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VOICES

Protecting Water, Our Future Depends On It

by Tom Geiger

I've often wondered what it would be like to run out of water; a nomad attempting to cross a desert, a farmer looking at a wilting field, a salmon laying her eggs in a soon-to-be dry streambed, or a city planner having too little water for a proposed subdivision.

Regardless of the particulars, one thing is for certain – it would not be pleasant. All survival on the planet depends upon water and without the right amount of it at the right times we would all perish. Given how precious the resource is, what is the plan in Washington to understand it, respect it, and use it to benefit all?

For over 150 years, as soon as settlers came across the mountains from the east and started farming in the west, water has been a major issue. If you had it, you had hope — a future. It allowed you to be more in control of Mother Nature. And as a way of enticing people to move west and stake a claim, western water law promoted a system of two main tenets: First in time, first in right; and, use it or lose it.

This doctrine has largely remained the law of the land since. Unfortunately, this approach has resulted in water being wasted, and does not assure much of anything else. Today, water right applicants wait in a stagnant line thousands deep to receive a new water right, and the reality is that for many areas of the state, more rights have already been handed out than there is water. Additionally, those who have water rights have historically had little incentive to conserve water. If you have a right to it you had better use it has been the normal train of thought.

One not-so-subtle way some have gotten around the law is by drilling wells that don't need a water permit — so-called exempt wells. These wells are supposed to use less than 5,000 gallons a day. Intended to meet the needs of rural residents, this exemption's use has ballooned out of control to where some of the fast growing counties in the state serve much of their new development through these exempt wells. The Department of Ecology estimates that as many as 10,000 exempt wells a year were being drilled during the 1990s.

But why does any of this matter, especially along the wet western part of Washington? There are many competing uses and at some times of the year there is not enough

water available to satisfy all of them. Water use varies widely depending on the region of the state. Roughly speaking it breaks down in the following way:

| | Agricultural | Industrial | Municipal |
|--------------------------|--------------|------------|-----------|
| Puget Sound | 11% | 11% | 78% |
| Coastal and Southwest WA | 49% | 20% | 31% |
| Eastern WA | 85% | 11% | 4% |

For years many have at least given lip service to the needs to manage our water resource well. The purpose of the Washington's Water Resources Act reads:

"The legislature finds that:

Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and its aesthetic values. Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for the limited resource. Adequate water supplies are essential to meet the needs of the state's



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EXECUTIVE DIRECTOR'S MESSAGE



Joan Crooks,
WEC Executive Director

Josh Baldi

I don't like lawsuits. Unfortunately, I have come to recognize that they are an important and necessary part of WEC's fight to protect Washington's heritage for future generations. I say "unfortunately" because in an ideal world, our environmental laws would completely protect

public resources and the parts of our government who were charged with protecting the environment would follow these laws. Environmental protection agencies would be funded to do their work, enforcement actions would be taken routinely against the bad actors who break the law and penalties would be meaningful.

But we all know that the world is not ideal. Big corporations are motivated much too much by profit. Politicians are motivated much too much by contributions they receive from corporations and other big donors. Agencies are often hesitant to do their job and enforce the law for fear of making political waves. This fear is well-founded since some elected officials have become quite skilled at squeezing agency budgets when they do take action to enforce the law to protect communities and our environment.

WEC has a full-time lobbyist in Olympia to promote proactive environmental reform and defend laws already on the books against attacks from anti-environmentalists. We also have staff that work on policy development, organizing and public education to protect, preserve and restore our environment. But when all else fails, it is our responsibility to take legal action. After all, if good laws aren't enforced, what good are they?

The Washington Environmental Council is a leader in two recent lawsuits against the federal government to protect salmon. But this is not new for WEC. We have had an active legal program for decades and have appeared before the State and US Supreme Courts several times. Our legal efforts have helped protect neighborhoods from massive freeways, the Nisqually Delta from industrial development, and most recently halted the development of a cyanide leach gold mine in North Central Washington. Was it the preferred route? No. Did it get the job done? Well, eventually yes.

The listing of 14 species of fish in Washington under the Endangered Species Act (ESA) should not have come as a surprise to anyone involved in environmental issues (the timber industry, agricultural interests, government, etc.). Maybe some folks were (and maybe still are) in denial that business as usual will not result in recovery. However, it is clear that we can't keep doing the same environmentally destructive things and expect things to get better — some things need to change.

We knew the salmon were in trouble but we didn't fix the problems and now we have a mess to deal with. Ten years ago it might have been OK to set up long process to try to solve problems like how much water we should leave in streams. But laws have been on the books and consensus groups have met and talked, and not much has really changed.

I would guess that most of the public assumes that the government follows the environmental laws that have been put in place. But this is not always the case. Why did we file suit in the Methow Valley over irrigation ditches? Because endangered fish are in trouble and the federal government was not following the ESA which was put in place to protect the imperiled species (see page 4).

Why did we file suit over the Forests and Fish Report? Because salmon are in trouble and the federal government is bending both the ESA and the Clean Water Act to give assurances to industry rather than to first protect our public resources.

We know that lawsuits usually don't "solve" the problem. While WEC has a very successful track record, even when you win, often a judge directs a group of people (agency, rulemaking board, etc.) to work out a solution. But legal action can stop immediate harm to the environment. And often that's what we need to do first — stop the bleeding.

In sum, WEC has a responsibility to ensure that environmental laws are meeting their intended purposes. If there are ways to effectively accomplish this other than through legal action, we gladly give those methods a chance. However, WEC does not consider programs that rely primarily on voluntary action nor regulations developed by the regulated to be effective means of changing business as usual. We may have some messy fights ahead of us, but I believe that future generations will thank WEC for our legal efforts to protect our natural heritage. ▲

Vote NO on Initiative 745

Initiative 745, which is on this November's ballot, mandates that all transportation monies, including those collected locally (and approved locally), be combined and 90% of the total be spent on road construction and maintenance. Transportation monies are defined to include the state highway fund, local transit funds, ferry funds, and local government transportation funds. This poorly written measure would require the remaining 10% of transportation monies to be divided among transit, ferries, rail and other alternative modes of transportation.

The Washington Environmental Council Board of Directors endorsed the No on I-745 campaign early on and WEC has played an important part in the coalition working to defeat this initiative. I-745 is opposed by an unusual alliance of people and organizations who do not always agree including: civic, seniors, labor and business groups. These groups include the League of Women Voters, the Washington State Council of Churches, the Washington State Labor Council and the Greater Seattle Chamber of Commerce. The environmental community is strongly involved in defeating the initiative with support from Audubon societies, WashPIRG, Washington Conservation Voters, 1000 Friends of Washington, and many local groups. All agree that I-745 is bad for Washington for the following reasons:

- ▲ **I-745 will harm the environment.** By forcing people out of transit and into cars, air and water pollution will only get worse.
- ▲ I-745 imposes an extreme approach that mandates spending 90% of state and local transportation funds on roads. **Washington's transportation problems need a solution that includes both road improvements and transportation choices for local communities.** This 90-10 split means roads will be our top priority, which limits our transportation options and puts even more cars on the road.
- ▲ **I-745 is sponsored by asphalt pavers who stand to make millions if the measure passes.** That is why the asphalt paving companies have spent over \$680,000 to put I-745 on the ballot and are spending much more to pass it.
- ▲ **I-745 takes away local control of our transportation dollars,** by giving politicians in Olympia control over all transportation decisions. Citizens and local transportation professionals will have no say in how local transportation dollars are spent.
- ▲ **I-745 must be defeated if the Washington Environmental Council and other groups are to continue advocating for smart growth.** Transportation plays an important role in the Growth Management Act and I-745 mandates that Washington's top transportation priority be roads. State and local governments will have little flexibility to accommodate local transportation policies or funding priorities other than to build or maintain roads. Building more roads asks taxpayers to subsidize sprawl and continues the vicious cycle of sprawl and congestion.

