy had to issue a contract to begin construction of the

vitrification plant and they have now done that.

I think we finally have things on track. Now, I understand that the Bush Administration is suggesting cutting the budget for Hanford and that is the absolute opposite of what is necessary. So we may find ourselves in the unfortunate situation where we have to sue to have them comply with federal and state law in the cleaning up of Hanford.

**TG:** Switching topics, I would like to touch base on the Shoreline Management Act. Out-of-date rules were finally updated in November. Now there are challenges in the legislature and in the courts to roll back that gain. How is the AG's office involved in this issue?

**CG:** It is our job to defend the shoreline rules. Additionally, Ecology had asked us to help them as they went along with the update process and we feel very good that they have complied with all necessary statutes in their adoption of the rules. The Governor supports the actions of Ecology on this adoption and we at the AG's office feel we have good legal arguments to sustain the actions of Ecology.

The legislature asked the agency to do this and they did it. The rules were adopted in such a way that allows options for local governments to comply with the Endangered Species Act. Now many of these local governments have joined in the lawsuit challenging the rule.

**TG:** One other major topic that I wanted to touch on was oil spill prevention. Last year, WEC joined the state in an attempt to defend Washington's oil spill prevention law before the US Supreme court. Unfortunately the court essentially struck down that state law. What is likely to happen now to improve oil spill prevention?

**CG:** We have been urging the US Coast Guard to adopt many, if not all, of the standards that the state had in place before the court's decision. If they really want to be effective about prevention, the rules should be adopted by the Coast Guard. These standards are just common sense—things like having one English-speaking person on board as the ship comes into coastal waters. It will be embarrassing if the Coast Guard doesn't adopt them.

The case was a huge loss. But it also said that the state was not without some authority – and this was with respect to “unique areas” where we might have a special interest to be protected. We are looking at that a little closer to see if we have unique areas that would come under that authority.

**TG:** Are there other legal cases we haven't had a chance to discuss, that you feel would be of particular interest?

**CG:** I would mention the ASARCO case – a case where a company claims it should not be responsible for the cost of cleanup—because it is such a threat to the Model Toxic Control Act (our state Superfund law). We are readying ourselves to argue it before the State Supreme Court. We feel the lower court just erred, quite frankly. I am guardedly optimistic on that case.

The other one deals with exempt wells (Ecology v. Campbell & Guinn). We issued a formal Attorney General Opinion that said if you have an area in which you are building homes, and you allow everyone of those homeowners to drill separate wells then that is tantamount to one large well and that it should go through a permit process. The Yakima County Superior Court ruled against the state and held that these jointly planned wells should be considered separate water withdrawals. It is going directly to the Supreme Court and we will argue that jointly planned wells for a housing development should be considered a single withdrawal instead of multiple 5,000 gallon a day exempt wells. We feel that this is a big issue and that they should be required to get a permit.

**TG:** What advice might you have to members of the environmental community about how we can do a better job?

**CG:** I am still not sure that we are effectively communicating with the general public on environmental issues. And I take the Endangered Salmon as an example. So much of the debate has been around the economy versus the environment. I believe that we must have both the economy and the environment. So when I am talking to people I say, “you don't actually believe this is just about the salmon, do you?” If that salmon doesn't have enough water and that water isn't good enough quality for the salmon, how can that be good enough for us. Aren't the salmon an indicator species to us? Only if we have rivers that are vibrant and clean enough for the salmon, should we consider our future to be in good standing. We need to talk to people more in those terms.

We need to relate to people more so that the average citizen understands the important environmental policies we face. I really do have confidence in the citizens of the state with regard to environmental issues. I think they value the environment. The environment should be our uniting issue. ♣

*“Ecology had asked us to help them as they went along with the shoreline update process and we feel very good that they have complied with all necessary statutes in their adoption of the rules. The Governor supports the actions of Ecology on this adoption and we at the AG's office feel we have good legal arguments to sustain the actions of Ecology.”*

## Water

In many ways, the water picture is similar to years past: the status quo still favors water utilities, irrigators and industry and continues to put future water needs and stream health at risk. However, there are several new dynamics in the debate: much of the Governor's work on this issue this year has been through his "water czar", Jim Waldo. Additionally, House co-speaker Chopp has taken an active interest in the issue and, the Department of Fish & Wildlife appears to be taking a more proactive role in advocating water for fish.

