



# The Naked Fish

We Dare To Print The Naked Truth

A Publication of Citizens' Alliance for Property Rights

Issue 1 - 2011

## Remember When Owning Waterfront Property Was A Good Thing?

No matter how you believe that Man started, humans have always had a close relationship with water. We don't live very long without it. We have always settled by it because, in addition to providing water to drink, it brought food in the form of fish and edible water plants, facilitated transporting heavy things, and it is fun to dip our toes in on a hot day. Humans have always prized land near water for those and other reasons.

If we live near a stream or a lake, occasionally we will have a little too much water when that stream or lake floods. The farmers among us took advantage of the nutrients that rode along with the flood. Humans love engineering, kind of like beavers, and have worked out dams and levees, appropriate farming practices, and other ways to reduce the periodic floods. Interestingly,



**King County bureaucrat Monica Clark testified to the King County Council that this is "King County's vision for May Valley" — A burned out foundation in a willow and blackberry swamp that floods for half the year. This is their vision for the Snoqualmie Valley too!**

after managing water for thousands of years we are being told that we will not be smart enough to move back from the oceans to accommodate the thirteen inch rise in those oceans in the next century. That's if the global warming catastrophists should happen to be correct.

Waterfront property is no longer prized but is instead a casualty of the collectivization of our society. We proved during the government takeover of May Valley in King County that the bureaucrats that we pay say one thing, "Its about the fish!," but really have totally different agendas. We even published a book, *It's Not About Fish*, to showcase our findings.

King county bureaucrats no longer talk to May Valley residents about the fish. They know those residents are on to the scam. It is not going

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## Jefferson County Draft Shoreline Master Plan Most Restrictive To Date Fight In Jefferson Or Get Ready To Have Something Similar Where You Live!

Shoreline Master Plans (SMP) pre-date the Growth Management Act (GMA) and its Critical Areas Ordinances by 20 years but they are catching up fast as ways to limit what you can do with your property. Cities and counties must update their SMPs periodically with the help of their big brother the state Department of Ecology. I guess the presumption is that the bureaucrats that we pay our hard-earned tax money to will be smarter than they were ten years ago.

There is no question that those bureaucrats come up with new and inventive ways to limit property owners' uses of their property. Department of Ecology (DOE) bureaucrats would probably say the ever-

increasing restrictions are based on new "best available science" or some such fabrication. You will never see a restriction go away when the real science shows that the restricted use actually has no effect, or might even have a positive effect, on whatever environmental disaster was in vogue ten years ago. The screws only ratchet one way—towards evermore regulation.

When the environmental evangelists want to implement the next level of property restrictions, they typically pick a city or county where they have lots of friends in power and foresee little resistance. That way they can set a precedent for the new restrictions and have an easier time pushing them onto the people of the rest of



the state. Poor little Jefferson County (population 29,676) got picked to be the Shoreline Master Plan poster child. DOE hadn't foreseen the resistance put up by the Olympic Stew-

ardship Foundation (a CAPR affiliate), the Jefferson County chapter of CAPR, and others.

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**CAPR**  
718 Griffin Ave #7  
Enumclaw, WA 98022

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## CAPR Chapters

### California

Plumas-Sierra Counties  
 Chairman—Milton Holstrom  
 Email—plumas-sierra@capr.us

Ventura County  
 President—Debra Tash  
 Phone—805.428.2939

### Washington

Clallam County  
 President—Ernie Spees  
 Email—preussenfrau@hotmail.com

Grant County  
 President—Gail Adair  
 Email—riadared@aol.com

Jefferson County  
 President—Larry Carter  
 Email—lwc@cablespeed.com

King County  
 President—Rick Forschler  
 Email—rick@forschler.org  
 Phone—206.419.5170

Kittitas County  
 President—Shannon Cogan  
 Email—Shannon@elltel.net

Pierce County  
 President—Wendy Birnbaum  
 Email—coplarcreek@yahoo.com

San Juan County  
 President—Frank Penwell  
 Web Site—www.capr-sanjuan.org

Snohomish County  
 President—Bob Clark  
 Email—firstsearch@verizon.net

Spokane County  
 President—Martin W. Howser  
 Email—mwhowser@comcast.net

Whatcom County  
 President—Ron Reimer  
 Email—ron5326@gmail.com

### CAPR National

CAPR  
 President—Preston Drew  
 Email—preston@drewlogging.com

CAPR Political Action Committee  
 President—Steve Hammond  
 Email—steve.hammond@capr.us

CAPR Legal Fund  
 President—Jeff Wright  
 Email—darcors@comcast.net

Thinking cannot be carried on without the materials of thought; and the materials of thought are facts, or else assertions that are presented as facts. A mass of details stored up in the mind does not in itself make a thinker; but on the other hand thinking is absolutely impossible without that mass of details. And it is just this latter impossible operation of thinking without the materials of thought which is being advocated by modern pedagogy and is being put into practice only too well by modern students. In the presence of this tendency, we believe that facts and hard work ought again to be allowed to come to their rights: it is impossible to think with an empty mind.  
 — J. Gresham Machen

*The Naked Fish* is published by Citizens' Alliance for Property Rights. Articles in *The Naked Fish* cover subjects of concern both to local and national readers. We try to provide environmental information not commonly found in the major media. Articles with by-lines reflect the research, views and opinions of the author which may not reflect positions on the issues adopted by CAPR or its affiliates.

The editors can be reached at:

*The Naked Fish*  
 718 Griffin Ave #7  
 Enumclaw, WA 98022  
 206.335.2312  
 Editor@capr.us

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 It is easy to continue receiving this newsletter. Just send in a donation using the web site at capr.us or the bottom of this page.

## How Do You Decide Which CAPR Organization to Give a Donation To? Our Team

### Citizens' Alliance for Property Rights The Owner and Coaches

CAPR is the controlling organization. It is the membership arm of CAPR that elects the main board of directors and officers. CAPR provides administrative goods and services to the other two corporations. The only source of operating funds is via memberships. The larger our membership the larger our leverage with the layers of government that control our properties. Please join today. Your membership also is your membership to your local chapter if there is one where you live. If there isn't a chapter close by, please consider starting one; it is easy.