- ▲ **I-745 will make it harder for seniors and people with disabilities to get around.** Many seniors and others cannot drive and rely on public transportation to make it easier for them to live independent lives. This measure would cut vital services that Washington seniors and their families count on.
- ▲ **I-745 takes more than \$100 million from city and state services.** I-745 gives sales taxes and use exemptions for materials and labor used during road construction. That money currently goes into the state general fund and to local governments. Every two years the state general fund would lose \$84 million and local governments would lose at least \$22 million. That money currently funds everything from public education to parks and environmental protection.

We need your help to defeat Initiative 745. Polling shows that the current support for I-745 is less than 50%. Furthermore, the results show that the above messages, when heard, persuade a large amount of voters to take a NO position. So the real challenge will be to get the word out. There are local campaign offices in King, Pierce, and Snohomish Counties with additional campaign contacts in the other major urbanized areas of the state. Staff and volunteers are available to come to a meeting to talk more about the campaign and what you can do to help assist in the defeat of this irresponsible initiative.

To find out about volunteer opportunities or to contribute funds please visit the web site www.no745.org or call 206.343.4491. Office location is: 524 Dexter Avenue N, #A, Seattle. Mailing address: 410 E Denny Way #10, Seattle, WA 98122. ▲

WEC Advocates Transportation Choices Through Governor's Commission

The Washington Environmental Council is not merely on the defensive when it comes to setting the state's transportation agenda. WEC is working with a broad array of stakeholders on a state "Smart Growth" investment strategy designed to strengthen the Growth Management Act, including better linkages between land use and transportation decisions. WEC also serves on the Governor-appointed Blue Ribbon Commission on Transportation (Commission). The Commission, which was created in 1998, is charged with conducting a comprehensive analysis of statewide transportation needs and priorities. Commission findings are due by December 1, 2000.

Former WEC Board Member Rod Brown represents WEC on the Commission, which is comprised of roughly 50 public and private transportation experts. Rod and a small "environmental caucus" are attempting to ensure safeguards are maintained and transportation choices broadened as the Commission debates issues such as permit reforms, funding options, governance structures, land use linkages, and performance benchmarks. In addition to being outnumbered on the Commission, Rod and allies are playing catch-up: until this past summer environmentalists had only one designated seat at the table. The environmental caucus was recently successful in getting Rod appointed to the Commission's Steering Committee to work for further improvements in final recommendations. The Commission's draft document does provide some progressive revenue options (e.g., vehicle miles traveled fees, weight based fees, congestion pricing, etc.), but much work remains to ensure expanded choices and benign regulatory reforms. Visit the Commission's website for more information at <http://www.brct.wa.gov/brct/>.

growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.”

For the state as a whole, agricultural and industrial uses of water amount to over 80% of the use of this most precious of public resources – owned by you and me. Surely they pay for it. Well not exactly. Most farms pay little for the publicly owned water they use. While some

The System's Failure

Over two years ago, the US Forest Service concluded that diversions of water from streams into the many irrigation ditches in the Methow Valley were likely to harm endangered salmon and steelhead. However, the National Marine Fisheries Service and US Fish and Wildlife failed to issue the required “biological opinion,” which would state their scientific opinion on this potential impact and what amount of water was needed in the streams for fish.

After giving a 60-day notice of intent to sue in April of 2000, WEC patiently waited more than three more months with no action from the agencies. We were repeatedly told that the ‘opinion’ would be issued, but to no avail. So in July WEC, the Center for Environmental Law and Policy, and the Okanogan Wilderness League filed a formal lawsuit against the federal government.

The purpose of the legal action was to protect Upper Columbia steelhead and spring-run Chinook, both of which are listed as endangered under the Endangered Species Act (ESA). On average, less than 500 wild steelhead have returned to spawn in the Methow and Okanogan Rivers in recent years. At least six stocks of spring Chinook salmon in the Upper Columbia have already become extinct and almost all remaining naturally-spawning stocks, including those in the Methow, have fewer than 100 spawners.

When the low stream flows of August hit there was still no federal action. Many people inside and outside the federal government claim that NMFS and USFWS are overburdened and understaffed and give that as a reason for delay. As a last ditch effort to get the federal government to follow the law and provide protection for the ESA-listed fish, the conservation groups filed a request for an injunction to shut off the diversion of water from the streams which were already below minimum instream flow levels. Within one day of filing the request for an injunction the ‘opinion’ was issued.

We are reviewing the ‘opinion’ to make a judgment as to whether it is scientifically and legally sound. At best, we are two years behind the game and the fish are that much closer to extinction.

farmers have become increasingly efficient in their use of this limited resource, many others continue to squander it. And this wasting has an impact on people in many areas of the state: both directly and indirectly.

Not all agriculture uses water irrigation equally. Some of the overhead spraying modes or flood irrigation is renowned for its inefficiency. Other techniques offer a much wiser use of a scarce resource. Low-pressure center pivot irrigation is much more efficient than wheel line distribution. The wheel lines spray the water into the air to reach the 60' required swath and this increases the evaporation. On the other hand, a low-pressure center pivot moves continuously and distributes the water over a 15' swath. The nozzles are sized to the soil type and crops grown. The water is lowered by a small pipe to just above the crop, then sprayed into a 15' swath. This decreases evaporation, over-watering and leaching of the soil.

But Agriculture isn't the only wasteful user of water. Many industrial users are gluttons for the wet stuff. Whatcom County has a bit more than 160,000 residents and over 64,000 live in Bellingham. Lake Whatcom has been the principal source of water for the city for over 100 years. Currently the city residents use 10-20 million gallons a day – making that between 160-320 gallons per day per resident. However, that is the tip of the iceberg for the water withdrawn from the lake by the City. Twice that amount, 35 million gallons per day is withdrawn for one industry: the Georgia-Pacific Pulp Mill. (Technical Report, Water Quality Assessment/Conditions, prepared for the Economic and Engineering Services, Inc. and Lake Whatcom Management Team).

In Tacoma, the water use from the Simpson Kraft mill used 31.5 million gallons per day in 1990. The water utility there worked for changes and in 1999 the water use from the mill has been reduced to 19.4 million gallons per day.

Meeting Future Needs

The only way we will meet the current and future needs of people and still provide for the necessary water for wildlife and other purposes is through a major shift in our thinking and in our action. We have attempted time and again to make changes at the legislative level and have been unsuccessful. Most recently, last year, WEC supported a bill that authorized the Department of Ecology to facilitate transfers that could help keep more water in the river for Endangered and Threatened fish species. Instead of supporting this as part of the solution, agricultural interests killed the bill.

On other occasions WEC was a founding member of consensus agreements –like the Chelan Agreement in 1988—to try to develop new water policy for the state. Unfortunately the Washington Water Resources Forum, established by the Chelan Agreement broke down following the departure of agricultural and business interests in 1994 after the election resulted in a Republican-controlled state legislature.

So when the legislative, administrative and public consensus processes are off the table there is often only one choice: the courts. One such case was a lawsuit

against the Department of Ecology brought by WEC, Center for Environmental Law and Policy, and American Rivers. After years of failure to implement the law to require the metering of water use in the state, we met with Director Fitzsimmons to express our deepest concerns. His response was that the Department had no immediate plans to further implement this law. Given the listing of several species of salmon under the Endangered Species Act, it was impossible for us to sit this one out.

The Department of Ecology was directed by Washington law enacted in 1993 to ensure that any diversion of water of 1 cubic foot per second (cfs) or greater, or from a stream which the WA Department of Fish and Wildlife designated as having depressed or critical salmon, bull trout, and other "salmonid" species have an approved measuring device (a meter). These provisions also apply to ground water withdrawals. In fact, the law requires Ecology to give this requirement priority over its other enforcement work when salmon are at risk.

