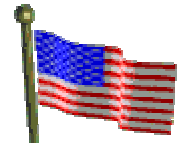


The Naked Fish



We Remember.

We dare to print the naked truth!

Pioneer Park Clean Up

A light rain fell on the hearty souls that arrived to clean up Pioneer Park on Saturday, October 6. Volunteers bagged trash and gathered brush in piles which was later picked up by the County.

The project was really initiated by Tim Ceis, Chief of Staff to Ron Sims, during a meeting with MVEC and others from County staff including Greg Kipp, Pam



Glen Evans and Dinah Day.

Bissonnette and Randy Sandin. During that meeting Ceis told the managers to "clean up the site." This met with swift action in the form of Solid Waste supervisor Dinah Day. Dinah is a gem of a staffer (truly customer service orientated), who worked hard with MVEC to "get the job done!" Dinah got the NO TRESSPASSING signs removed and did what she could to facilitate the work.



Along with Glen Evans, Dinah coordinated the three-day project and provided supplies to MVEC on Saturday in the form of safety vests, gloves, garbage bags and litter-pickers.

The clean-up effort actually started on Friday, October 5,

(Continued on page 2)

MVEC Meets With Exec's Office

On Friday, September 28, MVEC members (Rick Spence, Mark Torretta, Doug and Marielos Bandelin and Kathy Jones) met with Tim Ceis, Chief of Staff to Ron Sims. This meeting was a direct result from Mr. Sims attending the MVEC rally on September 6 where he promised valley residents to do what he could to solve the flooding problems. True to his word, he directed Mr. Ceis to head a meeting that included Greg Kipp (Director of DDES), Randy Sandin (Supervisor of Site Development Services of DDES), Pam Bissonnette (Director of DNR), Glen Evans (CIP Projects) and, surprise! May Valley's new interim Basin Steward, Brian Sleight.

After more of the same old County excuses about why "they couldn't do anything because of regulations but maybe could do something in the nebulous future," Mr. Ceis cut them off and demanded "what can you do now?" As it turned out, they ended up doing quite a few things.

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Community Clean Up *(con't)*

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when crews from the Road Maintenance Section under the direction of supervisor Lindy Jenson (a hard-working and honest County employee), brought in a back-hoe, chainsaws and shovels to eliminate piles of brush and debris left over from Chuck Pillon's cleaning of May Creek. Her crew was tireless in doing a great job on Friday and continued their work on the following Monday. Lindy even got her crew a pizza lunch (paid for out of her



own pocket) in order to minimize down time on the job. They not only hauled away the debris they were working on but also the trash and brush MVEC accumulated on Saturday. MVEC members hauled out eight tires, five phone books, sacks full of bottles and other trash and produced several piles of limbs and branches.

A special thanks goes out to Ron Nolten of Dochnahl Construction who donated two great employees, Miguel



Dochnal employee Miguel and MVEC member Bill Tappin use a come-along and a tree branch to winch a tire full of mud from the creek.

and Brook. When the County ran short of erosion control material, Ron also stepped in with six bales of straw .

We thank MVEC members who showed up to work including Ann-Mary Dahlin, Bill Tappin, Harlow Bonn, Bill Veetutu, Dick Volin, Dick Colasurdo, Craig Celigoy, Jim Osborne, Marielos Bandelin and Hieu Nguyen. Hieu's wife, Rosemary, did what she could, with daughter Ly in tow, bringing us lunch in the form of Vietnamese sandwiches from the deli.

Next up for Pioneer Park will be a project proposal from the combined efforts of Chuck Pillon and MVEC for the enhancement of the park including an interpretative trail and shelter.



Snohomish River Basin Near Term Action Agenda

Can it be a public hearing if the public isn't there? Four MVEC members recently attended a public hearing in Carnation at which bureaucrats and politicians from King and Snohomish Counties rolled out their proposed plan for Snohomish River Basin. Snohomish Basin has over 200,000 residents. Sixty locals would have equaled our four representatives but there were a mere handful of local residents present. At least two of those were biologists from the high ground. We were not able to identify any resident of the floodplain areas that will have their property "connected to the rivers!"

Yes, you read that correctly. The Near Term Action Agenda (NTAA) calls for the dismantling of dikes, levees, etc. to "reconnect the river to its floodplain." **Let the flooding begin!** And while we're at it, let's throw lots of logging trash (large woody debris) into the floodwaters to see how many people we can kill. The poor flatlanders of Snohomish Basin are about to wake up to find themselves the newest sacrificial lambs of the habitat evangelists.

(Continued on page 3)

MVEC Meets with Exec's Office

(Continued from page 1)

First, Mr. Ceis allowed MVEC to name the County's property Pioneer Park. This didn't set too well with Ms. Bissonnette who offered some vague notions about naming conventions. Mr. Ceis stopped that in a hurry.

Next, the Chief of Staff proposed a clean-up project which MVEC members welcomed. This became the project which we describe on Page 1.

Thirdly, he directed Glen Evans and Randy Sandin to come up with a project which could be done this month (in October). MVEC is still waiting for a proposal from these two which, as of this writing, has not yet materialized. The discussion for this project centered on that, in order for "cleaning" to be done this year, the project had to be "year one" of a multi-year "stream enhancement" project. There was some discussion about "mowing" reed canary grass which MVEC members found un-realistic, but gave up the argument in order to move on to other things.

Fourth, Mr. Ceis directed the Roads Division to put in a fourth side on the fence around the fish ladder.

Fifth, he directed Pam Bissonnette to facilitate a three-way meeting between her division, the Washington State Fish and Wildlife Department and MVEC centered around the issue of getting permits for silt removal. MVEC has heard no word on how this work is progressing.

MVEC thanks Executive Ron Sims and Mr. Ceis for stopping the bureaucratic shuffle!

