

Hood Canal Environmental Council

Winter 2019 Newsletter

Protecting Hood Canal since 1969

HCEC CELEBRATES 50th ANNIVERSARY

Established as a watchdog organization in 1969, HCEC has worked tirelessly to prevent developments in the Hood Canal watershed that could harm the Canal's environmental health and threaten the aesthetic qualities that make the canal so special to residents and visitors alike. HCEC members and Board of Directors have volunteered their time, energy and money to make sure that this watershed remains largely undeveloped compared to the highly urbanized greater Puget Sound.

HCEC was created in July 1969 in response to a proposal to dredge Stavis Bay south of Seabeck to create a private marina. Neighbors met at the Seabeck fire hall to discuss how to address the Stavis Bay proposal and possible other future developments all along Hood Canal and formed HCEC as a Washington non-profit corporation. This was before most of the environmental protection laws were enacted, and zoning was the main method of land use control. Upon finding that Hood Canal waterfront area in Kitsap County was then zoned for up to 5 dwelling units per acre, HCEC successfully lobbied the county to change the base zone to 5 acres per dwelling unit before any permits were applied for the proposed marina, and the project was dropped.

HCEC Bylaws were drawn up to confirm its primary purpose, organizational structure and to determine allowable activities. The mission of HCEC is stated in the Bylaws, as follows: "Without limiting its powers, the Council shall be operated to promote the highest standards for the environment for Hood Canal and its adjacent land areas for living, recreation, and wildlife, and for preservation of open space and wildlife habitat for the indefinite future."

The first HCEC Board of Directors included Phil Best, Gary Cunningham, Dick Eberharter, Frank Frink, Art Gardiner, Bob Holderness, J Eldon Opheim, Tom Schubert, Jim Sheehy and Roger Stern. As new issues arose around Hood Canal, membership expanded. Other early directors included Charles Ullock, Joe Lambert, Max and Ester Starceovich, Don and Karen Monise, Bill and Judy Matchett, Nikki Yarbrough, Bob Wiltermood, Alice Harris, Margee Lynch, Teresa Trotland, Irene Davis, Donna Simmons, Margaret Livingston, Vern Rutter and others.

At the request of HCEC in 1970 the three counties abutting Hood Canal (Kitsap, Mason and Jefferson) created the "Hood Canal Advisory Commission" composed of three citizens from each county to advise each county about environmental issues facing Hood Canal.

About 1971 Boise Cascade Corporation proposed Nettleton Lakes-on-the-Canal development, to turn 6,000 acres of land between Holly and Dewatto into a "recreational community,"

including 4,750 home sites, 2 man-made lakes, a clubhouse, swimming pool, tennis courts, trails and an 18-hole golf course (The 4,000 acres within Kitsap County was larger than the city of Bremerton at the time).

HCEC joined Holly residents to oppose the development and after a long battle succeeded in getting expensive environmental safeguards imposed as conditions for approval, causing the corporation to drop its plans as unprofitable. The strong opposition to the Nettleton Lakes proposal by the Hood Canal Advisory Commission helped win that war, but the Advisory Commission itself became a casualty because some considered it to be adversarial rather than advisory.

HCEC faced its next major environmental conflict in 1973 when the US Navy chose the Bangor Ammunition Depot for a support facility for its Trident Nuclear Submarine program.

Opposition groups, including HCEC, focused on the Navy's plan to acquire 150 acres of land adjacent to the existing installation near the southwest corner of the facility. The Navy dropped its land acquisition plans in 1974 but opposition remained about potential adverse effects on the local environment and the quality of life. A lawsuit against the Navy brought by Concerned about Trident (CAT), HCEC, the Wilderness Society, Friends of the Earth, Audubon, and two individual neighbors alleged that the Navy had not adequately addressed the environmental impacts of the project and that it had not considered alternatives to the Bangor site as required by the National Environmental Policy Act. The suit was filed in Washington DC federal court, and plaintiffs were eventually successful at the court of appeals in getting a 1975 decision that the Navy is subject to the National Environmental Policy Act and had to prepare a more detailed EIS that considered alternatives to the Bangor site.