The implementation of this law is simple common sense. How can we hope to ever tackle the challenge of water resources scarcity if we do not measure its use? This law, if followed would give an accurate picture of water use and allow for educated decisions to be made in regard to permits, conservation programs and public education.

In February 2000, a Superior Court Judge ordered that Ecology implement the 1993 statute. Currently WEC and others are working with Ecology to make sure that this happens.

Conservation and Reuse

In situations where water use is metered, for instance municipal water use in a large city like Seattle, the challenge is not to meter but to conserve. For years the City of Seattle has had a 1% conservation plan. The essence of the plan is to conserve an additional 1% of the water use each year and, as a result, be able to meet the needs of a growing population while not increasing the use of water. The effort has been largely successful in the city itself and is now being considered throughout metropolitan King County. However, in order to restore critical stream flows the conservation efforts must outstrip a population's demand for water. Whether conserved water will be partially used to keep more water in streams for fish is yet to be determined. WEC feels strongly that it should be a part of water conservation programs.

Increased costs for water can promote its conservation. In many cities across the state, increased needs to pay for water and sewer systems to service increased populations will result in paying more for each gallon of water used and later treated as waste. Obviously, if the cost per gallon doubles, but at the same time the efficiency of water use is doubled, we can pay for the needed programs, conserve water for others needs, and not pay more in water rates. Using properly treated water again for uses like landscape irrigation and industrial cooling before it is discharged can also stretch our existing resources.

How much water can really be saved through conservation efforts? The Seattle Post-Intelligencer reported last year on a company that washes linens for hospitals. The

Modern Principles For Water & Fish

The complexity of water management necessitates conservatism. Common-sense principles must be followed to achieve a balance between out-of-stream and in-stream values, including the following:

- ▲ Ensure that water quality and quantity are managed by a single state agency that is held accountable to the governor;
- ▲ Establish scientifically based instream flows to protect fish, wildlife, water quality and other public resources;
- ▲ Eliminate public subsidies for water right applicants;
- ▲ Limit the 5,000 gallon exemption to prevent harm to aquifers and streams;
- ▲ Ensure watershed planning is conducted with clear, science-based, state standards;
- ▲ Recognize that water belongs to the people, and that the public interest must be considered when water is allocated or transferred;
- ▲ Reform prior appropriation policies to hold all users accountable for environmental protection.

company previously used 5 gallons of water to wash each pound of laundry. Today they wash 20 million pounds of laundry a year, but due to conservation and recycling programs only one gallon per pound is used – resulting in a savings of what would have been an additional 80 million gallons of water annually. That is how much can be saved in one company, in one industry, in one city. Think about how much could be saved by all of sectors of the economy if we measured and paid for the full costs of water – it would drive us all to be much more conscientious with our use of the most precious of resources. Individual citizens can do a lot more as well. Being water wise is being a water smart consumer as well as a good citizen.

In the near term, WEC will push for aggressive water conservation and reuse measures, smart, strategic policy changes, and when necessary, use the courts as a means to protect the environment. In the longer term, we need to realize a system that recognizes the true costs and benefits of using this public resource. ▲

Jimmycomelately Creek: A Restoration Project Worthy of the Name

By Jerry Gorsline, Olympic Field Representative

A restoration project of major regional significance is taking shape in the Sequim Bay watershed on the northeastern Olympic Peninsula.

Jimmycomelately Creek drains a 15 square mile watershed in the foothills of the Olympic Mountains and is a tributary to Sequim Bay. The bay is a major stopover area for migrating waterfowl and shorebirds and its lagoon, eelgrass beds, mudflats and salt marsh habitats provide critical feeding and rearing habitat for fish, invertebrates, and wildlife. The creek has a run of Puget Sound summer chum salmon, an ESA-listed stock. It is plagued by problems affecting people and fish alike: flooding, bank erosion, bridges and culverts that don't work right, and severely degraded fish habitat.

The Jamestown S'Klallam Tribe, whose small reservation lies at the head of Sequim Bay, began discussing restoration efforts for Jimmycomelately Creek and the estuary with local landowners and county, state and federal agencies in the early 1990s. At the same time, Randy Johnson, a fish biologist with the Washington Department of Fish and Wildlife, noticed that sturgeon, recovering from near extinction, were concentrated at the mouths of certain tributary streams and wondered why. He noticed that the fish selected streams that had healthy connections to tidal estuaries. He then recognized that the streams that

had formed "delta-cones" were the ones that were being rejected by sturgeon and were also the ones causing the chronic flooding problems. A delta-cone is an unnaturally high level of sediment deposited at the mouth of a river as a result of diking, channelization and loss of floodplain function. He concluded that the sturgeon are an indicator of a healthy creek mouth, which is one that functionally connects the freshwater and marine environments, linking gravitational and lunar energy systems.

Stream energy during high flows carries sediment downstream from the mountains to the sea. However, this energy alone is not sufficient to move sediment far into the marine environment. At its mouth, stream energy declines to zero and without some other energy source to move it, sediment accumulates. The energy from the moon's gravitational pull and the related tides create a tidal surge. Its energy is harnessed through a network of tidal surge plains and channels. When linked to stream mouths, these features can contribute flows measuring hundreds or thousands of cubic feet per second during ebb tide. This flow helps move sediments far into the marine environment, where they form productive habitat for marine organisms, forming an inter-tidal estuary with a maze of channels intersecting low and high salt marsh.

The channelization and diking of streams isolates them from the floodplains and neutralizes the potential energy of the tidal surge. As a result, there is an increase sediment

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Left: Jimmycomelately estuary in 1995; note straightened channel and pro-graded, "delta cone" in relation to 1870 shoreline configuration.

Right: Preliminary channel realignment and bridge location for Jimmycomelately Creek



Randy Johnson, WDFW

Protecting Our Water, Protecting Our Salmon

By Tom Geiger, Outreach Director

I am consistently amazed when I go to the shores of lakes, streams, Puget Sound and the Pacific in Washington. For the most part, they are beautiful and relatively accessible. We still have much to lose of our state's natural heritage compared to many parts of the nation, and I enjoy working with WEC because of its strong commitment to protecting that heritage. But our successful efforts to protect that heritage are only possible with the support of activists and member organizations.

One of Washington's strongest state laws for protecting our beaches, lakes, rivers, streams and salmon is the Shoreline Management Act (SMA). Because the guidelines of the SMA are woefully out-of-date, in 1995 the legislature directed they be reviewed and updated. Most recently, the Department of Ecology finished another round of public hearings and comments on the proposed update.

The deadline for public comment to Ecology was August 7th and WEC, working with dozens of groups, was able to lead the effort to promote the adoption of the new guidelines. Before the hearings Governor Locke held a press conference in Burien to state his support for the guidelines and his desire to get them adopted.

Eight statewide hearings took place in Pasco, Spokane, Wenatchee, Lacey, Raymond, Vancouver, Seattle, and Bellingham between June 27 and July 12. Over 2000 comments were received. And while the new guidelines have not yet been updated, we want to give a special thanks to all those who were able to take time out on a summer evening and attend their local hearing.

Those that could not attend hearings in person had the option of sending written comments to Ecology. WEC's Environmental Organizer, Amy Zarrett, led the effort to get additional comments sent in before the deadline. With the help of ONE/Northwest, she was able to have people use WEC's website as a means of sending in comments to Ecology. This generated over 350 comments in less than two weeks. If you would be interested in receiving these types of alerts via email, please go to our website www.wecprotects.org and sign up for WEC's GreenTree activist network.

What is in the Guidelines?

Ecology's proposal has "two paths" to update local Shoreline Master Programs (SMPs) – the local plans based on the state's guidelines. It is these local plans that really provide the protection or not.

Path A is essentially a watered down version of the rule that went out for hearings last summer (almost identical to the "December 1999 Draft"). Because there are no standards in this version, there is no assurance that local plans adopted under Path A will protect our shorelines and salmon.