CAPR has multiple levels of membership as listed on the donation form at the bottom of this page.

### CAPR Political Action Committee Our Offense

Money is the volume knob for voices in the political arena. To be heard above the general din takes substantial amounts of money. That is why Citizens' Alliance for Property Rights was organized from day one as a political action committee so that we have a state-approved mechanism for raising and distributing political funds. The more like-minded citizens and organizations we can enlist in that endeavor, the louder we can turn our collective volume. Political action committees are a government-approved method with which people with common goals can pool their resources to maximize the return on their campaign dollars. There are no limits to what you can give, unlike contributions to specific candidates. We organized for the specific purpose

of finding, endorsing and funding candidates in Washington who will promote and defend our constitutionally guaranteed right to own and control property. That is and will always be our primary purpose.

### CAPR Legal Fund Our Defense

The CAPR Legal Fund handles the legal defense of our property rights as well as the education of citizens, politicians, and bureaucrats on property rights issues. The Legal Fund is currently trying to fund several significant law suits. It is an affiliated organization that is organized as a 501(c)(3) nonprofit so that contributions to it generally are tax deductible. Please check with your tax advisor since the IRS changes the rules from time to time.

<p><b>Join or Donate Today</b></p> <p>Mail this form to:                  CAPR                  718 Griffin Ave #7                  Enumclaw, WA 98022</p> <p>or                  Join or Donate online at:  <a href="http://www.capr.us/pp_donate.php">www.capr.us/pp_donate.php</a></p>	<p><b>CAPR Memberships</b></p> <p><input type="checkbox"/> Student \$15    <input type="checkbox"/> Small Business \$100  <input type="checkbox"/> Individual \$35    <input type="checkbox"/> Corporate \$250  <input type="checkbox"/> Family \$50    <input type="checkbox"/> Patron \$500  <input type="checkbox"/> Sustaining \$100    <input type="checkbox"/> Presidential \$1000</p>	<p><b>CAPR Political Action Committee</b></p> <p><input type="checkbox"/> \$5    <input type="checkbox"/> \$100    <input type="checkbox"/> \$250    <input type="checkbox"/> \$</p>	<p><b>CAPR Legal Fund—Tax deductible</b></p> <p><input type="checkbox"/> \$5    <input type="checkbox"/> \$100    <input type="checkbox"/> \$250    <input type="checkbox"/> \$</p>
<p><b>Make checks payable to CAPR</b></p> <p><input type="checkbox"/> Visa    <input type="checkbox"/> MC</p>			
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<p>Employer: _____</p>			
<p>Employer City: _____ St _____</p>			
<p>Phone: _____ <input type="checkbox"/> Home <input type="checkbox"/> Work</p>			
<p>Email: _____</p>			
<p>Family Members for Family membership:                  _____                  _____                  _____</p>			
<p>I can help with: _____                  _____                  _____</p>			
<p><input type="checkbox"/> I would like to know about starting a chapter in my area.</p>			
<p>CAPR financial data can be obtained by calling the Washington Secretary of State at 800.332.4483</p>			

## Isn't CAPR Something In Your Salad?



Citizens' Alliance for Property Rights (CAPR) started life early in 2003 when two groups of people in King County, Washington, met in Enumclaw at Ron Mariotti's livestock auction facility. One group was from the Enumclaw area and were constituents of then King County Councilman, Kent Pullen, who was the primary speaker that evening. The other group was from the May Valley Environmental Council, a group that had formed in May Valley, between Renton and Issaquah, in 2000. The first draft of the King County Critical Areas Ordinances had just been released.

Councilman Pullen made a strong case for forming a Washington State political action committee. He had been urging anyone who would listen to do so for years. He had accurately determined that the regulation and restriction of use of private property would accelerate geometrically un-

less a large enough political force was formed to check the excesses of government. Ron Mariotti's hat was passed, \$5,000 was collected, and a committee volunteered to meet to create the organization.

The result of that committee's work was a Washington non-profit corporation called Property Rights PAC. It was recognized from the beginning that the organization would have to be statewide in order to have any real impact. Officers and directors were elected and the real work began. In Washington, political action committees are regulated by the Washington Public Disclosure Commission which was created by initiative 276 in November of 1972. ALL money raised and spent for political purposes in Washington State must be reported to the PDC. Reporting is monthly for half the year and weekly leading up to the primary and general elections.

The original board recognized that the organization would be needed forever and spent many months researching the structure of successful entities in other states. We did not want to spend our blood, sweat and time creating an organization that could be dismantled over some overlooked technicality. Too many

organizations grow up around a person or two with strong personalities and then fail when something happens to the founders or the founders simply wear out. A large and diverse board of directors was put in place to guard against that happening.

In researching other organizations, it became clear that there are only a few primary types of organizations with an interest in property rights. Some organizations combine more than one primary type. The most common type of non-profit is one based on a specific industry or avocation. Think of Farm Bureau, Master Builders, Grange, etc. Those organizations have an interest in private property rights, but that is not their primary focus. At times these organizations may fight vigorously for property rights but they can always be compromised out of the fight with real or perceived bones thrown to their primary mission. The second draft of the King County CAO deftly removed both the Farm Bureau and the Master Builders from the fight with fake concessions for the farmers and very real ones for the builders.

Many organizations of this first type eventually start a second primary type of organization which is a po-

litical action committee so that they can actively work to elect politicians favorable to their causes and so they can actively work for favorable legislation.

The third primary type of organization is structured around IRS chapter 501(c)(3). Organizations meeting rigid guidelines (and having official approval from the IRS) designed to qualify them as public charities can take advantage of the fact that their donors can deduct their contributions from their federal income tax. In the property rights arena the allowed activities are primarily legal challenges to existing law and education of the public. It is typical of our dyslectic government that fighting to prevent a law from being put in place requires taxed dollars but fighting the law after it is in place can use pre-tax dollars. Organizations of this type include Pacific Legal Foundation, Institute for Justice, and Evergreen Freedom Foundation.