Snohomish River Basin Near Term Action Agenda

(Continued from page 2)

Preliminary reading of the NTAA indicates it is the evil uncle of the original May Creek Basin Plan. They were just practicing with us. They even have a CAC-like advisory committee called the Snohomish River Forum, but it is made up mostly of County and City employees. They are hard at work ignoring or betraying the two members of the Forum that are questioning the NTAA. Roger Lowe and Bob Heirman have both prepared written presentations of alternatives to and problems with the NTAA. Two voices out of 200,000 are not very loud. They need help and they need it quickly.

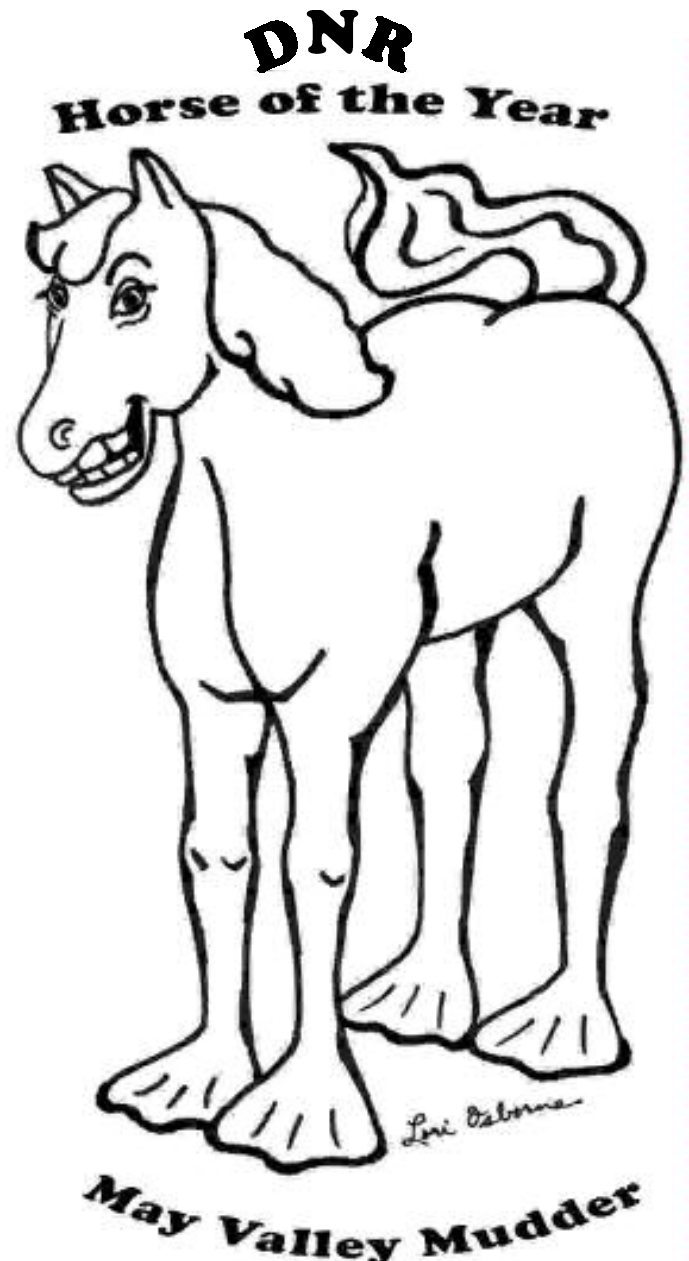
Landowners of the floodplains of Snohomish Basin, heed this advice. You need a Snohomish Basin Environmental Council (SBEC) and you need it now!

Interim Basin Steward Named

King County has named Brian Sleight as May Valley's interim Basin Steward.

Brian originally comes from the Drainage Services Section. As a licensed Professional Engineer (PE), Brian brings a technical perspective to basin planning in May Valley.

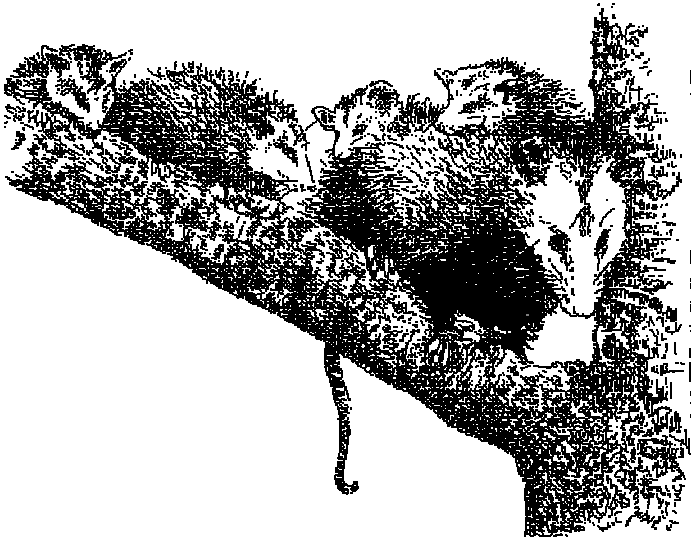
MVEC's first project with Brian will be the canary reed grass removal project. He received the obligatory 'valley tour' and then spent several hours with MVEC technical staff, Doug Bandelin and Rod McFarland. He asked the question, "What do we want?". MVEC responds, "Nothing less than what the Basin Plan calls for."



Critter Report

by Mick Zevart

Did you know that a female opossum, or possum, is capable of having a litter at six months of age? And that they have two litters a year, averaging between twelve and thirteen youngsters?



If two females were to take up residence on the ditch between SR 900 and the bridge at 164th, with a fifty-fifty split of males and females, and if half of these were killed by cars, that would leave some twenty-five or six left after one year. Now, with half of those taken by predators, there would still be five or six young females to replenish the population.

This situation reminds me of the raccoons in the 1970s. At that time King County was right up there with leading parts of the country as far as raccoon population was concerned. During that time we were warned by the Department of Game about handling injured raccoons. We were not to let them urinate on us, as the urine carried a worm larva that could enter the body through the eyes. We had to wash our hands carefully and avoid rubbing our faces and eyes after handling these pesky varmints. I had raccoon rehabilitation permits from the Department of Game and the U.S. Fish and Wildlife Service.