Path B, negotiated between federal agencies and Ecology, is an attempt to develop a rule consistent with the Endangered Species Act (ESA). Detailed information is available at Ecology's website (www.ecy.wa.gov/programs/seal/shorelan.html).

WEC Generally Supports Latest Rule Proposal

WEC is generally supportive of the latest Shoreline Guidelines rule proposal, primarily because of the "wild salmon and clean water path" provisions found in Path B. However, several related actions are necessary to ensure effective shoreline management, including the following:

- ▲ Local governments need to step up and follow the wild salmon and clean water 'Path B' of the proposed rule, rather than the risky and vague 'Path A'.
- ▲ The legislature will need to provide funding to both Ecology and local governments to improve shoreline management.
- ▲ Ecology will need to have the resources and political will to ensure that local plans are of sufficient quality to protect water and fish.
- ▲ Governor Locke needs to press forward strongly with the best aspects of this proposal to maintain his commitment to "Extinction is Not An Option."
- ▲ Several concerns with Path B remain, necessitating improvements to meet the stated goal of ESA compliance.

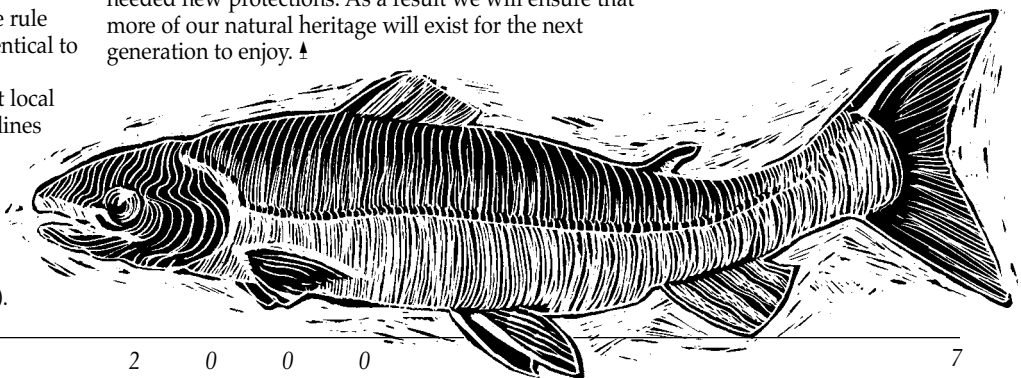
One Thing That Is Not In The Update

Despite the fact that some of the most vocal opposition has come from people who articulate concern for the impact on farmers, the reality is that current agricultural practices are exempt from this rule. Reforms to farming practices are needed if we are to be successful in protecting water and fish on farmlands.

Where is the Update Process Now?

As we go to press, the guidelines had not been adopted despite a July 23 statutory deadline. It is expected that adoption will happen before year's end. Regardless of when the new guidelines are officially adopted, WEC believes there is a need for interim protection measures. The new guidelines will have no real world impact until revised SMPs are adopted at the local level — likely several years. Inaction and delay have marked the revised guidelines from the outset; a trend that is certain to continue as we move into the phase of local SMP revisions. Near-term safeguards are needed until new and improved SMPs take effect. An additional value of the interim protections would be an incentive to local governments to adopt their new SMPs sooner than later.

We encourage all our members to contact their elected officials and make their support for the new shorelines updates clear. Only with increased pressure and local people contacting their decision-makers can we be successful in adopting, funding, and implementing these needed new protections. As a result we will ensure that more of our natural heritage will exist for the next generation to enjoy. ▲



WEC MEMBER ORGANIZATIONS



Backcountry Bicycle Trails Club

The Backcountry Bicycle Trails Club (BBTC) includes 500 off-road mountain bicyclists, most of whom live in western Washington. Their advocacy efforts focus on extensive work with local, regional, state, and federal officials to develop policies that will maintain and promote the responsible use of trails by mountain bicyclists. BBTC enjoys the challenge and beauty of many trails in Washington, and are very committed to preserving both the environmental quality and trail access in these areas.

The BBTC has been particularly active on four fronts:

- ▲ Trail maintenance: They've have been heavily involved in doing trail maintenance at several areas in western Washington that are popular with mountain bicyclists. For instance, they enjoy ongoing stewardship at St. Edward's State Park and Finn Hill County Park, where they sponsor work parties throughout the year. In addition, they have formally adopted the Preston Railroad Trail on Tiger Mountain, and have cooperated extensively with the Washington Department of Natural Resources in maintaining the Preston Trail and other trails at Tiger Mountain for the past several years.
- ▲ Education: Since 1995, the BBTC has run a mountain bicycle "Bootcamp" at St. Edward's State Park. This 3-hour course introduces new riders to the sport of mountain biking, with an emphasis on trail etiquette, self-reliance on the trail, low-impact riding techniques, and basic off-road skills.
- ▲ Trail advocacy and cooperation: The BBTC frequently submits written public comments on federal, state, and local policies that affect public land management or trail access. They are committed to working constructively with all organizations with which they have common ground, and they are actively working with several Washington trail advocacy groups in order to resolve philosophical differences and to begin to plan future cooperative trail projects.

- ▲ Recreation: The BBTC leads recreational mountain bicycle rides in Washington throughout the year. These rides provide mountain bicyclists with healthy and fun outdoor experiences, while creating opportunities to learn about different trail systems and to meet other bicyclists.

The BBTC joined the WEC in order to further the goal of protecting the lands on which they ride, and to ensure that the perspectives of the mountain bicycling community are represented when new land use policies are developed. As a new member, they look forward to becoming an active participant in the WEC.

If you would like more information on the BBTC, please visit their web site at www.bbtc.org. Alternatively, you can contact one of the following: Jennifer Lesher, President, jennifer_l@mindspring.com, Robyn Angliss, Vice President, rpangliss@aol.com

Friends of the Aquifer

Friends of the Aquifer (FOA) is a small, grassroots organization organized in 1997. It was originally founded to resist the plans of the Burlington Northern Santa Fe (BNSF) Railway Company to locate a diesel storage and fueling depot over a federally designated sole source aquifer. The aquifer serves approximately 400,000 residents of Northern Idaho and Eastern Washington. As a group, they are now dedicated to the general protection of the Rathdrum Prairie-Spokane Valley Aquifer for future generations.

One of FOA's major accomplishments has been to raise awareness in the Spokane – Northern Idaho border area about the vulnerability and need for protection of the aquifer. Most recently, they've done this through their battle with BNSF. FOA was very visible at the hearings concerning the construction, and has continued to be involved in the permitting process for the construction of a potentially hazardous threat to the aquifer. According to FOA, BNSF has a poor environmental record and is currently responsible for over 400 clean-up sites in the US, including 33 Superfund sites. In fact, Spokane County is home to 6 superfund sites that threaten their only drinking water source – the aquifer.

Future goals for Friends of the Aquifer include working to improve water codes for different water districts that will protect the aquifer for future generations.

When asked about the benefits of being a WEC member, President, Lucy Foeller replied, "There's lots of comfort in knowing that other people have effectively fought these battles and can offer advice and support. Being a WEC member does that for us."

The Washington contact for Friends of the Aquifer, Richard Rush, can be reached by email at Richard@friendsoftheaquifer.org. For more info on the group, go to the website at: <http://www.friendsoftheaquifer.org/>

North Central Washington Audubon Society

A regional chapter of the National Audubon Society, the North Central Washington Audubon Society (NCWAS) is dedicated to conservation and protection of birds, bird habitat, and other wildlife in the north-central part of the state. Their membership is made up of nearly 500 members. Their chapter's vast geographical area ranges from as far south as Douglas County up to the Canadian-US border.

