

The Naked Fish



We Remember.

We dare to print the naked truth!

An Open Letter to Dept. of Ecology and Corps of Engineers

by Chuck Pillon

Dear Sir or Madam:

I am receipt of notification from both your agencies that you have concerns about certain restorative work I unilaterally undertook on a portion of the May Valley Ditch in King County Washington. You are well aware that I acknowledge having done this work. I am by now, as you also know, in the toils of the King County Code Enforcement process as a result.

I respect the fact that each of your agencies must investigate such matters when you learn of them and I welcome your interest. I believe when you are each in full command of the facts in this decades-old struggle over a once proud salmon stream, you will conclude that we in the May Valley community are correct in our assessment of the necessary remedy for the malaise that has beset the Ditch. I further invite you to join in our continuing efforts to put things right and bring back the fish; not to

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Folded, Spindled and Mutilated

It was 7:05 a.m. and I had been up since 4:15. There were a few other early birds at Starbucks on Capital Way in Olympia, Washington. All were political birds with uniform hairstyle and clothing. They were speaking in crisp bureaucrate-ese about this bill or that. I listened a little while I waited in the corner by the restroom for my partner to bring the coffee.

It was only yesterday late in the evening that I heard we were supposed to come and testify. Our contact was a ubiquitous Joe. *Joe never did much for me with out the Lebowitz on the backside.*

Anyway, the committee was agriculture and ecology and we leapt at the chance to testify, even though we were totally ignorant of the reasons. We had not even read the bill. It was like

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An Open Letter *(con't)*

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mention solving the enormous flooding problem that is a hazard to public health and safety and has seriously damaged private property.

Your two agencies are aware of the determined work of the May Valley Environmental Council (MVEC) I am sure. This group, of which I am a member, formed to challenge King County government to line in a mutually acceptable plan to put things right along the May Creek Ditch, with considerable success. In fact, the King County Council adopted the Amended May Creek Basin Plan as crafted by MVEC last April. More on this later.

I was not surprised that the initial posture of both your agencies mirrored that of King County. Some "high crime" or other had been committed and the perpetrator must be dealt with. Any apparent challenge to the political orthodoxy is usually met with great consternation by government. Codes and regulations have grown all out of proportion to reality and the bureaucracies spawn ever greater numbers of "enforcers" to keep the public in line. The case to be made about matters in May Valley has, and will continue, to open some eyes about the environmental downside of all this misguided "protective enforcement."

While the focus of my report here to you is primarily on our "Little River" – the May Creek Ditch, the pattern and practice of regulatory excess and consequent destruction is commonplace; not just in this County, but indeed throughout the State and across the nation. As you must be aware, successful court challenges are on the rise: Palozollo v Rhode Island and Hage v Bureau of Land Management. Lawsuits are abuilding hereabouts as well.

I wish to mention that my concerns, as present here, do not require the "tarring" of every governmental employee. No indeed. There are many in our County agencies that have been helpful, especially in refining the Amended May Creek Basin Plan. Unfortunately, they do not, at this moment, prevail.

The Plan called for precisely the sort of restoration that I undertook last summer at which time it became clear that a bull-headed few in the County Dept. of Development and Environmental Services were determined to thwart the will of this community as well as our elected representatives. Playing the same old "ya can't get there from here" game about the permitting process, it was common knowledge that they would miss no opportunity to preserve their destructive policies on our Ditch and its now destroyed salmon run.

I well remember a meeting some seven years ago which

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Folded, Spindled & Mutilated *(con't)*

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thousands and thousands of other bills that affect our lives. Words we never saw saying things we could not understand. But we did know it concerned us and that, this time, we had been invited to give our opinion and this we would do. We even felt it was our patriotic duty to testify.

My partner and I pored over the bill. It was confusing. We did not know if we were pro or con. The subject was Surface Water Management fees. SWM got its start about 1000 feet down the road from my place in 1983. Since then, 19 years have passed and SWM has not done a dang thing for anyone I know except fine them. All SWM seems to do is study things and say no. No, you can't protect your land from flooding. No, you can't do what people had been doing for over 100 years here. No, no, no, always no. Anyway, my partner and I looked at the bill and figured we were against it because it did not disband the department and seemed to broaden the arbitrary ability to fine people.



We went to the hearing and signed up. We were the first to sign in but we waited as government agency after government agency got up, told everyone how wonderful they were, told them about the wonderful programs they had and said what good stewards they were of the funds they received. One particularly odious speaker was from King County DNR. The speaker mentioned several wonderful programs of which we were familiar. She told of these programs' success and acceptance by the people. Lies! We knew they were all lies but there was no stopping her. The bureaucrats went on for 30 minutes or so with no interruptions, no time constraints.