Some ten to twelve years ago, give or take a year, some raccoons were brought up from Florida for some coon hound trials in Virginia. Most of the varmints were treed and rounded up, but a few were not. Sure enough, those left loose to roam became infected with rabies. It took years for this to run its course. They say it traveled all the way up the East Coast into New Brunswick and Nova Scotia, where it had a great effect on the red fox.

Now what if, and I use that as a big word ('cause my dad always told us kids that the dog would have caught the rabbit *if* he hadn't stopped to take a you know what), *what if* some youngster moved here with one of these creatures as a pet, or some hound people brought in some new bloodlines for the gene pool? What if one of these animals was carrying a virus that could be transmitted to the ground vermin along the ditch? It would quickly spread to our dogs and cats, and then to our kids.

We need to expose the banks of the ditch to eliminate these varmints: raccoons, possums, brown rats, all of which have thrived since the ditch ceased to be maintained. Besides the noxious and toxic weeds being cultivated by the County on our property in this emerging wetland, we need to eradicate the purple loosestrife, spirea, tarsus (and a few others that I couldn't get the County people to name for me). We also have one large crop of purple nightshade. When I was the first licensed spray man for the City of Renton, we were told that it was very toxic, and we eradicated it whenever possible.



Now, back to those other pests along the ditch. My first sighting of possums was back in 1978 around McMinville and Yam Hill, Oregon. Those were road kills; grease spots on the highways. It was some time later when they showed up in the Seattle area. My first sighting in our neighborhood was in 1988, on my way to work in a downpour. There, standing along the road, all soaking wet, was the ugly little creature. I think he was debating whether to cross the road in rush hour traffic. I found out on my way back home that he did, and was killed in the attempt.

With the number of road-killed possums we have, one has to wonder why nothing clears them up like rabbits, grouse, and rats, both brown and musk. It seems the crows pounce on those while they're still kicking, but a possum can lie dead for weeks and nothing will touch it. From what I have heard, the only thing that will eat a possum is a tar heel [North Carolinian]. I will end with a chicken joke. Why did the chicken cross the road? To see why the possum couldn't.

Fish Ladder Fence Canary Grass Walk

Even after Chuck Pillon and MVEC had repeatedly informed the County of the safety hazard posed by the empty (and non-functioning) fish ladder on 161st Ave SE, it wasn't until a call from King County Executive Ron Sims that something finally happen.

It was with great relief that the community saw the County trucks pull up at the fish ladder on Stream 291A on September 25, 2001. The day began with the crew setting posts for the fencing. While inspecting the \$300,000 concrete box, crews discovered some minor earthquake damaged and repaired that. The crews were very friendly and did a great job.



Day 2 included fencing the boxes on both sides of the road. But when MVEC inspected the job, it was immediately evident that what the County had designed was a kid-friendly trampoline. Even when we pointed this out to the crew lead, he felt they couldn't do any "field fixes." So far, the project had cost \$30,000. When a local fencing contractor was asked how much he would have bid for the job, he said \$5,000.

It wasn't until Tim Ceis directed that the 'trampoline effect' be fixed was it done, when, on Day 3, another crew came out to put on the fourth side of the fencing. MVEC does not know how much that third day cost.



www.maycreek.com

In response to the Tim Ceis meeting (Look at what just one dedicated County staffer can do!), Project Manager Catherine Neal and Arborist Fawn (the editor apologizes for not getting her last name), came to Dick Colasurdo's property to assess the reed canary grass situation. Donning hip-waders and rain gear, they waded through chest-high grass. They followed Dick's



fence line west, measuring the depth of the creek with wood poles. Upon returning to dry land, Ms. Neal was heard to say, "This needs a trackhoe!"

They continued their survey by turning east to walk along the creek under the riparian area the County had planted on Dick's property several years earlier. Ms. Neal felt that the trees had shaded out the canary grass in that area. Locals tell MVEC that there never was much canary grass in that area anyway.

This was the same subject that came up during the Tim Ceis meeting. County planners insisted that when you take out reed canary grass, you must put something in its place. That 'something' can only be trees (their preference is for willow) because the trees' shade will prevent the grass from growing back.

MVEC's position is that 'the something' you put back depends on the individual use of the land. For land whose purpose is crop growing, shade is not an option. For land where the creek is prone to stagnation, additional vegetation to trap silt will clog the creek just as much as canary grass. For faster moving areas of the creek, maybe evergreen trees would be suitable—but certainly not willow whose branches lean over the creek and eventually root in the channel.



MVEC awaits Ms. Neal's report.

An Open Letter to Tim Ceis

by Douglas Bandelin

I am jotting down these lines while the images are still fresh in my mind. Our meeting on September 28th with you and members of King County staff brought mixed feelings of jubilation and sadness.

Jubilation in the fact that you thought enough of us to meet us at all.

Jubilation in the apparent solution to May Valley's "Eco-Samaritan."

Jubilation in the thought that, at last, some relief will occur on the decades old Sunset Quarry debacle.

Jubilation in the knowledge that the children waiting for the bus near the "fish ladder" on stream 291A will be safer. **Thank you again for this quick and satisfactory solution; this problem has been festering for three years before your visit.**

Jubilation in the thought of possibly working together in fixing years of neglect in our small valley

Jubilation in the thought of simplified permits held by MVEC.

And then the jubilation ended and the sadness began.

There was sadness in the absence of our representative, David Irons. Mr. Irons has supported us from the beginning and without him, Jeanette McKague and staff, it would have been very difficult to achieve what we have.

There was sadness in the comment that our "children would be breaking the law if they stepped into the creek." There is confusion in this statement, as well, for we see the fishermen and waders in the Cedar, Tolt and Snoqualmie rivers and we wonder why no cleaning in May Valley? We are used to such treatment but it is still sad.