The chapter 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 during breeding season, winter or migration. As part of a National Audubon Society program, more than 500 IBAs have been identified across the US. Recently, NCWAS was successful in nominating the Devil's Gulch Roadless area as an IBA. The chapter looks forward to erecting a colorful sign designed by a local artist indicating the designation. This is to be funded by the Greater Wenatchee Community Foundation.

To protect migratory bird habitat, NCWAS is also supporting the efforts of farmers in Mexico and Central and South America to retain the forest integrity and grow their coffee underneath the canopy. The chapter does this by educating and encouraging their membership to switch to shade-grown coffee.

Along with participating in an annual Audubon Birdathon, where members compete against each other in sighting the most species of birds in a designated local area, the chapter also conducts various bird watching fieldtrips throughout the year.

President, Angela Russell, remarks that one of the best parts of being a WEC member is "the useful information we get that we can then share with our membership."

If you'd like to become a member or find out more about the North Central Washington Audubon Society, email Angela Russell at alecgibbons@email.msn.com or go to <http://www.audubon.org/chapter/wa/northcentral/>

Waste Action Project

Formed in 1994, the mission of Waste Action Project (WAP) is "to protect the environment and human health through use of available legal tools and provide effective advocacy to empower members and the public to act on environmental issues." Made up of hundreds of statewide activists and concerned citizens, WAP is the primary citizen enforcer of the Clean Water Act in the state.

Since their inception, they have initiated more than 50 citizen enforcement actions against a variety of industrial and publicly owned facilities. Most of their actions have resulted in compliance or payment of penalties or environmentally beneficial projects. As a result, the payments of defendants in such cases have contributed over a million dollars to environmental groups, which goes towards recovering litigation expenses and specific projects. As stated by WAP Secretary, Rick Smith, "Waste



A Great Grey Owl near Pullman, WA from NCWAS Web site.

Ron Dexter

Action Project essentially fulfills the role of a private attorney general. We make the Clean Water Act work the way Congress designed it to."

Recently, WAP brought a case against a dairy that was polluting a tributary of the Green River, in the western part of the state. It was successful and aided in the Washington Department of Ecology imposing permits and regulations for dairy processors, something that had been previously unregulated.

Up until now, their cases have been mainly concerning the Clean Water Act. However, WAP is contemplating starting a Clean Air Act permit enforcement program in the future.

Rick adds that the primary benefit of being a WEC member has been, "in increasing our ability to network with other organizations and activists in areas we focus on—near facilities and affected areas of the state."

If you'd like more information on Waste Action Project or would like to become involved, contact President, Greg Wingard, at 206-322-3061. ▲

Toward the end of August I interviewed Jim Jesernig, who has been the Director of the WA Department of Agriculture for the last 8 years. He was born and raised in Kennewick, WA and did his undergraduate studies at WSU and received his law degree from the University of WA. When he was younger, he threw the discus and did a lot of heavy weight lifting – now his job requires heavy lifting of a different sort and when we met his back was sore. He is married with two children and enjoys fishing and camping.



Jim Jesernig

“Compliance with the Clean Water Act or the Endangered Species Act is not a voluntary thing.”

Tom Geiger: What is the mission and structure of the Department of Agriculture?

Jim Jesernig: The mission of the Department is to serve the people of Washington by supporting the agricultural community and promoting consumer and environmental protection. The state has about \$5.6 billion in agricultural production — about 9th in the nation. The Department has about 500 full-time employees and almost as many part-time. Most of what we do is inspections for grades and standards. Out of our \$75-80 million biennial budget, all but \$15 million is from fees for service: for instance, grading apples (WA Extra Fancy, etc.), or assuring that exported shipments are free from bugs or diseases.

The State General Fund supplies the other \$15 million and a significant portion of that is spent on our Pesticide Program—registering and training of about 25,000 licensed pesticide applicators in Washington — and the rest is for food safety programs, veterinarians, entomologists, and assistance with international marketing.

TG: WEC increasingly recognizes the impact of farming on the environment: farming done in an environmentally sustainable manner can be a relatively friendly land-use, on the other hand, done poorly it can be a major polluter. How is agriculture organized in Washington and what is needed to protect the environment and farming?

JJ: East of Moses Lake and Pasco and up to Spokane, southeast Washington is wheat country. We also have about 1.2 million acres of tree fruit, hops, potatoes, corn, onions and alfalfa in the Columbia and Yakima River Reclamation Projects. In Western Washington you still have a few “viable” industries. But I say “viable” for a reason. For years we have had a shrinking dairy industry, the berry industry is facing bankruptcy, and pea growers in Skagit and Lewis County just suffered a severe blow with the closure of National Frozen Foods.

In Western Washington, there are some issues around water use, but the main issue surrounds the proposed riparian buffers for ESA. Essentially, how can we make them provide properly functioning conditions and keep farms viable. Can we come up with a balance between environmental protection and protecting farming? If those advocating 125-150 foot buffers are successful, agriculture in Western Washington will effectively shut down. Then the issue becomes how do you deal with development because the Growth Management Act (GMA) helps protect “ag lands of long-term economic significance” not just “ag lands.” As a growing number of producers’ children say they are not going to go into farming, the only ag issue many producers have is whether they can get out of the GMA designation so they can sell their

farms to developers. So, if Western Washington agriculture is not of “long-term economic significance,” it doesn’t fit the definition under the GMA, and we are going to see more farmland going the way of the Kent and Puyallup Valleys.

The Agriculture, Fish and Water (AFW) forum — a forum to develop voluntary programs for farmers to meet environmental standards—is working to address some of these issues. If we can’t figure out a way for farmers to use their land productively and we default to a 150 foot buffer on ag lands, we have made the decision as to whether or not we will have ag in Western Washington. And the answer is “no.”

TG: Water is really the key: either there’s too little water or it is too polluted. If we are not willing to solve the problems, should we just admit that we are not going to recover the fish?

JJ: No. I think what we have to do is have performance-based accountability. I am hoping we can build a consensus, especially in the budget, for a very extensive, real-time monitoring program. We do not have decent data to tell us if we have, or don’t have, a problem in many watersheds. We also don’t have the data in a form to help us make decisions. If we are able to get real time data, we could tell where there are problems and then whether or not the solutions we craft are really working.

TG: What do you do when your monitoring shows you that there is a problem?

JJ: If we had good data, we could focus on actually spending time and energy fixing *the problem*. If the monitoring shows that you don’t have a problem then we don’t need a regulatory program. If we go into a watershed and say, “We are going to impose a 125 foot no-touch buffer to protect fish,” you will be at war with the landowners. On the other hand, if we say, “We need to meet these water quality standards which are not being met and you need to do so in the next year or so, and, if we don’t meet those standards we will default to a regulatory mechanism,” then you have a chance to build more partnerships with landowners for getting things done. My point is that we are on the verge of a “litigation Armageddon” in the natural resource arena because we cannot find the common ground where we can spend time and money to fix our problems rather than spending it on attorneys.

TG: What is the default?

JJ: The defaults are spelled out in the state’s Salmon Recovery Plan, ‘Extinction is not an Option.’ That document says if we don’t get the participation we need and don’t show that progress is being made, it defaults over to the following options: 1) A comprehensive Agricultural Practices Act. 2) Require mandatory farm plans and implementation of state approved conservation practices in areas where fish or other species have been listed. 3) Develop a State Riparian Standards Act. This would require mandatory implementation of state approved riparian standards statewide or in areas where fish have been listed. 4) Use the Growth Management Act and the Shoreline Management Act as tools to implement the Agricultural Strategy. The state would ask

local government to adopt specific regulations or practices, such as those resulting from the Natural Resource Conservation Service MOU, and use their regulatory authority to implement them.

TG: It sounds like the default is merely the enforcement of existing law. What do you do when farmers do not participate, let's say with the recommendations that come out of AFW?