Water was one of the governor's three priorities going into session. However, his "Water Action Strategy" is in great contrast with his 1999 water bill as well as his own Salmon Recovery Strategy. These proposals had real teeth that would have made immediate gains for salmon and streams. For example the 1999 bill included: enhanced enforcement against illegal water use, a limitation on the abused 5000 gallon/day exemption for wells, and clear policies to put saved water back into streams for the benefit of fish and wildlife. Despite the rhetoric in favor of dealing with water problems, the details of the governor's proposal are disappointing compared to his own policy objectives. As if the

Governor's lack of leadership were not enough, many of the bills in the House would weaken protection for streamflows. Fortunately, the Senate is generally moving innocuous or good bills.

## Energy

Though the energy issue has tended to dominate the media coverage, the political response has been less than inspiring. There has been significant talk about promoting conservation and renewable energy, but the only bills that would guarantee such wise investments failed to make it out of committee. WEC continues to work with the NW Energy Coalition on their Clean and Reliable Energy (C.A.R.E) package, which would mandate a specific level of investment in conservation and low-income energy assistance as well as a performance standard for development of renewable resources.

## Budget

The governor's proposed natural resources budget was definitely the high water mark for environmental funding this year. Since he presented his budget last December, the state has seen an additional hit of roughly \$300 million caused by rising health

# WEC In Action: *highlights of recent activities*

- ▲ **Protecting Streams:** WEC met with water users on Manastash Creek in Kittitas County in Central Washington to try to work out a solution for restoring stream flows and providing passage for fish listed under the Endangered Species Act. This effort is part of our Healthy Streams Campaign to restore stream flows around Washington. Please see story on page 4.
- ▲ **Pushing for Cleaner Waters:** WEC policy staff submitted extensive comments on the Department of Ecology's proposed changes to Washington's Water Quality Standards. While the Clean Water Act requires that this update happen every three years, Washington has not updated its standards for over eight years. Opposition and pressure from industry is putting these long overdue updates in jeopardy.
- ▲ **Organizing Activists:** WEC's Annual Legislative Workshop was held on January 5<sup>th</sup> in Seattle. This event was attended by over 200 activists from throughout western Washington and served as good launching pad for environmental activism at the beginning of the legislative session.
- ▲ **Protecting Public Health:** Organized a coalition of 20 environmental, labor, faith-based and public interest organizations to file a "friend of the court" brief to the State Supreme Court. This particular case is about whether or not polluters will continue to be responsible to pay for the clean up of their pollution.
- ▲ **Educating Activists and Environmental Leaders:** WEC compiled, published and distributed 1,300 copies of the 2001 Legislative Briefing Book. The Book covers the top issues for the current legislative session and gives helpful information on writing letters-to-the-editor, meeting with decision-makers. We also met with key groups, like the League of Women Voters to brief them on the top environmental concerns and likely scenarios for the 2001 session.

care costs and increasing school enrollment. Given that the natural resources percentage of the General Fund budget has gone from roughly 3% to 1% over the last decade and that pressures on our environment have increased, greater investment in these programs is needed. If we want to protect our valuable natural heritage, this declining trend must be reversed. The I-601 spending cap also complicates responsible budget writing, though it is becoming less significant as lawmakers find ways to bump up the spending limit. The reality is that the state budget is tight because of a reduction in revenues due to initiatives and legislative tax breaks.

### *Salmon*

Other than shoreline and the budget, things are relatively quiet on the fish front. While increased funding for fish can still be expected in this biennial budget, these expenditures will generally not be for programs we feel are most important (e.g., water metering, enforcement, setting instream flows, full shoreline funding, etc.).

### *Land Use*

The shorelines debate has reduced the number of anti-Growth Management Act bills this session.