There is also sadness in Greg Kipp's comments that any near term action plan could only be enacted if we signed on to a long-term plan, which included nebulous mitigation and stream enhancement clauses.

Sadness, also, in learning what is possible. Mowing reed canary grass is, in our mind, a ludicrous solution and, of course, unworkable. Catherine Neal, upon looking at the problem at Colasurdo's on the

27th of September, stated, "This is beyond hand work ... it needs a track hoe."

Buzz words like mitigation and enhancement are not scientific and need to be defined as to what plan the County has for May Valley. At our meeting they were talked about but no definition was forthcoming. Such nebulous ideas are hard things for us to place our trust in.

Then there was a personal issue. I feel somewhat maligned by you in that I would not, nor was I ever suggesting, you break the law. I will confess that my communication skills are, at times, lacking and the misunderstanding may be my fault. In any event, I was merely marveling at how the law was enforced. The fellow at Sunset Quarry caused untold damage to both Tibbets and May Creek; no fine. Chuck Pillon takes out a couple truckloads of ditch sediment and there is talk of \$100,000 charges. 100+ people do essentially the same thing [trespass and place fill in a Sensitive Area] in front of police and news cameras, and no investigation or charges. I believe the word is "arbitrary", and maybe even, capricious application of the penalty for breaking the rule/code. My dad always told me, and I heard Mr. Sims say essentially the same thing, if you break the rules you must be willing to accept the punishment. So the question remains, what is the punishment for maintaining our property?

There were other issues as well but these were the main ones for me. On the one hand we seem to be making progress. But the progress so far seems to be only bureaucratic in nature and may be illusionary.

The rains are coming; the fish window is closing and our poor valley with its choked and dying ecosystem it still choking and dying. Alas, before great despair overtakes me, I must think that perhaps things will change. But I will not hold my breath. Thank you for your time. I will cherish our ride together in Mr. Ugly. It was a brief moment when I felt connected to my government.

Respectfully,

Douglas G. Bandelin

PS: The mine in May Valley was called the Griffin mine .

CC: David Irons

Humans Without Resources

by Rodney McFarland

Part 5 – The Good Old Days

When habitat evangelists proselytize about restoring our salmon runs, they envision the runs as they were from 1850 to 1900 as the goal towards which we should strive. There is no discussion of whether those were really representative populations. It may well be that the Pacific salmon populations of the last half of the 20th century were the anomaly and we are expending our life energy towards an impossible goal.

One of the first things wildlife and fisheries students were taught when I was going to school was that population densities of any species are cyclic; the population increases when conditions are good and decreases when times are tough. No species exists in a vacuum; all must share the finite resources of their ecosystem with other species including those with which they may have predator-prey relationships. Things like climate changes that may originate far away from their ecosystem also affect population densities. I grew up in the Midwest observing the legendary jackrabbit cycles which gave me first hand knowledge that



what I was being taught was true. I can see how someone growing up in the city might have trouble internalizing the cyclic nature of all life. Looking out at the world through human eyes

we tend to have trouble envisioning events that have cycles longer than we have been alive. Part of the wisdom that comes with age is simply the ability to grasp longer cycles. Population densities that are smoothly cyclic may still have times when they are way off the graph one way or the other. The rest of this article will look at events that may have caused salmon populations to peak well above the normal top of the cycle during the late 1800s.

Little Ice Age

Salmon thrive in cold water. 1850 just happens to be the end of what is commonly called the Little Ice Age which started around 1300 and followed the period called the Medieval Warm Period (800-1200) which was unusually warm. Winters during the Little Ice Age were as much as 2°C colder than the early twentieth-century mean.¹ London regularly held several-week-long winter fairs on the frozen Thames, which sometimes had as much as 18 feet of ice.²

Even Niagra Falls was affected. The flow of water was stopped completely over both falls on March 29, 1848 due to ice in the upper river. People actually walked out and recovered artifacts from the riverbed!



James Chatters of the Pacific Northwest Laboratory and his colleagues have found that fossil remains corroborate that 6,000 to 7,000 years ago, the temperature in the Pacific Northwest was 2°C higher than at present. Analysis of archeological evidence suggests that salmon populations were 30-60% below

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Humans Without Resources—Part 5 *(con't)*

(Continued from page 7)

present populations.³

To put a change of 2°C in perspective, the global warming of the last 100 years has raised the temperature about 0.5°C.⁴ Baring extraordinary volcanic activity, we could easily be 300-500 years away from returning to the temperatures prevalent during the heyday of Pacific salmon. We are much more likely to experience temperatures similar to the Medieval Warm Period. We could easily see a time when all of Washington state is too warm for salmon.



The journal *Science* published an article by Dr. Bruce Finney of the University of Alaska entitled "Impacts of Climatic Change and Fishing on Pacific Salmon Abundance Over the Past 300 Years."⁵ He and his associates have been able to reconstruct salmon runs going back hundreds of years by measuring the amount of a stable isotope of nitrogen called ¹⁵N in lake bottom sediment. They then correlated the rise and fall of salmon populations with climate patterns over the last 300 years. In a radio interview Dr. Finney told Arctic Science Journeys Radio, "We found that the five salmon records had similar patterns to them. That was consistent with the idea that some large-scale change in the climate of the ocean is driving the

populations up and down in sync over decadel time scales... there's two features they all show

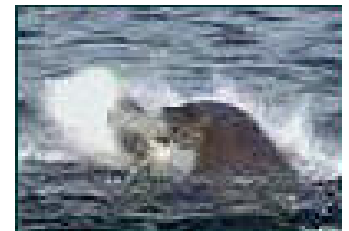


populations up and down in sync over decadel time scales... there's two features they all show

that stick out. One was a period in the early 1800s where they have low values of the nitrogen isotope, which we interpret as being low salmon runs in these systems. It's a pretty strong signal. The second period that we see that's striking is the declines starting around 1950, which we again interpret as low salmon abundance."⁶ The five systems studied are all in remote areas of Alaska where the only human interaction is fishing in the ocean. They even chose areas without forests to eliminate the forest fire variable.