JJ: Compliance with the Clean Water Act or the Endangered Species Act is not a voluntary thing. What is being built is a set of tools that assures a producer he or she will be in compliance with ESA and CWA. That does not mean that if they do not adopt those practices that they are out of compliance.

If a farmer has a 25 foot no-touch buffer and another 25 feet that is managed like a proposal set forth by Skagit County, the question becomes whether that protection is a 'take' or not. [Editor's note: Under the ESA 'take' is defined as the harming, killing or harassing of a listed species or degrading its habitat.] I think it is very unlikely a take' case is going to be successful against someone who has that kind of system in place. The landowner will never get to a no-risk legal situation but their exposure to a successful 3rd party lawsuit is pretty low.

TG: WEC's apprehension partly comes from the fact that the agencies you refer to have already approved a plan that gave most of the assurance to the timber companies and most of the risk to the fish. What happens if your monitoring shows you still have a problem, but the landowner has received amnesty from the law?

JJ: We have to have something that is truly an adaptive management system that can take action if your performance measures are not met. My worry is on the other side from yours that the risk will be placed on the farmers. If a fish biologist is looking at participation rate that might be low for the ESA/CWA compliance practices, they'll go with a 100-150 foot buffer. On the other hand, if you have a much smaller and better-managed buffer, you will probably have a higher participation rate that would lessen the risk for the individual farmer and for the fish.

TG: But what do you need for recovery of the fish?

JJ: The forestry module has 50-foot no touch buffers followed by managed zones. That is on terrain that is a much steeper slope and much faster moving run-off than on the ag lands. So the farmers ask why would they be required to install that size of a buffer width down in a flat landscape with slower moving water?

TG: We have been and continue to be very much opposed to those weak buffers in the timber deal and do not see them as protective.

JJ: The ag community comes to me and says; Where do we get certainty? My answer is, "You don't get certainty." The same thing is true on the environmental side. I think that a better way to work this fight is in the watersheds with high caliber monitoring that focuses on specific problems rather than blanket regulations. The people who would be regulated will never accept them. To make it we will need real, on-the-ground improvements that benefit the fishery and are economically viable for the landowner.

TG: Unfortunately, the federal agency responsible for the recovery of this species doesn't seem willing to enforce the law unless it is sued. For instance, over 2 years ago the National Marine Fisheries Service (NMFS) was required to issue a Biological Opinion (BO) stating whether or not irrigation ditches in the Methow Valley were contributing to lack of water in the stream for fish. No action. We finally give a 60-day intent to sue notice. They say a couple weeks. Three more months — still no action. We sue them — still no action. We ask for a judge to put an injunction on the diversions from the streams. Within 24 hours NMFS issues the BO.

JJ: NMFS needs to explain the specifics of that case, but I believe they should probably have 2 to 3 times the amount of staff for all consultation requests coming in. NMFS has multiple listings of species and they have to handle hundreds of limiting factors. I hear this complaint of NMFS from all sides: "Why can't we have this Biological Opinion issued in a timely manner?" I believe if we are to make progress we will have to significantly beef up their staff.

To respond to your other assertions that from your perspective NMFS isn't properly protecting the environment, you need to know that when I am talking to farmers they see NMFS as bad people that are bent on putting them out of business. I think that what NMFS has been trying mightily to do, and that has been very, very difficult, is to come up with something that they can get a consensus buy-off on. They are trying to do this balancing without the staff they need and are being vilified by all sides.

I think we need to have more of a comprehensive statewide agreement as to where we are going to go on the issue within our state before we collectively blame any agency for our failure. We need to come up with that balance. At the elected policy-maker level from city council to congressional delegation — we don't even have the beginnings of a consensus. And my assumption is that we will never get that consensus and will instead move rather quickly in to the courts. My point is, I think it is unfair to pound a given federal agency because a region hasn't come to an agreement on how it is going to try to work a really difficult issue.

This gets back to my general thinking — do I think that we are going to make it? No. Maybe once the "train wreck" occurs we will get a collective consensus of where we have to go.

TG: That depends on the agency and the issue. Take for instance instream flows. That is a scientific question — not as much a political balancing act. Let the scientific agency set the flow and then let the politicians decide whether or not they are going to go down the road of meeting those.

JJ: In the natural resource arena, policy and politics will always be hopelessly intertwined. I like to have sound public policy as my northern star. But I am also convinced that no matter where any agency or council, or Legislature comes out on a tough issue in the natural resource arena that one side will say that an agreement is not good enough and the other side will say that it goes too far. †

"Do I think that we are going to make it? No. Maybe once the "train wreck" occurs we will get a collective consensus of where we have to go."

Clark County: Fish out of Water

By Steve Bassett, WEC Intern



Jill Sheldon, Center for Environmental Law and Policy

This photo of a condominium was taken within 50 feet of Salmon Creek.

The Place

Salmon Creek originates just south of the town of Battle Ground in Clark County. It runs southwesterly, bordering the north side of the city of Vancouver, and empties into the Columbia River. The Salmon Creek Watershed covers 92 square miles in the heart of Clark County. Due partially to the booming economy of Portland, Oregon and its proximity thereto, Clark County is the fastest growing county in Washington, with a growth rate of 33% since 1990.¹

The Problem

T rue to its namesake, the creek once hosted an abundance of wild salmon and steelhead. However, due to several factors including decreases in the quantity and quality of water in the river, that abundance has become a scarcity. Today only about 5% of the original fish populations exist in the area.²

The Salmon Creek watershed suffers from a variety of impacts that have caused the demise of its fish runs. Salmon Creek is on the State's list of water bodies that fail to meet federal water quality standards because of high water temperature, contamination by fecal coliform and turbidity. To make matters worse, the watershed's groundwaters have been over-appropriated by the state; meaning more water rights have been given away than there is water actually available. Additionally, according to the Department of Ecology (Ecology), "unauthorized use may also remove significant volumes of water from the streams and aquifers of the study area."³

Clark County has become an attractive area for development. Just across the Columbia River from Portland, Oregon, which is known for its strict environmental regulations on development, Clark County boasts relaxed development restrictions while offering large tracts of land with short commutes to Portland and Vancouver. The problem is, without significant efforts to conserve and recycle water, there may not be not enough water for people and for fish in certain streams.

The Science

Salmon and steelhead need plenty of clean, cool water to survive. This is particularly true for salmon redds (nests) and salmon fry (young salmon). Without enough water in the stream at the right times of the year, water temperatures increase to lethal levels. Washington Department of Fish and Wildlife (WDFW) recommends

that Salmon Creek have a minimum flow of 63 cubic feet per second (cfs) for the lower stretch of the river, and 42 cfs on the upper section.⁴ The agreement between Ecology and Clark County Public Utility Department (PUD), however, does not require water conservation measures to be initiated until flows drop to 12 cfs⁵, a fraction of the WDFW recommended minimum flow.

The Law

In 1990, WDFW put in place the policies for the establishment of minimum instream flows (MIF).⁶ "Minimum instream flow" is the rate at which a stream's water flow is needed for the protection and preservation of fish. Ecology has the authority to establish MIF's to protect fish and other instream resources and is required to do so if it is deemed necessary for the preservation of water quality.⁷ In 1991, a study conducted by WDFW concluded that the MIF for Salmon Creek did not meet the policy standards and was therefore endangering salmon runs. This finding prompted WDFW to recommend MIF's at several locations in the basin in order to ensure that there was enough water for fish.

The Water Resources Act of 1971 calls for a balance between economic and environmental uses of Washington's water and states "instream resources and values must be preserved and protected so that future generations can continue to enjoy them."⁸ Unfortunately, Ecology has not found it necessary to take measures to ensure the WDFW-established MIF's for the Salmon Creek basin are met, nor has it taken steps to develop local water conservation or habitat preservation measures that will ensure that those levels are maintained.

Where's the Fish?