Finally it was our turn. We shuffled forward to be told we had four minutes; two minutes each. But our program, what we wished to say, was eight minutes long. "No matter," came the reply. Four minutes was all we were going to get. I began my segment but, even then, what I had to say was not acceptable so I was interrupted. I pleaded that we were humans and that I was trying to establish the feeling and sentiment of the people affected by these programs. Words mumbled back. I continued, even over the protests of the chairman. I felt security was being called, but weighing in at 450 pounds, I also knew I would be done with my speech long before they gathered enough beef to haul me away. There was the thought of

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An Open Letter *(con't)*

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was hosted by, among others, the Corps of Engineers. After a tour of the Ditch and environs, we all ended up at the very "scene of the crime" – the bridge at 164th Ave. SE where the reach of the Ditch that I cleaned begins. Agreeing with all of us from the community that dredging was the only means to alleviate the flooding and restore the fish run, a representative of the Corps was quickly cut off by a representative of the County Grading Section who said bluntly, "We will never allow a permit for dredging." The stated view of the Corps spokesman was, of course, consistent with every previous utterance of the Corps and all other real scientists who have weighed in on the protection and maintenance of such waterways and their fish – but no matter for King County.

I made the choice, then, to take action that I knew would force the issue – it did so. King County has made much of the publicity to penalize me for the challenge. They have had far less to say about the quiet concessions they have made to our plan and our determination to overcome the pointless and destructive hurdles they have placed in our path.

In point of fact, the cleaning of the Ditch will continue. Pioneer Park will come into being at the site of my initial effort, and the fish run will be reborn as we plant fingerlings there this spring in a grand community effort. Mr. Ron Sims, King County Executive, has quietly ordered his staff to cooperate in this program. I think this belies the efforts on the part of others at King County to exact some "pound of flesh" from me.

You have, I believe, by your issuance of the notification to me, committed your agencies to the task of investigating and righting the wrongs that have troubled the May Creek Ditch over the past several decades. You have been given to understand that I am a culprit because of my actions last year. You are faced, then, with the prospect of hauling me up on several "technical fouls," the permit violations that the County clings pointlessly to. I invite you to disengage from that folly and join in the effort to restore things that should never have been destroyed...a beautiful "Little River"...parts of several fine homesteads...and equal to all other concerns, a once-thriving salmon run. If you choose to pursue some enforcement action, you are simply going to have to change targets. It is King County which has systematically done the damage.

I will be quick to provide you with the evidence and witnesses from two or three generations of local families that make this conclusion indisputable. My work simply forces the recalcitrant employees of King County to get with the program, as mandated by the King County

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We'll See The Ditch Cleaned

We'll see the ditch cleaned when ...

At 50°, New York tenants turn on the heat and Wisconsinites plant gardens.

At 40°, Californians shake uncontrollably and Wisconsin people sunbathe.

At 32°, distilled water freezes.

At 30°, Italian cars will not start and people in Wisconsin eat ice cream.

At 20°, Californians weep pitifully and Green Bay packer fans wear tee shirts.

At 15°, you plan a trip to Acapulco because Florida is too crowded and people in Wisconsin go swimming.

At 10°, politicians talk about the homeless. It's too cold to snow, New York landlords turn on the heat and Wisconsinites get the barbecue grill for the patio.

At -5°, you can hear your breath. The sound of it makes you think its time to plan a Hawaiian vacation.

At -20°, the cat insists on sleeping in your flannel pajamas and politicians actually do something about the homeless.

At -40°, Californians disappear while Wisconsinites put on a sweater.

At -173°, Ethyl Alcohol freezes.

At -425°, Helium becomes liquid.

At -454°, the Mariners win the World Series.

At -458°, incumbent politicians renounce campaign contributions.

At -460°, absolute zero is reached. All atomic motion ceases and King County officials decide to allow May Creek ditch to be cleaned because **Hell has frozen over.**

Our thanks to Dale Koler for his rendition of a piece by Bill Duncan in the Feb. 13, 2002, edition of the Capital Press.

An Open Letter *(con't)*

(Continued from page 3)

Council. The Amended Basin Plan is the “law in this matter.” The Executive Mr. Sims, himself, has tacitly agreed.

Before I close, I want to add a few observations that put the whole matter in best perspective. Let’s begin with a brief history of our “Little River” and its better days.

The May Creek Ditch was dug by settlers in the late nineteenth century to facilitate agriculture to the reach of May Valley above the then existing May Creek, joining the creek roughly where 148th Ave SE crosses the valley today. Aerial photographs show the Ditch clearly placed in a long, straight line on the common property line of the several farms in the valley. The Ditch was, and remains, the private property of the landowners in May Valley. Agriculture, including produce and dairy farms, flourished for more than a half century well into the 1960’s. Even today, horse and cattle operations as well as berry and vegetable farms remain. No governmental entity has ever purchased or otherwise compensated any of these property owners for any easement or other public use of the Ditch or adjacent land, until King County purchased the Muncie property (Pioneer Park) two years ago. That is the property along 164th Ave SE where I began work. King County obtained this property at half price after it was flooded into ruin at their hand.