Predators

Seals and sea lions are major predators of salmon. By 1900 the world's pinnipeds (seals, sea lions, walrus) were nearly extinct. Only about 3000 had not been turned into coats, muffs, and other apparel. After protection by the Marine Mammal Protection Act of 1972, the pinniped population is over 850,000 and increasing at 10% per year.⁷ Populations of sea lions seem to be at historic highs. In 1994, forty percent of the adult salmon showing up at Bonneville Dam had marine mammal bite scars on them.⁸



The following is from the "Conclusions" section of a report to Congress from the National Marine Fisheries Service in February 1999 entitled "IMPACTS OF CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS ON SALMONIDS AND WEST COAST ECOSYSTEMS."

"California sea lions and Pacific harbor seals are abundant, increasing, and widely distributed on the West Coast. Many salmonid populations, which are declining due to a host of factors, are being preyed upon by pinnipeds. This predation often

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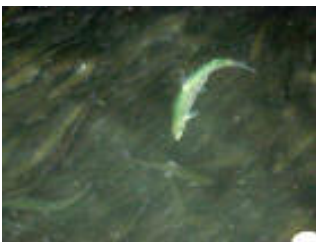
Humans Without Resources—Part 5 *(con't)*

(Continued from page 8)

occurs in areas where depressed, threatened or endangered populations of salmonids must pass to reach spawning areas as adults or the sea as smolts.

Where salmonid passage conflicts have been adequately documented, such as at the Ballard Locks, there is sufficient evidence to show that pinnipeds can have a significant negative impact on a salmonid population. The Scientific Investigation Report indicates that there are a number of sites along the West Coast where there is a high potential for pinniped impacts on salmonid populations.”

The modern whaling era began in 1868 with the invention of the harpoon gun and the explosive harpoon and whale populations were decimated. Whales consume some salmon but their consumption of herring, sardines, anchovies and other salmon food fish is the more important factor. Diminished whale populations provided more food for the salmon. Nowadays the whales are gone but Alaska alone shipped 41,000 tons of herring roe to the Japanese markets this year (2001).



Populations of cormorants, Caspian terns, and other fish-eating birds have increased in recent years but only recently has any effort been made to

quantify the impact on salmon. Radiotagging studies by Carl Schreck of Oregon State University have discovered that cormorants and terns eat 30-40% of the smolts that make it to the mouth of the Columbia River.⁹ A single cormorant can consume up to twenty pounds of smolts in a single feeding session. In 1997, Oregon State researchers focused on the

Caspian tern population on Rice Island, which was created by the U.S. Army Corp of Engineers. The population had increased 600% in 12 years. During 1997, the terns on this one island ate at least six million juvenile salmon.¹⁰

Fresh water and land predator populations were also much larger before 1850. The development of the West has reduced the numbers of bears, otters, fishers, mink, blue heron, eagles, etc that prey on salmon. Humans also began programs to introduce non-native species such as shad and reed canarygrass and continue similar programs today.

In the 1980s, the Washington Department of Fisheries introduced walleye into the Columbia River above Grand Coulee Dam. Walleye have spread to the Snake River and are supporting trophy-sized fish. Walleye are voracious predators and eat juvenile salmon and sturgeon.¹¹ Fishery managers are not promoting programs to exterminate walleye but instead promote the extermination of squawfish, which are native.



The rush to “restore the natural ecosystems” has produced programs to increase salmon predators. In 1997, fishery managers required BPA to fund a program “directed at learning more about the status of, and options for restoring, populations of Pacific lamprey.”¹²

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Join MVEC!

Join the May Valley Environmental Council for just \$40 per year. You'll

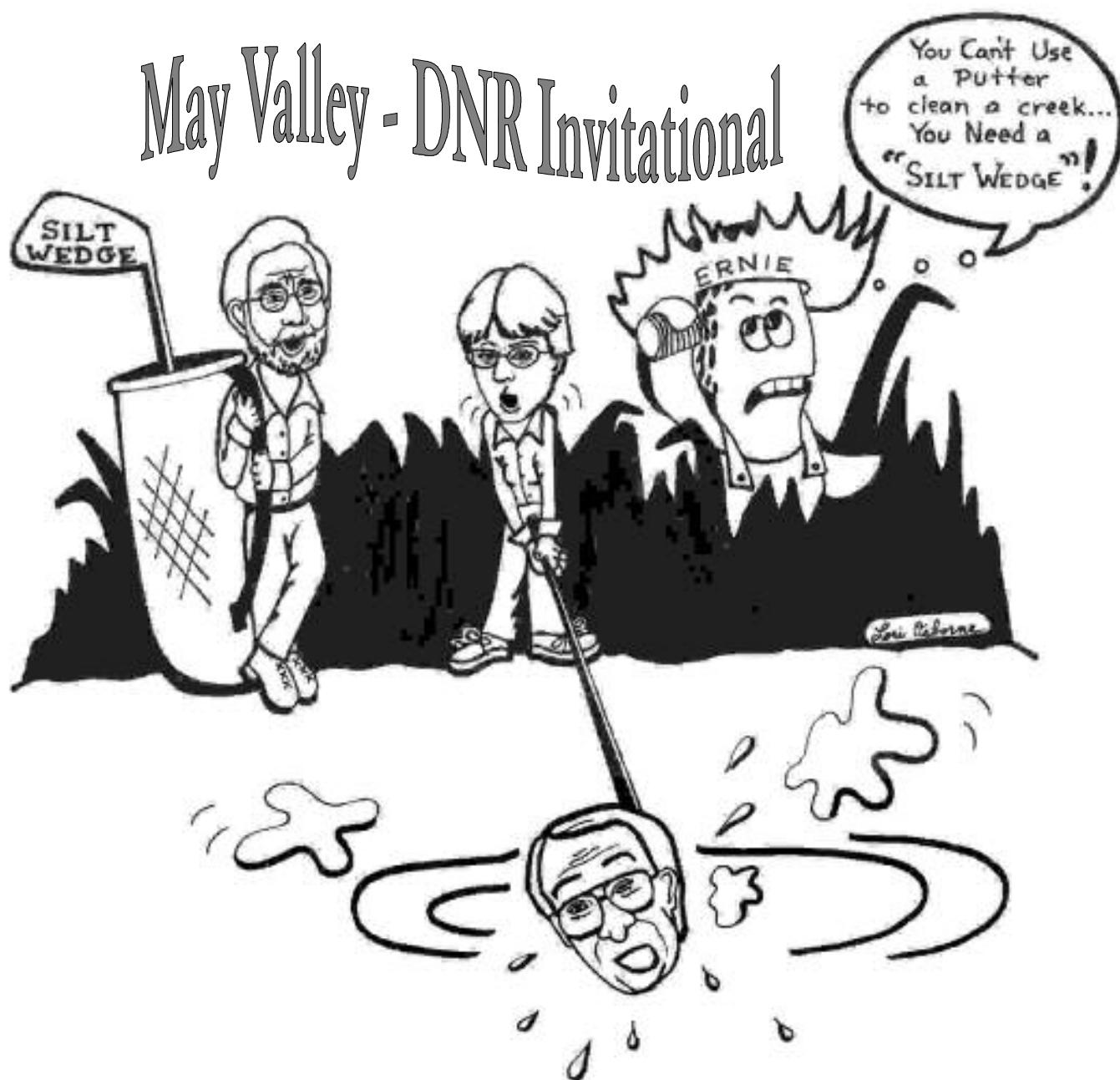
receive The Naked Fish, MVEC's monthly newsletter where we dare to print the naked truth! You'll learn the real science about salmon and their habitat, and read special features that affect your life in King County.