As a result of the state granting additional water withdrawals and allowing other continued harm, Salmon Creek does not live up to its namesake. It doesn't take an expert to know that salmon can't survive without enough water. In September of 1999, the creek was running at 16 cfs,⁹ just barely above the mitigation point for the Ecology/Clark County MOU, a fraction of the WDFW's minimum recommendation.

The scientific numbers that will allow fish to survive have been set: minimum recommended instream flows, maximum allowable contaminants, turbidity and temperature. Water conservation, habitat preservation and restoration are the keys to saving these salmon. Currently, Clark County residents use between 125 and 150 gallons of water per day at home. In contrast, in King County where conservation measures are frequently practiced, residents use about 75 to 100 gallons of water per day. If conservation measures were utilized in Clark County, (e.g. low-flow toilets and shower heads, minimizing lawn watering, etc.) significant amounts of water could stay in the streams. If Washington is serious about salmon recovery, following common sense practices like water conservation and having the political will to follow what science shows is needed, will be critical first steps. ▲

Credits

Assistance with researching this story was provided by two WEC member organizations: Center for Environmental Law and Policy, and Clark County Natural Resources Council. We thank them for their time and support.

1 "Watershed Assessment WRIA 28, Salmon-Washougal." Washington Department of Ecology, 1998. p.3.

2 "Watershed Assessment WRIA 28, Salmon-Washougal." Washington Department of Ecology, 1998. p.vii.

3 "Watershed Assessment WRIA 28, Salmon-Washougal." Washington Department of Ecology, 1998. p.42.

4 "Salmon Creek Instream Flow Report" Hal Beecher & Carl Dugger, Washington Department of Wildlife, 1991.

5 Memorandum of Understanding. Ecology. Signed by Clark County PUD, Clark County and the Dept. of Health. March, 1992.

6 POL-3200 Standards for Mitigating Impacts of Streamflow Modification. MDW. May 9, 1990.

7 RCW 90.22.010

8 RCW 90.54.010

9 "Houses vs. Fish: Face-Off Over Creek."

The Columbian, 9/9/99.
[www.Columbian.com]

7th Annual Celebration In Eastern Washington!

By Rose Spidell, Eastern Washington Assistant

The lively celebration at Bart and Lindell Haggin's heritage farm was a great tribute to another successful year for WEC's eastern Washington Office. Friends and supporters of WEC gathered again at the Farm for music, food, and auction fun. Although the event fell during the same week as Independence Day, it did not seem to dampen people's enthusiasm for another celebration. The weather cooperated beautifully, and the warm afternoon made it difficult to resist diving into the Little Spokane River during setup for the party.

As children enjoyed the bubble table, face painting and the great tree swing, adults joined in the silent and live auction bidding. *Ghost Trout* made the trip again from the Okanogan to provide us with excellent music, perfectly suited to the peaceful setting, and we all enjoyed the fine dinner served by *Catered For You*. The night's merriment flowed smoothly due to the help of an exceptional crew of volunteers and board members.

We were pleased to see a mixture of familiar and new faces celebrating a year of hard work and re-energizing for future challenges. Long-time supporters of WEC, new friends, board members and staff had the chance to make new connections and strengthen old ones. We were reminded of the importance of each individual supporter's investment of time, energy and commitment to our natural environment that makes our eastern Washington Office a success.

A big thank you goes to the folks and local businesses who donated the wonderful items, and our underwriters, guests and board members! With your support, we raised over \$8,500. We hope to see everyone again next year.



David Adam Edelstein

Thanks in part to the auctioneering talents of Mr. Steward Lee, the birthday party was a successful fundraiser as well as lots of fun.

WEC gratefully acknowledges the following individuals who have helped to underwrite the event:

Allan Bonney, Attorney
Jane Cunningham & Julian Powers
Kent Hoffman & Kim Krull

Patricia Hoffman
Fred & Shirley Hudson
Mark Iverson, P.S.
Jim Kolva

Terrence V. Sawyer,
Attorney
Greg Sweeney
Joseph Treleaven, M.D.
Vim Wright

We also extend our thanks to the businesses that provided us with food, refreshments and services. Please show your support whenever possible.

Behm's Valley Creamery
Catered For You
Fort Spokane Brewery
Ghost Trout
Kent's Balloons

Division Street Kinko's
Hamilton Street Kinko's
Masters Printing
Northern Lights Brewing Company

Starbucks Coffee on 13th & Grand
Stuart Lee, Auctioneer
Walt's Mailing Service

WEC extends a special thank you to Bart and Lindell Haggin for once again offering these beautiful surroundings for our birthday celebration. We appreciate all that the Haggin's have done for WEC over the years.

More Thanks

We would like to thank the following individuals and businesses who contributed to our auctions. Their generosity will help further WEC's efforts to conserve Washington's natural heritage. Please express your support for our contributors whenever possible.

Silent Auction

Laura Ackerman
Mary Ackerman
Art by Yourself
Avis Monroe, LMT; South Hill Massage Therapy
Avista Corporation
B & L Bicycles
Mary Benham
Bennidito's Pizza
Owen Berio
Lisa Brown
Bruised Books
Café Mam
Cobblestone Bakery
Pam Comstock
Jane Cunningham
DEVA Lifewear, Inc
Dorian Artistry in Photography
Earthworks Recycling

Eddie Bauer
Cliff Feigenbaum
Ganish Himal Trading Co.
Ghost Trout
Global Folk Art
Jeff Gombosky
GreenMoney Journal
Larry Hampson
Healthy Pets
Buell Hollister
Huppins Hi-Fi Photo & Video
Jacob's Java
Bonnie Mager
Linda Moulder
Northwest Map and Travel Center
Peggy Ostness
Pacific Flyway Art Gallery
Paul Quinnett
Peerless Sunpuft
Ric-O-Shay

Rico & Myrna Reed
Rocky Rococo Restaurant
Cherie Rodgers
John Roskelley
Rose Spidell
Spokane Community Gardens
Lori Steiner
Kathleen Stevens
Subway
Suntree Books
The Book Recycler
The Children's Corner Bookshop
Tolstoy Farms
Total Health Care Center; Mark & Tamy Roloff
Michael Treleaven, S.J.
Unity Church Bookstore
WinterSport
Linda Yeomans and Sally Reynolds

Live Auction

Arizona Steak House
Associated Planning Consultants, LLC
Jim & Nancy Baker
Europa
Chuck Fisk
Shelly & Lupito Flores
Four Seasons Coffee
Heidi Gann
Gordy's Sichuan Café

Great Harvest Bread Company
Bart & Lindell Haggin
Interplayers
Wil Luedders
Made in Washington
Bonnie Mager
Kell McAboy and Leroy Eadie
McCoy Piano Service

Mountain Gear
Okanogan Highlands Bottling Company
Spokane Opera
Kathleen Stevens
Summit Sound Studio
Trecraft Arboreal Arts
Judy Turpin
Two Wheel Transit
Zephyr - Kendall Feeny

Legal Interns

WEC's Legal program is integral to our overall work on environmental protection. By attracting some of the most talented law students in the Northwest to serve as legal interns, WEC is able to research issues and potential cases in much greater depth. We're pleased to be able to mentor and encourage these students to continue to pursue careers in environmental law. If you know of someone who might be a good candidate for this internship in the future, please contact Michael Rossotto, WEC Legal Program Director at Michael@wecprotects.org



Melissa Sparks

I am a 3rd year law student at Seattle University School of Law. I am currently the President of the SU Environmental Law Society and a member of Public Interest Law Foundation. I enjoy hiking, kayaking, and travel and recently returned from a tour of South America.

As an intern at WEC I researched several areas of interest for the legal committee. This included gathering background information for the review process for the proposed Sumas II Power Plant. In addition I researched several potential litigation angles to reduce the impact of stormwater on threatened salmon. The majority of my time was devoted to researching federal agricultural subsidies and the damaging effects they have on Washington's land, rivers and streams. I continue to have great interest in agricultural reform and hope to aid WEC in any future litigation it may take in this area.