Since the only real arenas to engage in the fight for private property are political, legal, or educational (by helping people become aware of the issues), it became obvious that Property Rights PAC needed to reorganize and include a 501(c)(3) or-

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### Jefferson County SMP

Continued from page 1

The resistance forced an extended "process" and the drafting of alternative proposals by a citizens' group which included a number of highly qualified individuals. The citizens' group was largely ignored by the Jefferson County Commissioners and the draft SMP was shipped off in late 2009 to be approved by DOE. That approval is expected some time in late 2010 or 2011 and will set the stage for the appeal of the SMP to the Western Washington Growth Management Hearings Board to start the legal fight. If we let the SMP stand as written, it will become the model for shorelines around the state. CAPR leadership has determined that Jefferson County is the spot for all of us to fight.

What could be so bad about planning for sensible and environmentally judicious use of our shorelines? Nothing and that is exactly what the law establishing the SMPs calls for. Unfortunately, over time the scale has tipped dramatically in favor of environmental caution and away from reasonable uses of our shorelines. The original law called for a balance between water-related uses and environmental protection and

recognized clearly that any use would have some impacts. Nowhere did it mandate restoration of the riparian area as is proposed in the Jefferson SMP and others. Nowhere did it mandate increasing regulation in the absence of a demonstrable failure of existing law and policy. And yet, Jefferson County is lurching headlong into massively expanding the near shore land off limits to use and requiring that it be "restored" to some arbitrary previous condition.

**The 800-pound gorilla in the Jefferson Shoreline Management Plan is the one-size-fits-all 150-foot buffer**

The 800-pound gorilla in the Jefferson SMP is the one-size-fits-all 150-foot buffer. The current buffer is 30 feet. Many current homes sit entirely within the new buffer and many more sit partially within the new buffer. All those homes instantly become nonconforming properties with the host of problems that accompany the nonconforming tag. The drafters of the SMP will point out that there are exemptions to the basic restriction that you cannot add to or modify the uses of a nonconforming home or outbuilding. They

will talk about being able to rebuild if 75% of your home is destroyed by fire or other calamity. They talk about being able to enlarge your home away from the buffer within certain parameters—a little tough if your existing house is totally within the buffer. What they don't tell you is that buying permission and jumping the hoops to do anything to nonconforming property is effectively impossible. The insurance companies know that and will react accordingly when your home becomes

nonconforming. Realtors showing your home to potential buyers know the problems and will so inform any potential buyers. The real reason for

the possible exceptions written into the SMP is so the Jefferson County has some defense in a "takings" lawsuit. Dealing fairly with existing homeowners who built under the old rules is not part of the deal.

On page five of this issue are three slides presented by a DOE staffer in 2007 which show the real nonconforming agenda. The long-term goal is to eliminate nonconforming structures that don't conform to the "vi-

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### How Government Works

Once upon a time the government had a vast scrap yard in the middle of a desert.

Congress said, "Someone may steal from it at night." So they created a night watchman position and hired a person at \$18,000.00 a year for the job.

Then Congress said, "How does the watchman do his job without instruction?"

So they created a planning department and hired two people, one person to write the instructions for \$22,000.00, and one person to do time studies for an additional \$22,000.00 per year.

Then Congress said, "How will we know the night watchman is doing the tasks correctly?"

So they created a Quality Control department and hired two people; one to do the studies for \$31,000.00 and one to write the reports for an additional \$31,000.00 per year.

Then Congress said, "How are

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## Isn't CAPR Something In Your Salad?

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ganization. It was decided to closely follow the structure of Oregonians in Action, the group that has won two statewide property rights initiatives in Oregon. The best known of those was Measure 37. As recently as April, 2009, they won a judgment of \$1,150,000 dollars for the estate of their poster girl, Dorothy English.

We ended up structured as three corporations and threw in a name change as well.

Questions about the name sometimes come up so explanation is probably warranted. Citizens' seemed obvious. We are citizens fighting for the rights of all citizens. Alliance seemed the best word to convey that we actively seek working relationships with anyone or any group that had a similar mission with regard to property rights. Property rights conveys clearly what our interest is. We are purely focused on property rights. Property rights encompass a vast arena as the substructure supporting all other human rights. We do not have the time or the energy to take on all the other worthy fights. We are not in a stealth campaign so there is no need to camouflage or sugar coat who we are. We do not include a geographical limiter since we intend to ride this horse as far as we can. We currently have chapters in Washington and California with interest in other states as well.

Citizens' Alliance for Property Rights became the controlling corporation. It has members, elected officers and directors, provisions for employees, chapters, and affiliates. It is the controlling organization but is also the organization tasked to handle the overhead for all the organizations. Since most donations are made to one of the other corporations, they must provide the majority of funds

to CAPR to pay for that overhead.

Citizens' Alliance for Property Rights PAC is the political action committee corporation. Its officers and board of directors are appointed by the CAPR board of directors. The CAPRPAC board has fiduciary responsibility for all political fund raising and expenditures. In both Washington and California the CAPRPAC Treasurer is personally liable for the financial actions and reporting of the PAC.

Citizens' Alliance for Property Rights Legal Fund is the corporation approved by the IRS under chapter 501(c)(3). Its officers and board of directors are appointed by the CAPR board of directors. The activities of CAPRLF are strictly defined by the items described in the lengthy application submitted to and approved by the IRS in 2007.

We ended up structured top-down in many ways but with significant local presence via chapters and affiliates. The top-down part is because of the significant fiduciary responsibility associated with handling politically oriented contributions and even greater responsibility for the 501(c)(3) contributions. If you raise and spend \$100,000 a year, and never get anyone elected, no one cares what you do. If you have success and a significant budget, the Gang Green lawyers will be combing through every detail.

At the same time there is no substitute for bodies at the local level. You could take over any city or county if you could put 200 supporters at every major meeting. Gang Green took over King County in the 1980s by bringing people from Oregon to pack the meetings. We have never been able to pull off that kind of local effort. Most people live with their head in the sand and only surface

when government takes a bite out of them. Then they pop up for awhile and try to figure out why the other ostriches aren't joining them. Local fights energize current members and help bring in more supporters and are certainly worth doing.