Another factor has been the strong leadership of Representative Dunshee, co-chair of the House Local Government Committee, who allowed only a couple of bad bills out of that committee. It is likely that some sort of GMA bills will move this session, but the general picture is strikingly different than years past when anti-GMA forces were pushing and passing several very damaging bills which required a governor's veto to stop them.

### *Pollution*

WEC has been able to promote several bills this session that would increase protections against pollution. Bills allowing for citizen enforcement of state environmental laws received hearings in the House and Senate. Another bill would make compliance with environmental laws a factor in permitting and state contracting decisions. Yet another would require that soil used for fill meet environmental standards – prompted by reports of contaminated dirt being used as fill. Like other good bills, however, these did not make it out of committee. One pollution-related bill that does have some chance of passing is a bill which requires notification of pesticide use in schools. ▲

*Thanks to all of our members who have made contributions to fund our legislative work. To date, we have raised over \$32,000 to support our efforts during this year's legislative session! We rely on the support of our members to make sure that WEC is in Olympia, advocating for Washington's environment. We can't do this work without your help. THANKS!*

▲ **Saving Shorelines:** WEC is fighting anti-environmental forces that wish to weaken protections against harmful development near shores of rivers, lakes and marine waters. We organized a coalition of 20 groups and individuals to join our legal effort to defend the new Shoreline Management Act guidelines from a lawsuit filed by the Association of Washington Business and some local governments. This is part of our Local Habitat Protection Campaign. Please see story on page 3.

▲ **Educating Key Policy Makers:** As part of our ongoing efforts to improve water policy, we gave an in-depth briefing to House of Representatives Co-Speaker Frank Chopp on state water policy matters. Such detailed discussions are critical to being able to educate policy-makers on specific environmental topics.

▲ **Protecting Forests:** We have continued our opposition to new rules for logging in Washington, which are too weak to protect fish. We

believe these rules are based on political deal-making, not on science. Our long-standing opposition was vindicated in a January 29<sup>th</sup> front-page Seattle Post Intelligencer story exposing internal memos of the government's own scientist questioning the scientific basis for the deal.

▲ **Watch-dogging in Olympia:** Our lobbying team tracked 406 environmental bills in the first half of the legislative session and we issued a half dozen action alerts to activists. We hand-delivered to legislators over 60 valentines from our members saying, "Be my Valentine, Protect my Shoreline."

▲ **Protecting Land:** Worked with local groups in Jefferson County on the Olympic Peninsula to successfully institute a conservation tax that will provide funding to purchase easements, development rights or property having public natural resource value from willing landowners.

### *Gonzaga University Environmental Law Caucus*

The Environmental Law Caucus of the Gonzaga University School of Law (Caucus) strives to develop effective environmental lawyers through student discussion, guest lecturers, and community involvement. The fifteen to twenty law student members meet to discuss environmental law issues



and design practical solutions. Guest lecturers enhance student understanding of environmental issues by speaking about environmental law, environmental science, and environmental activism. The Caucus is a repository of information on local environmental groups, and encourages its members to become involved with those groups. This may involve

analyzing complex legal issues, participating in grassroots organizing, or supporting and organizing local cleanups. All of these activities broaden the students' understanding of environmental topics and keep the students connected to the natural environment.

Since its inception four years ago, the Caucus has provided its students with numerous opportunities for community and environmental involvement. The Caucus addressed the topic of dam breaching by hosting a panel discussion that represented both sides of the issue. Students and the general public participated in the debate, and the diversity of both the panel and the audience ensured that it was an educational experience for all. Guest speaker Galen Rowell joined the Caucus in sharing the idea of intelligent activism with Spokane's residents. Community members, law students, and other guests packed the Met to listen to his presentation. For the past two years, the Caucus has recruited people to plant trees for the Predator Project to improve the health of national forests in Eastern Washington and Northern Idaho.

President Jim Harmony explained that being a WEC member group aids the Caucus in its efforts to get students involved in environmental issues and working with the environmental law community. WEC helps the Caucus supplement theoretical discussion by identifying pressing, real-life environmental concerns in which the law student members can "get their hands dirty."