Jennifer Gotanda

As a third-year law student at University of Washington, I am especially interested in the legal issues surrounding clean air and water since these issues impact virtually everyone. My main project with WEC this summer focused on research into the structure of the federal Clean Air Act, particularly the Act's provision allowing citizens to sue both polluting industries as well as government agencies who fail to enforce environmental laws properly. One of my efforts was to assess Washington's current air quality and this included talking to numerous air quality experts, from agency engineers to UW professors. Additionally, I helped compile data on the enforcement activities of the seven regional air pollution control agencies in Washington.

Working for WEC this summer allowed me insight into the processes through which nonprofit environmental organizations interact with each other and use the legal system to affect change. I was particularly interested in and impressed with the unique way in which WEC's Legal Program coordinates the efforts of a system of pro bono attorneys. Since I entered law school primarily hoping to eventually work for a nonprofit environmental group, I found the experience this summer invaluable, and confirmed my belief that I want to work in environmental law. Although I initially came to Washington intending to return to my native home of northern California, I enjoy Seattle so much that I now plan to remain in the area after law school.



Hugh Davy

I was not the traditional legal intern but neither was my assignment. I have an MBA from Stanford and am an attorney with many years of legal administrative experience. While I have had a longstanding interest in environmental issues, I have also been doing volunteer family law work in a program for indigent clients and contemplating starting a practice in family law.

Instead of the legal research interns usually do, I was asked to create a filing system for WEC's legal program. What I saw upon visiting the office was 15 file drawers and five file storage boxes stuffed with case files. I worked two to three days a week for nearly six months reviewing the various strategy memos, pleadings and court decisions in the files; sorting and indexing them; and creating a database so the files could be tracked on a computer.

While I took great pleasure in contributing to the continued success of WEC's legal action, I've decided I like the client-intensive work in family law better than the technical document writing required in environmental law. Thus, I am looking forward to opening my family law practice this fall.

Legal Program Director's note: Among all of the wonderful work our interns do, Hugh made a truly unique, substantial, and badly needed contribution to WEC. His extraordinary volunteer commitment is greatly appreciated and we wish him tremendous success and satisfaction in his new practice.

David Land

I am a third year law student at Gonzaga School of Law in Spokane, working towards a degree in environmental law. I'm also the past President of the Gonzaga Environmental Law Caucus — a WEC member organization. I feel fortunate to have had the opportunity to work with WEC this summer. I was assigned the task of researching methods of utilizing the Growth Management Act to mitigate impacts of agricultural practices on salmon habitat.

The GMA mandates both the conservation of agricultural lands and also the protection of critical areas on which salmon depend. Recent amendments to the GMA require county planners to give special consideration to anadromous fish and use best available science in designating and protecting critical areas. GMA also requires counties and cities to update their comprehensive plans in the coming years. The requirements that these plan updates give special consideration to anadromous fish and use best available science creates an opportunity for WEC and our allies to provide greater protection to salmon from agricultural practices while also continuing to use GMA to protect agricultural lands from sprawl. ♣

CALENDAR

Election Day

Please make sure to vote *Tuesday, November 7th*

Eastern Washington Legislative Workshop

Saturday, November 11, 9am - 4pm, Jepson Center
Gonzaga University Campus, 1100 Aster St., Spokane WA.

Please contact Bonnie Mager, Eastern Washington
Coordinator at 509-747-3663 or email bonnie@wecprotects.org
for more information or to register.

Trust Lands Conference

November 14, 2000, Town Hall, 8th and Seneca, Seattle
A one-day symposium discussion of the past, present,
and future of Washington State trust lands management,
with representatives from state and county governments,
public schools, higher education, the tribes, and the
conservation community

A planning group, including the Washington Environ-
mental Council, the League of Women Voters of
Washington, the Evans School of Public Affairs at
University of Washington, the Washington State
Department of Natural Resources, and the Northwest
Ecosystem Alliance have planned this event, along with
input from various other organizations, agencies, and
concerned citizens.

For registration information, visit [www.wecprotects.org/
conference.html](http://www.wecprotects.org/conference.html) or request a registration packet from Becky
Kelley at WEC, 206-622-8103 or becky@wecprotects.org.

Annual Environmental Heroes Awards

Friday, November 17, Seattle, WA
(see back cover for details and contact information)

WEC Board Meeting

Saturday, November 18, Seattle, WA

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:

John Anderson
Steve Bassett
Randy Brook
Jane Cunningham
Hugh Davy
Meg Decker
David Adam Edelstein
Julia Foreman
Jennifer Gotanda

Kyle Guzlas
Darcie Johnson
David Land
Dan Mensher
Anna Noson
Sean Pender
Melissa Sparks
Farah Syed
Ryan Vancil

Eastern Washington Office Auction and Party

We would also like to thank the WEC board members and volunteers who worked so hard to make this event a success:

Laura Ackerman
Bryan Burke
Amanda Butcher
Jane Cunningham
Leroy Eadie
David Edelstein
Jennifer Ekstrom
Lupito Flores
Lindell Haggin

Larry Hampson
Charis Keller
Alison Koch
Caroline Mager
Justin Mager
Julian Powers
Aimee Rachunok
Melissa Tolman
Michael Treleven

Jimmycomelately Creek

Continued from page 6

accumulation at the river mouth because the sediment is not broadly dispersed and then carried far out into the marine environment. For protected bays this will result in the upstream channel beginning to fill. The raised riverbed then begins to cause problems for residents, who incorrectly assume that upstream land use is causing excessive sedimentation instead of the lack of flushing of natural sedimentation. As a result, when they dredge the channel, it simply refills.

Jimmycomelately Creek is confined to a man-made channel and is a classic example of a delta-cone stream. The creek was straightened in the past; bridges, and culverts and roads were emplaced that have constricted flood flows and tidal action; sediment accumulated in wetlands and estuary channels; wetlands in Sequim Bay were filled and used as a storage site for a log yard operation, and other fills/roads have been placed in the estuary. Sediment accumulated and, in the past 40 years, the creek mouth has moved 400 feet seaward, 10 feet per year on average (note delta-cone in photo on page 6).

Randy formulated the hypothesis that the unnatural interactions of Jimmycomelately Creek with its estuary were the root cause of the problems that were plaguing both humans and fish and he injected this unique perspective into the restoration project.

The Jamestown S'Klallam Tribe has now joined with Clallam County, the Washington Department of Fish & Wildlife, the Washington Department of Natural Resources, the Clallam Conservation District, the EPA and others (including WEC), to enter into a grand collaboration to realign the Jimmycomelately Creek channel into one of its old, meandering routes, reconnect it with its historic floodplain, and join this channel realignment with restoration of the estuary functions (see photo on right, page 6). The channel restoration will be integrated within the entire stream-estuary ecosystem and will include the removal of fill and roads, construction of a new Highway 101 bridge, and land acquisitions needed to accomplish all the restoration goals.

The Jimmycomelately Creek/ Lower Sequim Bay Estuary project is radical and comprehensive, has broad local and regional support, and will serve as the testing ground for a landscape approach to aquatic habitat restoration that restores functional connections between the marine and freshwater environments. If successful, it can provide a model that can be applied in other watersheds and make a profound contribution to regional salmon-recovery efforts. ▲

Credits

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Save the date!

Plan on joining WEC on Friday evening, November 17, 2000, as we honor five environmental heroes: people who have done extraordinary work to protect Washington's natural heritage. The festivities will take place at West Coast Grand Hotel on Fifth Avenue in downtown Seattle and will include a silent and live auction and a full dinner. Mark your calendar now and keep an eye out for the invitation (mid-October) which will have all of the details. For more information about the event, or to make a contribution to the auction, please call WEC at 206-622-8103.



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