But..., true change must happen on a broader scale. Winnable fights must be carefully picked and carefully controlled. The costs of those fights must be borne over a large segment of supporters. Winning the right fights can bring rewards to chapters where not a dime was spent. The correct line between local and group spending is hard to find and fluid, but it is essential to pursue the larger goals while up to your eyeballs in local alligators.

To accomplish the task of identifying opportunities and setting the goals of the organization to take advantage of those opportunities, the CAPR bylaws call for a Governing Board to meet at least twice per year. The Governing Board consists of the officers and directors of the three corporations and representatives from each chapter and affiliate. The purpose of the Governing Board is to advise the CAPR directors as well as the leaders of the affiliates as to the best course of action for the future. It is at the Governing Board meetings that the strengths of the various entities involved are assessed and actions assigned that make best use of those strengths. The Board is tasked with identifying and targeting the best uses for the always limited funds available. Governing Board decisions are advisory only since the directors of the CAPR corporations and the leaders of the affiliates have legal responsibility for the funds under their control. If a chapter or affiliate wants more assurance that the Governing Board decisions are carried out, they can have individuals step up and run for the CAPR

officer and director positions. Preparing well-reasoned arguments for appropriate projects will likely have even more influence.

The leaders of CAPR have spent seven hard years putting the foundation together of what we hope is a significant organization. That effort has resulted in an organization that has proved its mettle locally. It is yet to be tested statewide or countrywide. But the walls are going up. The structure is being filled in.

CAPR has received monetary support from over 2,000 contributors so far. We have established a brand with an easily recognizable logo and a uniform look and feel to the public, the press, and the politicians. Where we have been active, they all know who we are and what we stand for. We have processes and procedures in place to handle geographically dispersed financial and reporting responsibilities. We are effectively using technology to run a modern, "virtual" organization with volunteers working from wherever they happen to be.

CAPR is always looking for committed officers and directors. There is much work to be done. It is hard to compete with volunteers against the paid staff of Gang Green and the bureaucracies. Those who understand the importance of private property rights also understand the value of employment and are working while their elected representatives steal the fruits of their labor. Growth will give us the broader base to start hiring staff to work full time on your behalf.

However you choose to help us regain your liberty through strong property rights, please keep your head out of the sand. The process will take a while and requires all of us.

**"If a nation expects to be ignorant and free...it expects what never was and never will be."  
—Thomas Jefferson**

### How Government Works

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these people going to get paid?"

So they created the following positions, a time keeper for \$35,000.00 annual salary, and a payroll officer for an additional \$35,000.00, then hired two people.

Then Congress said, "Who will be accountable for all of these people?" So they created an administrative section and hired three people, an Administrative Officer

at \$155,000.00 per year, an Assistant Administrative Officer at \$125,000.00, and a Legal Secretary for an additional \$100,000.00 per year.

Then Congress said, "We have had this operating for one year with a budget cost of \$574,000.00 and we are \$18,000.00 over budget. We must cutback overall cost"

So they laid off the night watchman.

A Farmer had three milk cows, and he had an unusually smart dog, Old Brownie, who would go get the cows for milking no matter where they were in a huge pasture. One day a cattle buyer came by and offered the farmer a high price for one of the cows, and so he sold her. At milking time that night, Old Brownie went for the cows and could only find the two. He brought them in and went back looking for the third, stayed out a long time, went out again and again. The farmer finally had to show Old Brownie the check for the cow before he would quit looking for her.

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sion” of the drafters.

Keep in mind that buffers are NOT critical areas. They are perfectly useable land that happens to lie adjacent to some geographical feature deemed, often arbitrarily, to be ecologically important. They are not the ecologically important feature; they just happen to be in the neighborhood. There is not a great deal of science available and applicable to the riparian areas of Jefferson County. The little science that is available does not support the need for 150 foot riparian buffers. See the excellent review of the science by Donald F. Flora, PhD at

[capr.us/PDFs/Shoreline\\_Science\\_Review.pdf](http://capr.us/PDFs/Shoreline_Science_Review.pdf)  
The buffers prescribed in the Jefferson SMP must be at least 80% “native” vegetation and you will be forced to restore them to that in exchange for permission to do anything new with your property. You can kiss your views goodbye as uncontrolled growth takes over the 150 feet of your property nearest the shore. Forget about your kids playing in them. They are the exclusive playground of government bureaucrats with hip boots and clipboards. That wouldn't be so bad if those

bureaucrats were actually studying the efficacy of the buffer, but that seldom happens. They don't dare as real science would show their restrictions to be pointless.

Environmental evangelists have trouble imagining that anything made by man should be a part of any environment (except their apartment in the city, of course) so things like stairs to the beach, bulkheads, docks and anchor buoys come under ever-increasing regulation. Never mind that the most recent science shows that the harm from those items is near zero while their usefulness to humans is incalculable. See “Evidence Of Near-Zero Habitat Harm From Near shore Development” by D.F. Flora, PhD at [capr.us/PDFs/Near-Zero\\_Habitat\\_Harm.pdf](http://capr.us/PDFs/Near-Zero_Habitat_Harm.pdf).

One-size-fits-all buffers are no different than King County's attempt to lock up 65% of rural King County. The courts agreed with us in *Citizens' Alliance for Property Rights, et al v. Sims, et al*, 145 Wn. App. 649, 187 P. 3d 786(2008) that such blanket prescriptions are an illegal tax under RCW 80.02. Yet the powers that be in Jefferson County will waste more taxpayers' money when CAPR de-

feats the big buffers on the same grounds.

We could go on outlining the overreaching regulations in the SMP but you get the idea. Throughout the SMP the drafters opt always for the most restrictive options with no indication that they are solving any real-world problems and with no indication that there often are less restrictive ways to address any real problems.