If you would like to contact Gonzaga University's Environmental Law Caucus, please contact President Jim Harmony. He can be reached via email at [jharmony@lawschool.gonzaga.edu](mailto:jharmony@lawschool.gonzaga.edu) or at 509-324-8056.

### *The Floating Homes Association*

The Floating Homes Association is a non-profit organization formed in 1962 "to protect the interests of Seattle's old and colorful Houseboat Colony" and "to work with all governmental and civic agencies for the conservation, preservation, multiple-use and beautification of Seattle's inland waters and shorelines." The Association was a founding member of WEC.

Houseboats have been around as long as Seattle and were originally logging shanties. In the 1920s, some were summer homes on Lake Washington, and they were cheap housing during the Depression Era. In the 1940s, there were over 2000 houseboats. During the 1950s, Seattle banned and restricted houseboats so that by the 1960s only 1000 remained — all facing a status as "public health hazards". In 1968 the Lake Union sewer was completed — an effort supported by the Association. Being hooked up to the City sewer system raised the cost of houseboat living, but made it "respectable" and encouraged improvements.

By the 1970s, monopolistic dock owners were evicting houseboats over moorage rate disputes, which led the Association and City Council to pass the "Floating Homes Equity Ordinance" as protection. Today the floating home community is stabilized at about 487 houseboats on the east and west sides of Lake Union and on Portage Bay.

The Association also continues to protect shorelines from being paved over by development. Living on the water, houseboaters are keenly aware of the diminishing pockets of undeveloped areas where the wild animal and bird populations continue to try to survive as the developers encroach on their foraging and nesting grounds.

Currently, the Association is gearing up for their biennial Floating Homes Tour. This year's tour is in Portage Bay on Sunday, April 29<sup>th</sup> from 1:00 -5:00 p.m. It will feature houseboats that reflect a variety of new and historic styles and illustrate creative approaches to utilizing small spaces, as well as sensitive remodeling efforts that respect the floating community's long history.

The Floating Homes Office number is 206-325-1132, or you can reach Jann McFarland, Office Manager, at home 206-323-3489.

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## RIDGE

RIDGE is a 13-year-old, all-volunteer, 501(c)3 organization based in Roslyn, Washington, on the eastern slope of the Cascade Mountains. The mission for the group is "to educate the public regarding forestry and land practices in Upper Kittitas County; to be a voice for a sustainable ecosystem and economy; to monitor and seek enforcement of environmental laws in Upper Kittitas County." They formed as a response to a rapid increase in timber harvest. RIDGE participated with Native American Tribes, public agencies, private landholders and environmental groups in the Sustainable Forest Roundtable in 1990. In 1991 and 1992 they appealed and successfully negotiated improvements in timber practices of the Murray Pacific Timber Company on the L.T. Murray Recreation Area, managed by Department of Fish and Wildlife.

After the passage of the state Growth Management Act, they began to focus on the impacts of unplanned and unbalanced growth in their community. In particular, they are currently working to protect their community from the impact of Trendwest's planned MountainStar Resort.

The resort would have golf courses and house thousands of visitors in over 4,500 housing units. While there is little if any water available, Trendwest seeks to supply itself water with an untested scheme of water transfers. Significantly, even Trendwest acknowledges that these transfers would result in a net increase in consumptive use of Yakima River waters. RIDGE has appealed Kittitas County's approval of ordinances and permits enabling construction of the resort and is challenging Trendwest's attempts to supply the resort with transferred water rights. This raises questions of statewide importance such as the legality of approving development without proof of an available water supply, and what standards should be applied to water transfer schemes when developers propose urban sprawl on rural lands that have little if any water available to begin with?

RIDGE appreciates WEC's statewide presence and influence on legislation and values the work WEC is doing to protect instream flows in the Yakima River System.

For more information or to get involved contact Doug Kilgore at PO Box 927, Roslyn, WA 98941, or by e-mail at [kilgore@televar.com](mailto:kilgore@televar.com).