HCEC opposed the Hama Hama Company's plan to develop a sand and gravel mining operation near the mouth of the Hama Hama River. The project included upland mining, a conveyer belt over Highway 101, a long pier and a barge loading facility. HCEC's opposition was based on the noise, dust and visual pollution produced by gravel mining. One of the primary concerns was the impact on Hood Canal's shorelines which are designated as Shorelines of Statewide Significance due to the canal's unique sensitivity to pollution. In 1976, at Department of Ecology request, the State's Shoreline Hearings Board denied the company's proposal, stating that it involved an intensive use of the shoreline that was incompatible with the sensitivity of marine resources and aesthetics of Hood Canal. A shoreline development permit was also denied by the Mason County Commissioners.

ANNIVERSARY CONTINUED

In the late 1970's HCEC and the Skokomish Tribe filed a lawsuit against the US Forest Service (USFS) alleging that its 10 Year Timber Management Plan for the Sustained Yield Unit (SYU) in the South Fork Skokomish River watershed threatened fish and wildlife due to intensive roading and logging practices, and that the SYU plan also unfairly gave Simpson Logging Company exclusive harvest rights. Although the court eventually ruled against HCEC and the Tribe, the rate of timber harvest declined dramatically due to economic and other issues. The lawsuit did succeed in raising public awareness of the negative environmental impacts from the rapid deforestation in the watershed. Further, the USFS designated 5,000 acres in the uppermost portion of the South Fork Skokomish River area as a recreation-management-only area, which was supported by HCEC.

In 1984 HCEC, with support from the Olympic Park Associates, was successful in a years-long effort to designate the Wonder Mountain area in the North Fork Skokomish watershed as a new wilderness reserve under the Wilderness Act of 1984, thus protecting it forever from logging and creating a primitive area for the enjoyment of cross-county hikers. That year, HCEC worked with other groups to create four other larger wilderness areas on the east side of the Olympic Mountains and within the Hood Canal watershed.

HCEC worked with the Washington State Department of Ecology's Ecological Commission to create the Hood Canal Coordinating Council (HCCC) in 1985. An HCEC Director served as an early member of the HCCC, a partnership between the 3 Hood Canal counties and 2 Tribes. The HCCC has become one of the most successful government entities addressing salmon recovery, water quality and natural resource management.

HCEC opposed Thorndyke Resource's plan to mine gravel south of the Hood Canal Bridge. The Pit-to-Pier project proposal was finally (hopefully) defeated when the US Navy and the Washington State Department of Natural Resources placed the adjacent shoreline under a conservation easement which blocked future industrial development. Another proposal for gravel mining along the North Shore of Hood Canal near Belfair was recently defeated (at least temporarily) by a local opposition group with support from HCEC. Since 2006 HCEC has been involved in the fight to prevent a Canadian developer from building a mega resort on Black Point just south of the Brinnon community.

The number of other environmental issues HCEC has been involved in over the past half century are too numerous to list here. In its approach to these issues, HCEC employed a variety of approaches - both proactive and reactive.

Proactive approaches included keeping our members and others informed about the issues through newsletters, brochures and other publications, articles in media outlets, serving as members of various boards and committees, hosting or participating in conferences and other means as opportunities arise. HCEC regularly donates money to help support other organizations. Representatives of various groups or agencies are regularly invited to board meetings to keep HCEC board members informed about issues and to assist in making decisions.

Reactive approaches have included taking positions on proposed developments and activities, opposing those that have the potential for environmental harm to natural resources or the quality of life and supporting those that promote the ecological values of the Hood Canal region. Lawsuits were only initiated after all other strategies failed to accomplish HCEC goals.

HCEC depends to a large extent on government regulations put in place to protect the environment. These rules are viewed by HCEC as far better than they were 50 years ago. However, much of HCEC's time and energy are now spent making sure that the current local, state, and federal government regulations are adhered to and that they remain strong and effective.