Meetings are held every Monday night at 7 PM at

Leonard's Grill at the corner of 164th Ave SE and Renton-Issaquah Road (SR-900).

New information is added to our website, www.maycreek.com, every month including photos of all the MVEC sponsored events.

Just leave your name, address, phone and email address on our message phone (425-656-9401) and a board member will confirm your application.



Humans Without Resources—Part 5 *(con't)*

(Continued from page 9)

Research in Canada suggests that lamprey feed on juvenile salmon and cause significant mortality.¹³ Fishery managers are taxing citizens of the Pacific Northwest \$5 million a year to kill one salmon predator (squawfish), and \$334,560 to reintroduce another (the lamprey).¹⁴ Squawfish are politically unpopular, while politically-potent tribes cite a historic practice of harvesting lamprey.

Man, of course, has been a major predator of pacific salmon since the start of the canning industry in 1864.

Competition

At the beginning of the 20th century, shad roe was a delicacy favored by eastern gourmets. Fishery managers transplanted shad to the West Coast, never stopping to consider whether the rivers were big enough for both shad and salmon. Shad were heavily overfished for many years, with harvests approaching the total run sizes. Later, fishermen (and/or the fish-consuming public) lost interest in shad and populations began to skyrocket. One scientist has compared the increase in shad populations and decrease in salmon populations from a "biomass" perspective.



"If the average American shad adult weighed four pounds in 1990, the Columbia River production was about 16 million pounds. Together with 1990 salmonid production, the Columbia River production was about 36 million pounds. There is strong inference for food competition between shad and juvenile salmonids in the Columbia River and estuary today."¹⁵

From an ecological perspective, the Columbia River Basin has only finite energy resources to support fish and other aquatic life. Like a giant fish bowl, it can only hold so many fish. "When you add up the biomass from the shad population," says oceanographer Curt Ebbesmeyer, "the Columbia is producing as much fish as it did when it was full of salmon."¹⁶

Food

Dr. Finney's research also corroborates the importance of nitrogen and phosphorous in the salmon food chain as was discussed in "Humans Without Resources" [Volume 1 Issue 4]. Because the isotopes of nitrogen are different in the ocean and salmon gain more than 99% of their mass in the ocean, it is possible to track the effect of salmon-derived nutrients (from spawned-out fish) in the pelagic zooplankton that is the primary feed of the young fish. If customary numbers of adults fail to return to the ecosystem – whether from climate changes, high predation, or other causes – the lack of carcass-derived nutrients continues the downward spiral.



If you have ever had the opportunity to follow a stream through a mature forest, you probably observed the lack of small vegetation. The large mature trees shade the ground preventing many plants from growing including the algae that grow in the water in more open areas. The lack of diversity in plants leads to a lack of diversity in the small animals that feed on those plants. Is it just coincidence that salmon populations grew to their peak as the West was first being logged or could opening up the streams to the increased light have contributed to increased food supply for the salmon? Are we sure that riparian shade is the solution to increased salmon runs?

(Continued on page 12)

Humans Without Resources—Part 5

(Continued from page 11)

Mature conifers (fir, spruce, cedar) draw massive amounts of water from their roots up and out through their needles via transpiration. One consequence of logging the forests was that water went to increase stream flows, thus more salmon habitat. When May Valley was all forest, upper May Creek was a part-time stream and the only salmon were in the lower Canyon. Not everything that man has done has been bad for salmon. As Roger Lowe points out in his *Alternative [to the] Snohomish River Basin Near Term Action Agenda*, “There are several hundred more miles of river available [in the Snohomish basin] as salmon habitat than before the modifications [made by man].”



Was it coincidence that salmon flourished as cattle were introduced in most of the West? Or could that cattle by-product (high in nitrogen and phosphorous) we use to fertilize our gardens and crops have helped to feed the plants that feed the zooplankton that the salmon eat? May Valley sure had a lot of fish when Dick Colasurdo had all his dairy cows! Was it coincidence that Mr. Crapper marketed a device that Seattlites used to flush their fertilizer into Puget Sound while the salmon flourished?