## Skagit Audubon Society

Skagit Audubon Society was established in 1982, one of the many state Audubon chapters that the noted conservationist/organizer Hazel Wolf helped found. The Audubon mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitat for the benefit of humanity and the Earth's biological diversity.

Some of the Chapter's 525 members simply enjoy the informative monthly program and want to belong to a local organization that celebrates the natural beauty of the area. Others are bird watching and nature enthusiasts who are involved in the Chapter's field trips, hikes, and campouts.

There is a large contingent of volunteers who help with a variety of community outreach projects. The Chapter's environmental education efforts center around providing a print and video version of Audubon classroom program to over fifty grade school classes in Skagit County. "Citizen science" projects such as bird nest boxes and the annually organized Chapter Christmas and Migratory Bird Counts assist the Chapter in helping to designate particular local habitats as Important Bird Areas and compile other baseline data so necessary to document change and foster conservation.

A core group is committed to working for the protection of the rich and diverse habitats within Skagit County by monitoring the County's observance of the Growth Management Act (GMA) and how it protects natural resource and other critical lands. The Chapter has successfully challenged the County's failure to protect these areas. It remains involved with ongoing appeals and interventions. Doyle McClure, honored as one of WEC's first "Heroes", has led these efforts. By forming an alliance with WEC as petitioners before the Growth Management Hearings Board, Skagit Audubon has further strengthened its hand at championing conservation as the common interest in seeking an environmentally balanced resolution in the County's farmland buffer ordinance.

The Chapter lends support to other community conservation groups including Padilla Bay National Marine Sanctuary, Skagit Land Trust, Upper Skagit Eagle Festival, and the Falcon Research Group.

Additional information about Skagit Audubon or birding in Skagit County can be gained by visiting the Chapter's website at <http://www.fidalgo.net/~audubon> or by contacting Steve and Gail Aslanian, at 360-435-9493 or [steve@whidbey.net](mailto:steve@whidbey.net).

By Michael Rossotto

### *WEC wins water suits*

In December, 2000 WEC won two important lawsuits designed to protect and restore our rivers and salmon. In the first lawsuit, the judge ordered the state Department of Ecology to implement a 1993 statute requiring the metering of water diverted from streams and pumped from aquifers. Water metering is crucial to the state's ability to manage water resources and maintain enough water in our rivers and streams to protect fish and wildlife. WEC argued, and the judge agreed, that implementing the water metering statute must be Ecology's top priority in watersheds where water supply is limited and salmon and steelhead are at risk. WEC partnered with WEC member group Center for Environmental Law and Policy as well as American Rivers and the Pacific Coast Federation of Fishermen's Associations to win this suit. We were represented by Todd True of Earthjustice Legal Defense Fund.

In the second suit, WEC successfully challenged action by the Department of Ecology that would have shifted authority from the state to local water conservancy boards regarding changes in the use of water rights. Changes in the use of water can impact streamflows and fish, and the local water conservancy boards often lack the technical expertise and statewide perspective needed to protect these resources that are so important to all citizens of the state. WEC and Center for Environmental Law and Policy were co-plaintiffs on this suit, and we were represented pro bono by John Arum, who is a member of the board of directors for both organizations. John received special praise from the judge for his excellent work on the case.

These two legal victories will help ensure better management of our state's water resources. This in turn will greatly assist efforts to restore threatened salmon and steelhead throughout the state.

### *WEC organizes coalition to defend Washington's Model Toxics Control Act*

In 1988, WEC was one of the leading groups in a broad coalition of environmental, public interest, labor, political, and faith-based organizations that passed Initiative 97, which created Washington's

Model Toxics Control Act (MTCA) - our state Superfund law. Since then, thousands of contaminated sites have been cleaned up or contained under MTCA. A recent ruling by a Thurston County Superior Court judge that would severely undermine MTCA will be reviewed directly by the State Supreme Court this spring. In response, WEC has organized a broad based coalition to file a "friend of the court" brief with the State Supreme Court, which will review the lower court's ruling this spring.