Despite the many obstacles HCEC has faced over the last 50 years of caring for Hood Canal, its members remain committed to continuing the vital work that began in 1969. One thing is clear - the threats to the environmental health of Hood Canal are not going away. The need for a watchdog organization made up of people who cherish Hood Canal as a unique place and are willing to work hard to protect its environmental integrity is not going away either. HCEC remains a completely volunteer grass roots organization, dependent on volunteers and member contributions - thanks for your support.

MISERY POINT ACQUISITION PROJECT

HCEC members are aware of the need to preserve the end of Misery Point, located near Seabeck. HCEC firmly believes that the Misery Point property plays an ecologically important role in Hood Canal's shoreline environment and deserves to be permanently protected from development. For this reason, the HCEC actively encouraged the Great Peninsula Conservancy (GPC) to reach out to the property's landowners with the goal of protecting this special place through acquisition.

HCEC was especially pleased when the landowners showed interest in selling their property and that the Washington State Department of Ecology (WDOE) and the GPC were working to purchase it. In late spring of this year, the WDOE and the GPC applied for a grant from the National Coastal Wetlands Conservation Grant Program to acquire the Misery Point property.

Last May, HCEC board members voted to support the acquisition by donating \$500 to the GPC's Misery Point Acquisition Project. As further demonstration of HCEC's commitment, members of the board also agreed to provide an additional \$500 of in-kind support after the property is purchased. This may include spending volunteer hours to helping GPC keep the beach clean, improving the trail leading to the beach, and regularly monitoring the property for signs of dumping, vandalism, or other problems.

We encourage our members to let us know if they are interested in helping the HCEC and others to maintain the environmental health of the Misery Point property. Anyone interested in volunteering can call Donna Simmons at (360) 877-5747 or e-mail her at nana@hctc.com.

HCEC OPPOSES NAVY GROWLER TRAINING PLAN

Last September, the U.S. Department of Defense released its Final Environmental Impact Statement (FEIS) for the U.S. Navy's Growler Jet Training Program. While the Navy claims that the new program described in the EIS will result in fewer environmental impacts than first proposed in the Draft EIS (DEIS), HCEC and other organizations remain opposed. This program will lead to huge increases in Whidbey Naval Air Station operations, including the addition of 36 more jets and 4 times more flights at Coupeville's Outlying Field. Training operations will go on for 260 days a year, 12-16 hours a day from Whidbey Island to the northwest side of the Olympic Peninsula. The flight path will take place over fragile forest and coastal habitats, including the Olympic National Park (ONP), Olympic National Forest (ONF), Puget Sound, tribal reservation lands, the Pacific Coast Marine Sanctuary, the Department of Natural Resources, several wildlife refuges and thousands of acres of private land.

HCEC and numerous other organizations, including Olympic Park Associates, Sound Defense Alliance (a collection of state residents and organizations), National Parks Conservation Association (NPCA), Olympic Forest Coalition and the Forest Service Employees for Environmental Ethics (FSEEE) have all challenged the Navy's plan, citing among other issues, the increase in jet noise that will have severe effects on people and wildlife on the Olympic Peninsula. In the Navy's FEIS, a formula was used that averages decibels over time rather than the actual decibels heard as the jets fly over. This method reduces, on paper, the decibels stated in the FEIS.

HCEC is on record as objecting to the program since 2017. In a letter to the Navy HCEC listed unacceptable noise levels, impacts to areas outside the Navy's study area (including Hood Canal) and negative impacts to threatened and endangered species, including the Marbled Murrelet which is a federally listed seabird on the edge of extinction.

Last July, Washington State's Attorney General (AG) responded to community and state agency concerns by filing a lawsuit against the Navy over the expansion of jet operations at Whidbey Island. The lawsuit alleges violations of the National Environmental Protection Act and the federal Administrative Procedures Act. The AG also planned to add claims under the Endangered Species Act. Separately, the NPCA filed a Freedom of Information Act lawsuit accusing the Navy of withholding information about noise pollution from the jets over the ONP. A lawsuit brought by the FSEEE challenged the U.S. Forest Service over its decision to issue a special permit to the Navy for using the ONF for the electronic warfare training exercises which is part of the Growler Jet program.