The following words of attorney Dennis D. Reynolds, who did an exhaustive analysis of the Jefferson SMP for the Olympic Stewardship Foundation, provide a feel for the drafters overreach:

“The Draft SMP as proposed is the most restrictive this commenter has seen in his legal career. The length of the document alone is two to three times that of the existing SMPs for jurisdictions around the State. This does not necessarily mean that the draft is dead on arrival, but it does caution that care should be taken to ensure that there is no over-regulation or duplication. As drafted, there is significant over-regulation and duplication, in my opinion.

“Revising the SMP should not be deemed an opportunity for Staff to put in every conceivable concept, requirement or policy. The County has significant existing regulatory programs including its Zoning Code, SEPA Ordinance, and stormwater regulations which deal with a number of the concerns set out in the SMP. Further, there is a subset of State regulations, including the

**Nonconforming Uses and Structures**

Washington Dept. of Ecology  
Betty Renkor  
October 25, 2007

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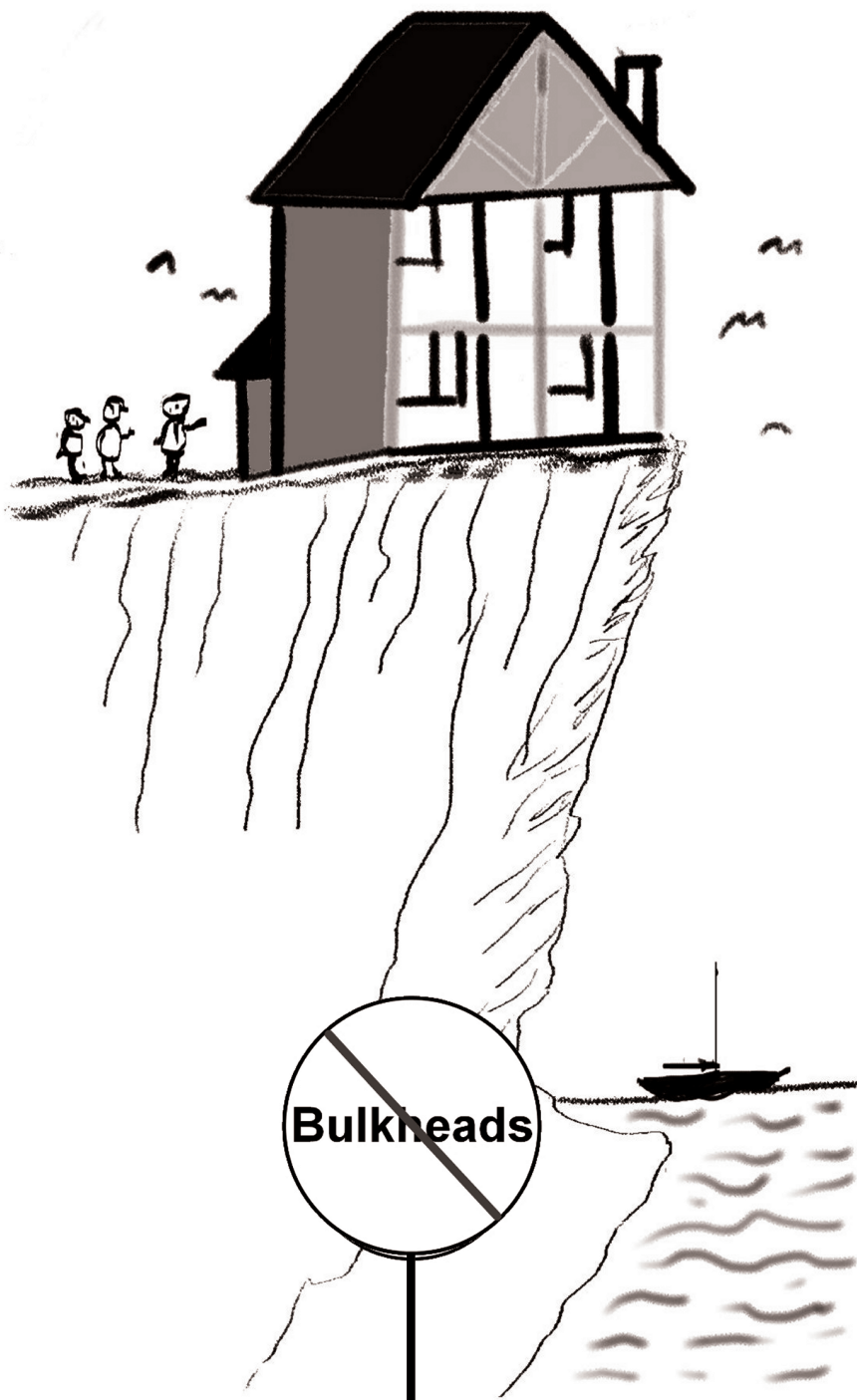
**Nonconforming basics**

- Lawfully established or built
- Prior to effective date of SMA/SMP
- Do not conform to current SMP
  - Use - no longer allowed in environment
  - Structure –inconsistent with bulk, setback, height, density
- Not consistent w/ community vision

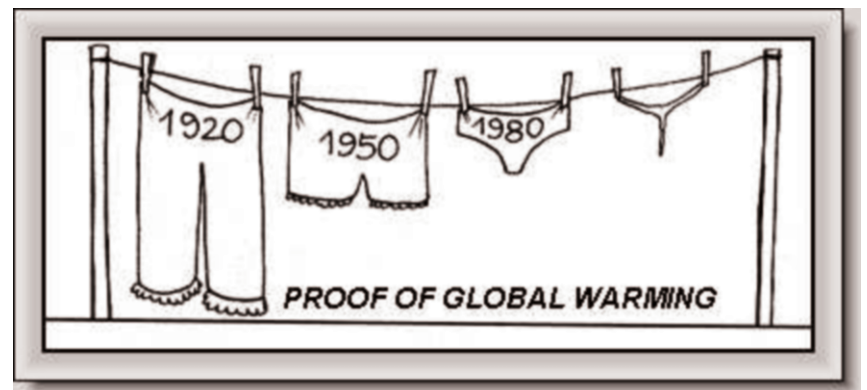
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**Nonconforming basics**

- Can continue to exist
- Long term goal: eliminate
- Nonconformity cannot increase
- Abandoned: NC status expires
- Reality: many exist for a long time



“... and this magnificent cliff-top property has recently been reduced by fifty percent”



“Five percent of the people think; ten percent of the people think they think; and the other eighty-five percent would rather die than think.”