In the case, *Asarco v. Department of Ecology*, the Superior Court radically reduced the scope and power of the MTCA by holding that it is unconstitutional to force Asarco to pay the costs of cleaning up nearly 650 acres of contaminated land around its former Everett smelting facilities. This decision makes it much more difficult, if not impossible, for the state to recoup the costs of clean up for lands polluted in the past but not owned by industrial polluters. And contrary to the statute, the decision also allows polluters to challenge the extent of their liability before cleanups occur. All of this undermines the "polluters pay" and "cleanups before lawsuits" policies that were explicit in Initiative 97 and form the backbone of MTCA.

In order to demonstrate broad public support for upholding MTCA and cleaning up toxic sites, WEC recruited twenty of the organizations that endorsed Initiative 97 to sign on to our friend of the court brief. In addition to environmental groups, the list includes the Washington State Labor Council and several other labor organizations, faith-based groups such as the Church Council of Greater Seattle and the Seattle Section of the National Council of Jewish Women, and good government groups like the League of Women Voters of Washington. Attorneys Jon Stier from the National Environmental Law Center and Eric Nelson volunteering on behalf of the Washington Toxics Coalition took the lead in drafting the brief for the coalition, with support from WEC Legal Program Director Michael Rossotto and WEC legal committee volunteer Brent Walton.

The State Attorney General's office is vigorously defending MTCA, and along with the WEC-lead coalition, the government of the United States and the Association of Washington Cities have also filed friend of the court briefs. Thus, we are hopeful that the Supreme Court will recognize the error of the trial court and reverse this harmful decision ▲

*These two legal victories will help ensure better management of our state's water resources which in turn will greatly assist efforts to restore threatened salmon and steelhead throughout the state.*

# Environmental Workshops a Success

By Amy Zarrett

If you were just passing by, you'd probably wonder what such a large group of people could all have in common. Is it a coffee-drinkers convention, or better yet, a gathering for people who like sunny days? No, it's one of the annual environmental workshops WEC hosts filled with people who care about the future of Washington's awe-inspiring and threatened environment.

Already in 2001, WEC has organized and participated in two workshops organized to educate, involve, and incite public involvement in Washington's environmental issues. Over the years, these events have been places where concerned citizens meet, exchange ideas on state environmental issues, talk with their elected officials, and refuel their activist enthusiasm.

## WEC's Legislative Workshop

With over 200 participants, WEC's January 5<sup>th</sup> Legislative Workshop in the Seattle REI was well attended. Many WEC members and friends came out on a beautiful sunny Saturday for the event.

In the morning, elected officials from both the state House and Senate gave their take on how environmental issues will play out in this year's session and took questions from the audience. On the State House panel were Representatives Hans Dunshee, Doug Eriksen, Fred Jarrett, and Phil Rockefeller. The State Senate panel was comprised of Senators Julia Patterson and Pat Thibaudeau. They all touched on different environmental issues of importance to them and their constituents, but shoreline protection was a common thread. Most also talked about the fact that, with a strained budget and a 49(D)-49(R) tie in the House, it will be difficult to get things done in Olympia. Because of that, they emphasized the importance of contacting your electeds to let them know your views on the issues.

In two separate sessions, WEC's lobbyist, Josh Baldi, and lobbyists from other citizen groups gave their take on what to expect on specific environmental issues for the 2001 session. Those issues, also detailed in the 2001 Legislative Briefing Book available from WEC, included the state budget, shorelines, environmental education, energy, and toxic notification, land use, water quality, marine waters, transportation, and salmon.

Finally, issue breakout groups at the end of the day



David Adam Edelstein

gave people a chance to talk about what they'd heard from the various speakers and connect with each other on what they and others can do together to affect positive environmental change in the state.

## Environmental Lobby Day

With the organization People for Puget Sound as the main coordinating entity, Environmental Lobby Day on February 27<sup>th</sup> in Olympia was a success. WEC and many other citizen groups helped to organize and host this annual event attended by over 150 activists from around the state.

The morning instructional sessions consisted of remarks from Senator Phil Rockefeller and Senator Karen Fraser, a legislation update from lobbyists, and a lobbying skills workshop.