HCEC supports the U.S. Navy's mandate to protect our national security. However, we recognize that the negative impacts on people and wildlife from loud and prolonged noise are well understood and that securing and protecting our natural environment must also be a high priority. Given the unique natural ecosystems on the Olympic Peninsula and the fact that it includes a UNESCO Heritage Site National Park and other treasures, it should be obvious that this is not the place for the military to conduct Growler training exercises.

As a result of a court challenge from Washington State Attorney General, Bob Ferguson, along with a local organization, the Navy and the US Fish and Wildlife Service have agreed to reassess the effects on the Marbled Murrelet from the noise generated from Growler jets. At issue is whether the environmental impact study adequately protects these birds, which are listed as "threatened" under the federal Endangered Species Act by Washington State and "endangered" by Washington State. More recently, a group of Whidbey Island residents filed a lawsuit requesting compensation for their inability to use their property because of the loud and relentless noise and vibrations from jets screaming 200-250 feet over their homes.

HCEC encourages our members and others to write to their Washington State legislators and call for a study to include the noise created by the Navy's Growler training flights out of Whidbey Island and over the Olympic Peninsula.

For more information about the Navy's Growler Jet Training Program, contact HCEC President, Donna Simmons at nana@hctc.com.

EDITORS NOTE:

As I sit here working on the Newsletter ironically a Growler Jet just came screaming up the valley. I moved to Eastern Washington a couple of years ago and have two places, one on the Twisp River and one on Lake Roosevelt (Columbia River) north of Kettle Falls. Both of these places get the joy of screaming jets. At Twisp the valley is very narrow and the jets are just barely above the tree line, I can look out and see the pilot in the cockpit. At Kettle the planes are only a few hundred feet above the water and they have to make a hard turn and really gun it very loud. It makes my fishing experience not very enjoyable. These runs happen on a daily basis and are very deafening.

MARBLED MURRELET PLAN RELEASED

On September 20, 2019 the Washington State Department of Natural Resources (DNR) released its Final Environmental Impact Statement (FEIS) for its plan to protect the Marbled Murrelet, a rare seabird listed as endangered by the state. This is welcome news since the DNR has been operating under an interim conservation strategy since 1997. Under the DNR's plan, 168,000 acres of Murrelet habitat will be protected on state land, while freeing up more than 100,000 acres of forestland for timber harvesting. For more information or to find out how to get a copy of the FEIS, go to <https://www.dnr.wa.gov/mmmltcs> or call Donna Simmons at (360) 877-5747 or e-mail to nana@hctc.com.

In June of this year HCEC officially endorsed the Hood Canal Gravel Mine Opposition Association (HCGMOA) a Belfair community group organized to oppose a proposed gravel mining operation on the north shore of Hood Canal. The property owner, Grump Ventures, LLC, intended to mine 7.1 million cubic feet of gravel on 67 acres, including 2 parcels of forest land and the original alleged gravel pit consisting of 4 lots (1.6 acres) of undeveloped land zoned RR5.

A gravel mining operation of this size poses numerous and long-lasting environmental threats. The proposed mining operation was estimated to go on for 14 to 20 years. Truck/trailer trips would number around 200 a day, 260 days a year. To address safety concerns and volume, the North Shore Road would have to be rebuilt. The demand on well water to wash gravel would likely increase to between 500-1000 gallons a minute, 8 hours a day and there could be substantial impacts on groundwater. Gravel mining is notoriously noisy. Between 50-100 decibels would reach at least a 1-mile radius. Further, the value of properties in the surrounding area would decrease.

Soon after the mining operation was proposed, HCEC notified Mason County of its strong opposition. Our chief concern was that the county had already determined that the proposed operation did not pose a significant adverse environmental impact to the surrounding area as stated in its September 2018 Determination of Non Significance. Among other problems, HCEC pointed out that the proposed operation did not comply with the requirements of the “Diminishing Assets Doctrine” since the applicant had failed to prove there was a substantial prior use as a gravel mining operation. The designation as a non-conforming use is based on the property owner’s claim that it had been continuously used for mining gravel since the 1940’s. However, nearby residents contend that the gravel pit has not been used as a “borrow pit”. No proof of a legally registered gravel pit has ever been produced.