—Thomas Edison

# Follow the Money To Understand Modern Environmentalism

By Rodney McFarland

“Politics is the art of looking for trouble, finding it whether it exists or not, diagnosing it incorrectly, and applying the wrong remedy.”

—Ernest Benn



For most of the history of the world the ruler or ruling class could count on a fair amount of real trouble to justify their existence. As the cold war stretched out after WWII, the ruling classes began to worry. If peace actually happened, they were going to have to find some other calamity to justify their oppression of the common citizens. See “Report From Iron Mountain” at [capr.us/ISSUES/reading\\_fiction.php](http://capr.us/ISSUES/reading_fiction.php) for an interesting treatment of this subject written in 1967. Rulers have always realized that, should an extended time of peace and prosperity happen, the populace would never put up with the heavy-handed rule they will put up with in times of crisis.

Just when it started looking grim, the Cuyahoga River caught fire and salvation was at hand. All good con men know that to be successful, their con must contain some amount of truth. The world was having enough real problems with point-source pollutants and other environmental issues to set up the best con since Chicken Little. Overnight, bit players like Rachael Carson (Silent Spring) and Paul Ehrlich (The Population Bomb) became national heroes. An entire generation of idealistic college students learned that frightening the public was a way to fame and fortune. You didn’t have to be right; your message just had to feel right and you too could become an environmental evangelist.

Republican head of the Environmental Protection Agency, William Ruckelshaus, took the con (and his agency) to the next step by establishing that environmentalism was controlled by politics, not science. Despite the work of a federal judge and the world’s leading scientists that found DDT perfectly safe when used as directed by the manufacturer, he made the political decision to ban DDT, directly causing at least 50 million deaths (continuing at 1-2 million per year—mostly children) from malaria since that decision. In 1970, the U.S. National Academy of Sciences estimated that DDT saved more than 500 million lives during the time it was widely used.

Environmentalism and politics have been inseparable bedfellows ever since. Why? Both are about money and power. The money that the con brings in each year is incalculable. The amount of money individuals and companies are forced to spend to comply with the regulations is incalculable. After many hours of research, the closest I could come was to determine the unit of measure. According to Denis Haynes, coordinator of the first Earth Day, international Chair of Earth Day 2010, and president of the Bullitt Foundation, that unit of measure is “trillions” and we can only guess if the quantifier is tens or hundreds.

I cut my activist teeth as part of the technical team researching the destruction of May Valley, the first agricultural valley in King County. We were being told that the continued destruction of agriculture and private property in that valley was necessary to “save the fish.” Much of our published debunking of that premise can be read in older issues of this newsletter which are available at [www.capr.us](http://www.capr.us). One thing that we uncovered was how our tax dollars (in the form of surface water management fees) were being used by King County Department of Natural Resources and Parks’ division of Water and Land Resources. After we extensively lobbied the King County Council in 2000 they forced WLRD to account for the money they received. Of \$186,000,000 they had received, \$112,000,000 went to pay staff—that’s 67%. The other 33% went for “projects” which, in the bureaucratic vernacular, includes such things as basin plans, meetings and paper production, and outside consultants to do any actual scientific studies. Very little went for real projects to actually manage surface water. The King County Council made WLRD promise to do better and they said they would try to get the ratio of staff to projects to 50:50. When we checked in 2004 their yearly budget was up to \$47.5 million and the ratio was 90% for staff and 10% for “projects.” We quit checking!

At the end of this article there is a link to a list of grants made in 2010 from the Environmental Protection Agency (via the Puget Sound Partnership) to various governmental organizations in the counties surrounding Puget Sound. The total federal tax money used is \$34,477,902 and that is matched with local tax dollars of \$7,781,734. We will look at some of these grants in a little more detail in a bit. There is no reason not to believe that most of

this money will be used just as WLRD uses its annual allotment, i.e. for staff salaries. Remember that these grants are only part of the budget for the grantees; many more tax dollars will be spent to support the staffs. Those paid staff are the folks that regularly meet to dream up new ways to restrict the use of your property. The staff of these governmental agencies will be in the aforementioned meetings with the paid staff of numerous Non Governmental Organizations (NGOs) that could be being paid either with tax dollars or with donor dollars.

I point all this out in the hope that, when you are asked to donate to CAPR, you will understand the magnitude of the fight and give accordingly and get your friends and family involved also. Pushing back will take all of us. We do not have to match the antiproperty forces dollar for dollar. We work much more efficiently than they do. But we certainly need our own staff and lawyers to represent us during the day when our volunteers are working their day jobs. Just getting the word out to potential supporters and voters is costly.

The following is a description of one grant from the EPA website at <http://www.epa.gov/pugetsound/funding/index.html>:

Puget Sound Outreach and Stewardship Coalition: Action Agenda E-4 Implementation

Amount: \$2,000,000 – with incremental funding \$1,000,000 for four years

Matching funds: First year match is \$1,075,000 provided, followed by \$1,000,000 annually for four years thereafter.

Grantee: Puget Sound Partnership

Project description: This project will establish a lead entity of a coalition of more than 300 agencies and organizations to lead public outreach, education, and stewardship efforts across the 12-county Puget Sound region. Working together through a coordinated approach, the grantee will provide the coalition the opportunity to develop, implement and administer a comprehensive public engagement program that will significantly advance the key public education and involvement priorities in the Puget Sound 2020 Action Agenda. It will also create effective social marketing frameworks targeting measurable behavior change.

Outcomes: Awareness and education; stewardship [sic] and behavior change

Contact: 360-725-5444

\$3,075,000 the first year and \$2,000,000 each of the next four years to organize the 300 agencies and organizations that purport to micromanage your property by changing your behavior via social pressure. Rest assured, if that doesn’t work, the regulations will be backed by the armed might of the sheriff. Are you getting some sense of the scale here? You may be in a jurisdiction with the most conservative politicians in the world but you won’t repel these boarders without the help of friends in neighboring cities and counties.