In the afternoon, most attendees participated in pre-arranged meetings with their district representatives or their staff to discuss their views on key issues from the morning session. These included shorelines, energy, transportation, water resources, the state budget, toxics, and land use.

At the end of the day, WEC hosted a lively reception in the Capitol Rotunda for attendees, lobbyists and legislators. ▲

*From right to left, Representatives Hans Dunshee (D-from rural Snohomish County), Phil Rockefeller (D-northern Kitsap County), and Fred Jarrett (R-Mercer Island and eastside of Lake Washington) addressed the crowd at the Annual Legislative Workshop.*



## *Paul Kampmeier*

For the last couple months I have been the Legal Intern for WEC working with Michael Rossotto, Legal Program Director. I am finishing my third year of law school at the University of Washington. In June 2001 I will graduate from the University of

Washington with a concentration in Environmental Law.

My interest in environmental issues was heightened by travels through Southeast Asia and Central America. These trips impressed upon me the need for rational growth and the importance of developing sustainable economies and lifestyles in order to protect the beauty and diversity of all life. I hope to be able to contribute to this better future through my work after graduating.

While at WEC, I have worked on researching and helping on a case to help defend the Model Toxics Control Act—the state of Washington’s Superfund law—from being weakened (see legal article on page 5). I have also conducted research on how WEC can use the Growth Management Act’s requirement to protect critical areas to protect local shoreline habitat in Jefferson County and elsewhere in the state.

## *Alex Morgan*

My internship at WEC as the Forest and Wildlife Assistant, with Becky Kelley, has given me the opportunity to learn about the many intricacies and activities involved in the ongoing process of environmental protection. As a recent graduate of Colorado College in political science, I had little experience in the environmental field, an area I foresee as a possible career path. I eventually hope to be involved in environmental policy work at a local and global level.



I have concentrated my time in issues surrounding the Department of Natural Resources and state lands. I recently wrote an article for Forest, Fish & Wildlife News previewing the Board of Natural Resources and the important role they play for our state lands. Additionally, I completed an article about a current appeal WEC has filed against a Weyerhaeuser forest practice application near Green Water, WA just north of Mount Rainier National Park. I have focused much of my time on researching specific issues and cases involving the DNR. This internship has been extremely beneficial for me as an introduction to Seattle and Washington’s environmental issues and policies, and I hope this is just the beginning of my involvement in this arena.

## *Margen Carlson*

Serving as the Grassroots Organizer Intern is a people-person’s dream. I have had countless opportunities to work with the life-blood of WEC: it’s member individuals and groups. One of my first adventures as Amy Zarrett’s intern was rallying support for our Valentine’s Day campaign to protect the Shorelines Management Act Guidelines updates. I made calls to WEC members to elicit their support and I traveled to Olympia on Valentine’s Day to profess my love for shorelines to our senators.



Amy and I attended an environmental issues class offered through The Mountaineers in order to spread information about WEC, and to offer ways for the students to put their newly-kindled environmental interests to work.

Most recently, I traveled to Olympia yet again to participate in Environmental Lobby Day, 2001 (see article on page 13). I am tremendously grateful for this internship, and the chances it is affording me to expand my knowledge of not-for-profits, environmental organizing, and local environmental concerns. Long live WEC!

# Boeing Presents Great Opportunity To Help the Environment

The Boeing Employee Community Fund Giving Campaign runs May 1-11, 2001. This is Boeing's workplace giving campaign when employees can sign-up to make donations to the charities of their choice via payroll deduction.

If you are a Boeing employee, or know someone who is (please tell them), you can give to the Washington Environmental Council by asking for the "Personalized Giving Form" during the campaign. Write in Washington Environmental Council under "Option 3: Positive Designation". If you have any questions about how to give to the environment at Boeing, please call the Earth Share of Washington office at 206-622-9840. The Washington Environmental Council is a member of Earth Share of Washington.

## WEC Member Honored with the American Land Conservation Award

Congratulations to WEC member Nancy Russell who was honored late last fall with the prestigious American Land Conservation Award from the Conservation Fund. The award was given for her two decades of work to protect the Columbia River Gorge and came with a \$50,000 grant — the largest prize given to honor individual volunteer efforts in land conservation.