In the face of community and government agency opposition, Grump Ventures withdrew its permit application to Mason County. Then in April of this year excavation equipment was moved to the site and gravel mining work began without the required permits. Responding to strong objections from the community, the Department of Ecology shut the operation down. Since then Grump Ventures has informed the Department of Natural Resources of its intent to operate the site as a surface mining facility. The HCGMOA and other organizations and individuals are prepared to oppose any attempt to resubmit the project for county approval. The HCGMOA has hired a well-known lawyer who has suggested to Mason County that it shut down the operation permanently and that any attempt to apply for a permit would be futile.

The HCGMOA intends to stay active because it does not believe that Grump Ventures has given up. The HCEC will continue to support the HCGMOA in any way it can as long as the threat posed by gravel mining on the north shore of Hood Canal remains. For more information contact Bill Anspach by phone at (360) 425-591-7916 or e-mail at bill@seattlewatch.com. The HCGMOA’s website is www.hcgmoa.com.

HCEC’s involvement in the battle over the proposal to develop the Pleasant Harbor Master Planned Resort (MPR) south of Brinnon has now entered its thirteenth year. We continue to support the local citizen group, The Brinnon Group, as it leads the effort to prevent the Canadian developer, Statesman Group, from turning the Black Point/Pleasant Harbor area into a large international destination resort.

In order for the developer to proceed to the final approval stage, the Jefferson County Board of County Commissioners (BOCC) had to adopt a Development Agreement and supporting Ordinance which are intended to guide the development of the MPR and to describe the purpose, permitted uses and zone-specific development standards.

The Agreement and Ordinance were approved by the BOCC on June 4, 2018. This action ignored the objections from The Brinnon Group, HCEC and other groups about language in the Agreement which allowed the developer a longer than normal timeframe (45 years) to complete construction of the MPR and to vest to existing code. Other concerns include numerous procedural issues and substantive environmental, social and economic issues. Details of HCEC’s concerns are outlined in our Spring/Summer 2018 newsletter. (pg. 3)

On June 26, 2018 the Brinnon Group filed a Land Use Petition (LUPA) in Kitsap County Superior Court asking the court to invalidate the Agreement and Ordinance by challenging the BOCC’s decision. On March 28, 2019 the Honorable Judge Sally Olsen issued her decision to reverse the BOCC’s adoption of the Agreement and to remand the matter back to the county. Judge Olsen concluded that the Agreement failed to require that each phase of the development had to be sufficient to stand alone and that certain amenities are required to be built in the first phase. It is important to note that neither the county nor the developer appealed the judge’s order.

To comply with the court’s decision, the BOCC submitted an amendment to the Agreement which was subsequently adopted by the BOCC on July 22, 2019. The amended Agreement addressed the court order by “(1) amending the phasing plan so that all conditions of the Pleasant Harbor MPR are sufficient to stand alone if no subsequent phases are developed at the completion of Phase 1 and (2) amending Phase 1 to include amenities required for the MPR including a 9-hole golf course, a spa, sports courts, pool, and water slides, a community center, a recreation center, conference center, staff quarters, a maintenance building and commercial space.” (Amendment 2) At the insistence of The Brinnon Group, a sewage treatment plant was included.

As of this writing, the developer has not indicated how the company intends to comply with the new requirements and no permits necessary to begin construction have been applied for.

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The Board of Directors meets the third Wednesday of each month. If you would like to attend, call Donna Simmons at (360) 877-5747.

PLEASANT HARBOR CONTINUED

If the Statesman Group decides to move the project forward, which will be very difficult, the Brinnon Group, the HCEC and other groups will have additional opportunities to voice our opposition during the various permitting processes.

The Brinnon Group members believe that the amended Agreement does not comply with the spirit or letter of the court's order. HCEC concurs with The Brinnon Group and the arguments presented in a July 12, 2019 letter to the BOCC from the group's attorney.