Conclusions

It is this author’s opinion that we will never again see the salmon runs of the late 1800s no matter how many of our limited resources we devote to the problem. In the words of James L. Buchal,

“From a scientific perspective, it is entirely possible that the effect of rising water temperatures is larger than all the salmon mitigation measures that could be devised.

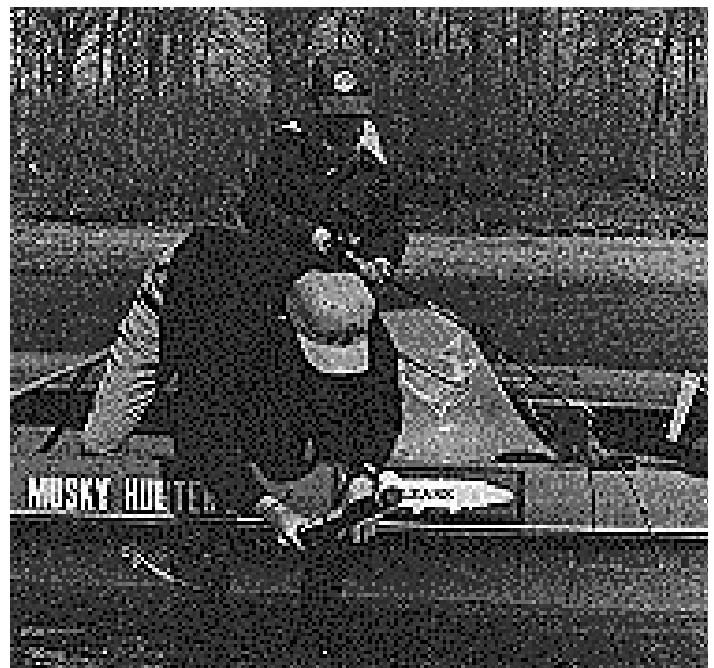
No one has tried to figure out whether and to what extent all the efforts we undertake to recover salmon will make any difference in the face of rising temperatures.

“Longing for a return to 1850s salmon populations makes about as much sense as longing for a return of the Gold Rush. Trying to restore wild salmon populations to such historic levels makes no sense.”¹⁷

We spend incalculable dollars supporting the bureaucracy that has grown up to “fix” the problem of smaller “wild” salmon runs. We pay those same bureaucrats to club to death the excess runs of “hatchery” fish that manage somehow to avoid the vast fishing fleet. We force severe land use restrictions costing more incalculable dollars on everyone living anywhere near water. How long will we continue to squander resources before reassessing our goal?

The real goal isn’t about fish; it is about money

(Continued on page 15)



News From KCCFPR

The Naked Fish welcomes a new group of readers this month, the King County Citizens for Property Rights. The 200-member strong group is headquartered in the Carnation-Snoqualmie Valley area. You can contact the group through Preston Drew at 206-715-1214 or write to KCCFPR at P.O. Box 39 Carnation, WA 98104.

KCCFPR President Preston Drew writes, "The King County Citizens for Property Rights was formed in 1999 to fight Ron Sims' down-zoning proposals and other anti-landowner policies. These policies result in the incidental taking of private property without just compensation. We are currently looking into Department of Development and Environmental Services (DDES) practices in the enforcement of these regulations. We are also exploring possible political and legal solutions to these unconstitutional actions by local government."

One of the first enforcement issues this group looked into was the case of MVEC's own Marshall Brenden. Preston writes, "Marshall Brenden of May Valley owns 18 acres. Two five-acre and one eight-acre tract, all adjoining. Mr. Brenden first bought one of the five-acre parcels with a house. Later he purchased the other land. He raised a family of ten there. In 1999, he tore down the original house and built a new one. During the permit process he learned that he would be required to set aside *three acres* in a 'native growth retention area.' The alternative was to spend \$25,000-\$30,000 on a 'full drainage review requirement' and to endure many months of delay of his project. Never was there a drainage problem on his land. He was forced to record a 'Native Growth Retention Area' covenant that prevents his future use of three-fifths of his property. He states that he wanted to keep livestock as he had in the past, but this is no longer possible.

"In July, 2000, Mr. Brenden cleared some brush and took down some trees on the access into his eight-acre tract. This was on a deeded right of way into his property. Neighbors called the '1-800, turn in your neighbor' number and reported him. King County Department of Development and Environmental Services stopped the work immediately, accused him of clearing in a wetland, and cited him. After months of frustrating rangling and about \$4,000.00, King

County is now demanding he sign a 'Notice on Title' that amounts to the taking of *four acres* of his eight-acre parcel. This notice runs with the land in perpetuity. He is forever denied use of the 'wetland', a 100 foot radius of dry land that is the 'buffer', and a further 15 foot radius that is a building set-back line.

"The worst part of this is that the 'wetland' was created by a culvert located on a county road right of way that was supposed to drain storm water away from his land. It was installed incorrectly and as a result, has created this 'wetland'. The result of all this is that King County has 'taken' more than one-half of his property with no compensation and has charged him over \$7,000.00 in fees and fines with the meter still running.

"Mr. Brenden is an honest man and a long time resident of this county. He has endured three down-zones and has always paid all land taxes on the 'highest and best use' of his property. He deserves to be treated much better than he has been."

Preston sends us this article:

Landowners fight back

And some are winning suits against government entities

By Dave Anderton

A surge of new land-use regulations, environmental laws and local zoning restrictions have private property owners fighting back.

Following the charge of 17th century philosopher and economist John Locke — who argued that a government's first duty is to protect a person's right to property — more people today are filing lawsuits under the Fifth Amendment of the U.S. Constitution, which in part states that no private property shall be taken for public use, without just compensation.

And attorney Jim Burling of Sacramento predicts Americans will see these kinds of "takings" lawsuits for years to come.

"It was the up-and-coming lawsuit of the last dec-

(Continued on page 14)

News From KCCFPR *(con't)*

(Continued from page 13)

ade, and I would like to think it's the lawsuit of the next century," Burling said. Burling spoke last week at the South Towne Exposition Center in Sandy during a two-day seminar on private property disputes involving government officials, land-use planners, real estate professionals and attorneys.