Nancy was a founder of the Friends of Columbia Gorge and was the moving force behind the designation in 1986 of the Columbia River Gorge as the nation's first National Scenic Area.

For many years, WEC has worked with Nancy and the Friends of Columbia Gorge helping to ensure that Washington State does its share to protect this national treasure. Nancy recognized our work and gave WEC a generous donation from her award. Our heartiest thanks are extended for this contribution.

The citizens of Washington and Oregon, and indeed the entire nation, are all better off due to Nancy's efforts. Each time you travel the Gorge, tilt your cap to Nancy and say THANKS!

## Call for WEC Board Nominations

The Washington Environmental Council is seeking people from around the state and from all walks of life to serve a two-year term on the WEC Board of Directors. WEC seeks individuals who will:

- ▲ Work to achieve the goals of WEC
- ▲ Actively participate in setting organizational policy and providing organizational direction
- ▲ Provide financial oversight and commit to fundraising efforts
- ▲ Actively serve on at least one of WEC's committees
- ▲ Attend four board meetings per year on Saturdays at locations around the state.

Nominees are for "At-Large" Director positions. A Nominations Committee will consider all nominees in preparing a slate of candidates. Additionally, the name of any eligible person proposed in writing to the board by any ten individual members in good standing shall be a candidate. An election by the WEC membership will take place by mail in June.

If you, or someone you know, are interested in working to protect Washington's environment as a member of the WEC Board of Directors please contact Joan Crooks at 206.622.8103 or [joan@wecprotects.org](mailto:joan@wecprotects.org) for additional information or a nomination form.

## WEC VOLUNTEERS

The Washington Environmental Council 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:

John Anderson  
Steve Bassett  
Paul Kampmeier  
Margen Carlson  
Carly Chan  
Doug Collins  
David Adam Edelstein  
Darcie Johnson  
Doreen Johnson

Joanne LaFond  
Dan Mensher  
Alex Morgan  
Christie Parker  
Greg Roth  
Andrea Smith  
Denise Smith  
Stephanie Sprute  
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](mailto:tom@wecprotects.org), before submitting material.

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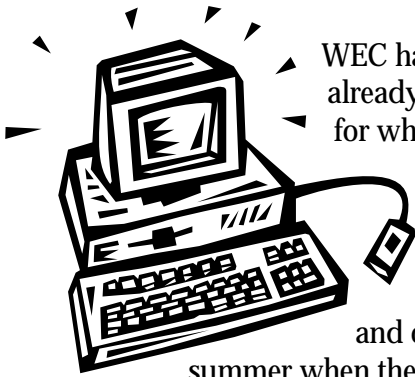
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WEC is a member of Earthshare of Washington.



Earth Share  
OF WASHINGTON

# WEC launches Web-based Action Center



WEC has launched a new web-based grassroots environmental action center. We have already issued two alerts on this new system to members and activists around the state for whom we have email, which resulted in hundreds of letters being emailed to elected officials on key environmental topics. With a few quick clicks people can send a note to their legislators on a particular topic, and with a few extra minutes can customize the email with their own words.

Nothing can replace the power of personal relationship. We need our members and others to contact their elected officials personally, meet with them during the summer when they are home from the state capitol and express environmental opinions. But during a crazy week in April, when your legislators are busy in Olympia and you are busy getting through your day, this action center can allow you to make a big difference without taking a lot of time.

In addition to the capacity to send email to legislators, we have placed key bill information on the site. This will allow our member groups and others who would like to follow key environmental bills in the legislature to be able to do so.



Finally, one of the greatest attributes of the site is that it allows for anyone with access to the web to write and send an email letter-to-the-editor to their local newspaper. You will find all the information you need on our site including tips on how to write letters.

Our democracy is only as strong as the participation of its citizens. We invite you to go to our website and find the ways that you can increase your participation with just a small amount time and energy.

To take action, go to:  
[www.wecprotects.org](http://www.wecprotects.org)

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