Let’s take a look at this grant:

Effect of Forestry on Headwater Streams in Erodible Lithology

Amount: \$699,827

Grantee: Washington Department of Ecology

Project description: This grant will fund a study to determine if the state’s forestry rules are effectively preventing degradation of water quality and habitat in the headwaters of Puget Sound watersheds. The information will be paired with ongoing companion studies. The resulting package of studies and assessments will create a foundation of science to support a formal regulatory review of Washington’s forest practices rules in these vulnerable headwater areas.

Contact: 360-407-6000

As it says in the Project description, there have already been studies of this issue. In fact, the rule making has already been done and the new regulations will be enforced in 2011. This is just blatant budget padding.

On to the next one:

Kitsap Regional Shoreline Restoration Project

Amount: \$763,200

Matching funds: \$254,400

Grantee: Kitsap County

Continued on page 7

## CAPR Advocate Program

Continued from page 8

consulting the landowners and getting their permission. The landowner has full control over the process, we merely make “educated suggestions.”

Our strength lies in our collective knowledge of the regulations and the fact that it will cause a delay in the fee collection for DDES. Since they are losing money, and they know if we took the case it has some merit, they are usually willing to work more cooperatively in order to get it over with and collect what fees they can. Even if the landowner is in serious violation we have been able to negotiate reduced fines and penalties.

At present the advocates work only in King Co. We are developing a

manual and training program to expand the program to other chapters. In order to be an advocate it is important that one is familiar with the land use regulations, permitting process, basic (very superficial) wetlands biology and geology.

The advocate program has been a success. We have helped people through some harrowing experiences with the county. The feedback has been favorable. Many people have told us they would have been steamrolled if we hadn't been there to help. Not all the cases have had happy endings, but the majority have been resolved to the satisfaction of the owner. It has even produced several new members for CAPR from “satisfied customers.”

## Waterfront Property

Continued from page 1

to stop them from doing to the Snoqualmie Valley what they did to May Valley, however. That will be up to CAPR with your help and, after we beat them back in the Snoqualmie Valley, CAPR will be in a position to help the thousands of areas around the state where Gang Green has been hard at work destroying private property in the name of saving it. Check out the video at [capr.us/KING/king\\_MVvideo.php](http://capr.us/KING/king_MVvideo.php) to see what is in store for prop-

erty owners near streams or lakes.

Those who live near the ocean or the larger lakes are having the uses of their property severely curtailed by Shoreline Master Plans under the directions of the state Department of Ecology. DOE is attempting to force the most restrictive plan ever onto little Jefferson County. They will get it done if we don't all pitch in and help them. See the story in this issue about the Jefferson County SMP.

**Giving money and power to government is like giving whiskey and car keys to teenage boys.**

**—P.J. O'Rourke**

**“If ‘pro’ is the opposite of ‘con’ what is the opposite of ‘progress’?” —Paul Harvey**

## Follow the Money

Continued from page 6

Project description: Eighty-two percent of Kitsap County's shoreline is developed. Individual and cumulative development impacts can degrade ecological processes. Kitsap County will work with landowners to remove bulkheads, restoring sediment supplies to priority nearshore areas.

Outcomes: Shoreline/ Nearshore Restoration  
Contact: 360-337-5777

A million dollars to take out bulkheads that cause no harm. See “Evidence Of Near-Zero Habitat Harm From Nearshore Development” by D.F. Flora, PhD at [capr.us/PDFs/Near Zero Habitat Harm.pdf](http://capr.us/PDFs/Near Zero Habitat Harm.pdf). The studies that Dr. Flora talks about studied a large chunk of Kitsap shoreline. Projects like this are absolute proof that science is not part of the equation.

Environmental evangelists love wetlands:

Wetlands Change Analysis - Tracking No Net Loss of Wetlands  
Amount: \$253,403

Grantee: Washington Department of Ecology

Project description: Wetlands are a critical resource in maintaining water quality in Puget Sound and providing wildlife habitat. This grant will help determine losses or gains in wetland areas across the Puget Sound basin. It will apply existing methods to data and satellite imagery dating back to 1985 to create a status and trends analysis. A complementary project will assess the feasibility of developing a method to classify wetlands using low-level aerial photography.

Outcomes: Filling data gaps related to filled or altered wetlands.  
Contact: 360-407-6000

Every arm of government has a room full of wetland experts. Normally they have gone to a four-day seminar to teach them how to identify wetlands. The problem is that to actually qualify under Washington State law to accurately identify wetlands you must have a degree in a specific field of geology and be licensed by the state in that type of geology. In order to get that license you must apprentice for ten years with a geologist that holds that license and then pass the appropriate tests. It is not possible to identify wetlands from satellite imagery as proposed for this project. You can find property owners who might be violating some obscure rule, though.

You gotta love this next one:

Polybrominated Diphenyl Ethers (PBDEs) and Chinook Salmon Health

Amount: \$314,180 (less 3rd year federal costs)

Grantee: National Oceanic and Atmospheric Administration

Project description: Chinook salmon are an important resource and

also a critical species in the Puget Sound food web. They are accumulating particular chemicals, polybrominated diphenyl ethers (PBDEs), which are industrial contaminants that accumulate in the salmon tissue. There is limited information on adverse biological effects associated with PBDEs in salmon and other fish. This grant will fund a study to expose salmon to PBDE levels found in Puget Sound Chinook in order to understand these contaminants' effects on salmon health. This will aid in the development of protective standards for aquatic life and for reducing these chemicals in our local environments.

Outcomes: The understanding of the interactive effects between PBDE congeners.