According to Jody Burnett, an attorney specializing in land-use claims with Salt Lake-based law firm Williams and Hunt, Utah also is witnessing a rise of similar cases in state courts. "They can tie up a lot of time and resources to defend," Burnett said, adding that it is often difficult for property owners to win such cases.

"I haven't had one where the property owner prevailed on a takings claim," said Burnett, who defends municipalities and counties against such claims. "Maybe that says it all." However, other attorneys, on the plaintiff's side, have prevailed in takings claims. Attorneys like Burling, who works for the Pacific Legal Foundation, a nonprofit public interest law firm that litigates in the defense of personal and economic liberties.

Earlier this year Burling successfully argued before the U.S. Supreme Court in *Palazzolo v. Rhode Island* what he calls "the most significant" property rights case in many years, "shifting the tide toward property owners." "Palazzolo means land-owners no longer have to give up. If a regulation denies them economically viable use of their property, they have a fighting chance to go into court and preserve their rights," Burling said.

Takings suits have evolved from myriad government restrictions that Burling argues destroy the economic value of a person's property without just compensation.

While Burling concedes that government has an obligation to protect the public good, it cannot enact regulations that are "blatantly unfair to land-owners," he said.

In a broader sense, many cases share overtones of takings cases but involve separate issues. For example, in the case of *Anderson Development L. C. v. Bluffdale*, a developer sued the city after it failed to enact an affordable housing plan that would have permitted high-density housing.

A judge ordered the city last year to adopt a "moderate income housing plan."

Although the litigation is ongoing, Anderson Development is working toward a settlement, said Rick Arnold, an attorney for the company. Craig Call, Utah's private property ombudsman, said courts are often not the best way to resolve takings issues.

"Of course, with the ombudsman's office (in Utah), we have some (other) options," Call said, adding that there needs to be better staff work at the local government level at the beginning of the permitting process.

"The decision-makers themselves need to understand more thoroughly what the options are and what really needs to be done, what the limits are." Court watchers are looking to the next U.S. Supreme Court takings case, *Tahoe-Sierra Preservation Council Inc. v. Tahoe Regional Planning Agency*, which could be decided this year.

The case involves roughly 450 property owners near Lake Tahoe. In the early 1980s, the Tahoe Regional Planning Agency enacted two temporary bans to halt development over a 32-month period while it developed a comprehensive, regional development plan to save the lake. Various property owners covered by the bans sued for compensation, alleging that the moratoria effected a taking. The trial court agreed. On appeal, the 9th Circuit reversed the lower court's ruling and entered a judgment for the government defendants.

For Gordon Duval, a Pleasant Grove attorney representing property owners in a \$10 million takings case against Wasatch County, the Tahoe case shares similarities.

"The whole issue of takings or inverse condemnation has undergone a revolution in the last decade or so. The U.S. Supreme Court has made it much easier for individuals to assert that their property rights are being taken by regulatory actions of governmental entities," Duval said.

"The Tahoe-Sierra Preservation Council case is going to be pivotal if the court moves in the direction of property owners again, because that has to do with temporary delays and moratoria," Call said.

Humans Without Resources—Part 5

(Continued from page 12)

and control. As Will Hall, Snohomish County Senior Planner, explained at a meeting of the Snohomish River Forum, "There are funding opportunities – a lot of them." The bureaucrats get the money. The habitat evangelists get to control and mold our land to fit their fantasy while we pick up the bill.

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Dear Ernie

The Naked Fish begins a new column this week entitled Dear Ernie. Readers will recall that Ernie is Bert the Salmon's poor country cousin. We invite our readers to submit questions for Ernie to answer. Unlike Lucy, Ernie's advice is free.



Here are our questions for this week.

Dear Ernie: What are sculpins and are they endangered? Sam Bass

Dear Mr. Bass: Although one might say this is a prickly question, the short answer is that they are bottom-dwelling fish much like sticklebacks and they are definitely not endangered.

Dear Ernie: Why can't I use power tools in my back yard? Neighbor Dave

Dear Dave: Because you are not a county employee and might injure yourself! Only county employees can use power tools in sensitive areas.

Dear Ernie: Why is it that King County can dredge the Cedar River and the mouth of May Creek at Lake Washington and not May Valley? Sally Coho

Dear Ms. Coho: Two words, Larry Fisher. Our Mr. Fisher from Washington State Dept. of Fish and Wildlife seems to control both County and State government on the issue of neighborhood creek cleaning. If the Corps of Engineers want to dredge the Cedar River (as they did in Renton), they just do it. But if King County wants to do it in May Valley (as they say they want to), Mr. Fisher can put a stop to it. How can one man have such arbitrary power? [Editor's Note—Ernie, you are supposed to answer questions, not ask them.]





A Message from the President

“The wheels,” says MVEC President Rick Spence, “are turning slowly.”

It’s been two weeks since our meeting with Tim Ceis and DNR & DDES staff, and very little has changed on the flooding issue: no project has been developed, no real work has been done. The only thing that has changed is the increase in spending by staff “in the name of May Valley”. This leads us to believe that the County has created bureaucratic obstacles that are insurmountable even for

themselves!

In a related matter, the amount of money being spent on the Pillon investigation is truly despicable. More reasonable solutions should be available. At a time when our County is in desperate need of these seasoned staffers, it would appear to me that the money could have been spent prosecuting real criminals and saving the tax payers thousands of dollars.

Once again, we need the Exec’s intervention! As we have seen so many times before, his staff has tied themselves hand and foot to rule making, empire building and in-

fighting. Even explicit directives from their boss cannot make them move any faster. In any other corporation, they would have been fired!

It’s no wonder that the average citizen is dismayed by County government. Even the well-meaning Mr. Sims is stymied by their “obfuscations”.

Mr. Sims, cut your staff. You could only spend less!



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**Protect
Historic
May Valley!**



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