GOOD NEWS FOR PUGET SOUND

The HCEC welcomes the news that a federal court judge has sided with two environmental groups in a case involving the U.S. Army Corps of Engineers' (Corps) nationwide permit system for industrial shellfish aquaculture. On October 10, 2019 the Western District of the U.S. District Court ruled that the Corps' Nationwide Permit 48 (NWP 48) is unlawful in Washington State. The lawsuit was brought against the Corp by the Coalition to Protect Puget Sound and the Center for Food Safety, who alleged that the Corps' NWP 48 violated federal laws, including the Clean Water Act (CWA), the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). Taylor Shellfish Company and the Pacific Coast Shellfish Growers Association joined the Corps as intervenors/defendants.

The plaintiffs contended that commercial shellfish harvesting can harm the environment by removing eelgrass beds, that dense shellfish farms can hamper shoreline biodiversity and that the use of nets, plastic tubes and other gear create a problem for birds and other wildlife. One of their primary concerns was that in 2017 when the Corps changed its definition of what constitutes a new shellfish farming operation, it potentially opened the door to unchecked expansion.

The judge's order includes the following statement: "The court finds that the Corps has failed to adequately consider the impacts of commercial shellfish aquaculture activities authorized by NWP 48, that its conclusory findings of minimal individual and cumulative impacts are not supported by substantial evidence in the record and that its EA (environmental assessment) does not satisfy the requirement of NEPA and the governing regulations". The only remaining issue is whether the NWP 48 should be vacated outright (to the extent it has been applied in Washington State) or whether the nationwide permit should be left in place while the agency performs an adequate impact analysis and environmental assessment to correct its unlawful actions.

For more information about the court's decision or to request a copy of the judge's order, contact Donna Simmons by phone at (360) 877-5747 or by e-mail to nana@hctc.com.

HOOD CANAL ENVIRONMENTAL COUNCIL YEARLY MEMBERSHIP REGISTRATION

Individual	\$10 _____
Family	\$30 _____
Group	\$50 _____
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Contributions in any amount are welcome

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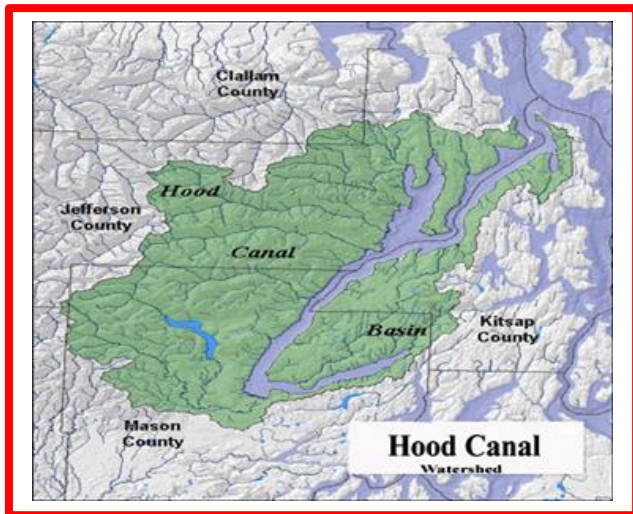
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P.O. Box 87, Seabeck, WA, 98380**



Hood Canal Environmental Council
PO Box 87
Seabeck, WA 98380



Need a Speaker for Your Community Group Meeting?

Those who have a connection with Hood Canal cherish it as a pristine, beautiful treasure. Beginning in September, HCEC can present a program to your group on issues that threaten Hood Canal. If interested, please email our president, Donna Simmons, at nana@hctc.com. The presentation, with time for questions, is approximately 45 minutes. We are willing to travel anywhere around Hood Canal or its environs.

To receive HCEC newsletters via email to save printing & postage costs please send an email to bob@wiltermood.com or pbest@wavecable.com

This newsletter and back issues can be read online at <http://www.hoodcanalenvironmentalcouncil.org>

HELP WANTED

Someone to take care of our web page. Contact Bob Wiltermood if interested at 360-731-8975.