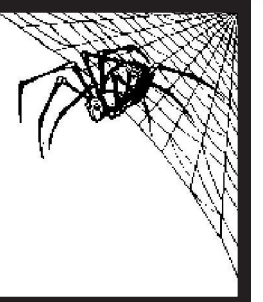
Contact: 541-867-0327

The project description states there is limited information about whether PBDEs are harmful to salmon or other fish. They are mum on how much information is available that they are not harmful. A quick look at the debate on the internet leads to two arguments against PBDEs. The first is that they build up in fish and humans (they are fat solvent); the same argument was used against DDT but just because they tend to stay in fat does not mean they cause any harm—we build up many compounds (fat is my favorite) over our lifetimes. Detractors make the argument that PBDEs are found in breast milk but the Washington Department of Health uses four paragraphs on its web page about PBDEs to point out that the benefits of breast feeding far outweigh any dangers from PCBs. The other argument boils down to the idea that PCBs are similar to PCBs. PCBs have been incorrectly demonized for years. CO<sub>2</sub> and CO are similar but only one will kill you while the other is necessary for plant growth. But the grantee makes the assumption that their study will show that PBDEs are harmful so that they can figure out how to regulate them out of the environment. Good science draws conclusions after the experiment, not before. PBDEs are fire retardants used in furniture and electronic equipment so you are weighing real house fires vs. theoretical harm to fish.

Well, you get the idea. There are likely to be some worthwhile projects on the list. Any that take an honest look at the efficacy of existing regulations would be valuable. But I'll lay \$10 to the proverbial cold dog feces that most are just pork. You can check out the whole list at <http://www.epa.gov/pugetsound/funding/index.html>.

**Catch us on the web:**

**capr.us**



## CAPR Advocate Program

By Darol R. Johnson

One of CAPR's longest running programs and the first to produce tangible benefits to landowners harried by the Department of Development and Environmental Services code enforcement, is the "Advocate Program." Its primary purpose is to help landowners cited with a code violation to understand the regulation(s) under which they are being charged, provide them with information about their various options, and assist them in fulfilling their objectives. The ultimate goal is to get the charges dropped or reduced, but in all instances help the landowner through to a state of "compliance" with minimal expense and the maximum desired use of their property.

The advocate program was conceived in late 2005 by a group of members as a response to rapidly expanding, and increasingly restrictive, land use and building regulations. This burst of regulatory activity was promulgated by the King County Council at the behest of urban centered "environmental groups," and rigorously enforced by DDES (Department of Development and Environmental Services—King Co.'s agency that oversees permitting of all land use and building activity) with an almost messianic fervor. In fact, in Stalin-esque fashion, the county was giving seminars on how to turn your neighbor in to DDES. More and more rural residents were being cited with code violations for things that were previously considered normal rural activities. Even cutting a single tree without permission is a violation.

In early 2006, Steve Hammond, hav-

ing been freed of his duties as a King County Council member, became the first advocate. He was eminently qualified since his duties as a council member had included helping his constituents in their dealings with DDES. He knew the people in DDES, was familiar with their operations and regulations, and had been a lawmaker himself, factors which made him very effective. Steve was a solo act for the first year and a half of the program. Eventually Preston Drew joined the team, and about a year later I followed suit. All totaled we've done at least seventy cases, most of them in rural King Co., but a few in some of the smaller towns like Sammamish.

Cases have run the gamut from rather minor "infractions" to cases where the landowner was in danger of eviction or abatement (forced removal of a structure) and heavy fines (in the thousands of dollars). In one case, a woman was not going to be allowed to rebuild her house after it burned down. Another case, a poor, infirm elderly woman was about to be evicted, in October, for having an "illegal" apartment for her son. The son had just died of a massive coronary and the woman was distraught enough without the burden of eviction. Both cases were classic examples of overzealous bureaucrats whose focus is on regulations and their respective turfs with little thought of the collateral effects on the people involved. These two cases were resolved by Steve and Preston respectively, to the satisfaction of the affected landowners.

Advocates work for free. We ask for a donation of \$250 to the CAPR Legal Fund under whose aegis we work,

In May Valley, private citizen Paul Thiry was prevented from replacing a 4" X 4" post in the floodplain to hold up his front steps because it would increase flooding of his upstream neighbors.

Governments can plant all the trees (many, many 4 x 4 posts) they want in the Snoqualmie floodplain, lower Snoqualmie Falls to increase flooding downstream, create artificial above-ground wetlands in the valley, and only CAPR notices.

Help us help you and your neighbors by ending this travesty. Give to the CAPR Legal Fund today.

## From the President

By Preston Drew

The last year has been a hectic one as CAPR has expanded the number of county chapters and gone national with two chapters in California. We hired an executive director and are now looking at many property rights issues throughout our areas of membership.

Finances have been very challenging with this deep recession. The organization remains very much a volunteer endeavor with those counties directly affected by adverse regulation having to carry the lion's share of the burdens of fighting in their areas.

Shorelines regulation is the hottest issue at present, with Ecology doing a full press assault, especially in the counties bordering Puget Sound. Excessive buffers and non-conforming uses on shorelines threaten the quiet enjoyment of these owners in the present and future uses of their property. CAPR sponsored a shorelines law seminar to educate and inform landowners affected. The well-attended event had Groen, Stephens and Kling, LLP, along with



Pacific Legal Foundation, presenting the most promising strategies to pursue.

Membership and reporting requirements are also presenting difficult challenges. Board members are working hard to see to it that these administrative issues are dealt with to keep our 501(c)(3) status properly documented. The board also recognizes the need to communicate more with our membership. The Naked Fish is part of our efforts to do so.

The need for CAPR to be an effective organization has never been greater. New threats to our property rights are increasing. We don't have a choice but to stay in the game.

but donating is purely voluntary. We help the landowner whether they donate or not.

In order to start a case, the landowner contacts CAPR and requests help. One of the advocates will meet with them. We make it clear that we serve as advisors only, we are not a legal representative. The landowner is ultimately responsible. We will assess their situation and make recommendations based on our knowledge of the regulations and the outcomes

of previous cases. We consult each other, and occasionally with various specialists, including legal counsel.

Once we start the case we will stay with them through the final resolution, including going with them to meetings with DDES personnel and before hearing examiners. We have them sign a form granting us permission to speak to officials about their case. We do nothing without first

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