In the late 1930’s, the Ditch was stocked with excess fingerling salmon from the Issaquah Hatchery. The fish thrived in the superb environment inherent to the Ditch, a Ditch that was before then, and then later, maintained by members of the community. This focused on constant maintenance to achieve a clear, free-flowing waterway which was kept free of silt and debris, mitigated flooding and kept the natural gravel base clear for the spawning return of the fish. A remarkable complement to nature, even in a time when a growing population and suburban sprawl was having a very negative impact on other less fortunate local environs. All was well.

In the 1960’s, the same riptide of governmental regulation hit May Valley as it did the whole country. Suddenly, “environmental scientists” of every sort descended upon the land and hapless landowners. These regulations formulated land use regulations that defied Constitutional and common sense alike. Passion approaching hysteria drove the “enforcers” into a frenzy. Landowners were forced to abandon use and maintenance of “sensitive,” and not-so-sensitive, areas of private property to satisfy the agenda of outsiders. Intelligent estimation of environmental reality be damned – the true believers would brook no opposition. I am not going to protract the point here; suffice it to say that history and the tide are turning.

Folded, Spindled & Mutilated *(con't)*

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being shot, of course, and I must confess I felt afraid. But then I saw the headline, “Fat man shot while trying to read poem.” I figured that was worth it and I pushed fear down and read on over the rising protests from the chair.

Then I was done and I got up. I did not thank them, as that would have been too hypocritical. I just left. My partner got up to talk and was told he had no time. A few words were exchanged and they gave him two minutes and that was it. One more individual spoke and that was the public input on HB 2076. Nine minutes of public testimony. Yes, I know the record will show more than that but, seriously, I do not think that the State Ecology Department is public. Anyway, the long and the short of it is that the next time I am asked to get involved with government, I think I will just say no unless, of course, it is to disband it. This government seems to have forgotten whom it serves. Parking is a prime example. In the private sector, the clients park next to the building. At government offices, the clients park three blocks away. I believe it is time to get a new government.



An Open Letter *(con't)*

With the imposition of “sensitive area” setbacks, and the prohibition of cleaning of the waterways by mechanical means, siltation and invasion of noxious weeds soon strangled the May Creek Ditch. By the mid 1970’s, flooding and pollution became chronic, even as the actual numbers of livestock dwindled. King County has acknowledged that the inundation of septic systems that were formerly high and dry is the central reason for high E-coli levels in the Ditch. As an additional note there have been no new residences, nor septic systems, built along the Ditch in decades.

As the neighbors along the Ditch grew older, they were even less able to maintain the Ditch by hand. Beavers, not historically present, soon arrived to further block the passage of fish. The Ditch is a single channel drainage with a less than .003 gradient so that the combination of governmental enforced neglect, willow, purple loosestrife and other weeds and those “damming” beavers sealed the fate of the fish and the farmer alike. The Ditch was destroyed by those who were sworn to protect it – the bureaucrats.

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An Open Letter *(con't)*

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Over the years, in a vain effort to reason with the County, residents formed several groups and task-forces to bring the bureaucrats to their senses. Nothing changed, except the level of interference and duplicity by the County. Finally taking hope from renewed activity to stem such abuse in the Courts, May Valley neighbors rallied one more time to birth MVEC, an organization well prepared for the shenanigans ahead. Turning back every bit of disinformation the staffers brought before the County Council, MVEC carried the day and success was at hand. With passage of a Basin Plan that at last recognized community input and needs, everyone looked forward to a cooperative effort to set things right – and bring back the fish. This was when things turned sour.

A select few zealots at the County immediately began, again, to block the Plan and any efforts to formulate real projects for cleaning the Ditch. Their reasons are clear. They consider May Valley to be a “recovering wetland,” disregarding the fact that any “wetness” was created by County neglect and that the land was private property; disregarding the fact that a single channel drainage of this sort was kept clear to allow for fish passage and never mind that the nearby City of Bellevue recently, and publicly, performed similar maintenance on streams in their locale specifically to “allow for the passage of fish.” Incredibly, the Nisqually Tribe recently celebrated the recovery of Muck Creek (no pun intended) from the same ravages and neglect that destroyed the May Creek Ditch. The Nisqually Tribe did the work themselves, along with volunteers from the ranks at nearby Fort Lewis, just as we intend to do in May Creek.

Two County employees who have been the most aggressive in thwarting community efforts to fix the mess along the Ditch recently acknowledged, in testimony before a King County Hearing Examiner, that they have no fisheries expertise. One apparently did not realize that salmonids cannot spawn in silt, the very material I removed from the bottom of the Ditch. Never mind that I had uncovered and restored the natural gravel base in this stream and stockpiled more gravel nearby to enhance the spawning beds. This employee complained that the “salmon habitat had been seriously degraded,” then admitted that she had not inspected the bottom of the stream before the hearing.

These two well-intended but misguided bureaucrats typify the ineptitude that has so long frustrated my neighbors and me. They imagine they have some right to impose a swampy morass on private property owners without compensation, and even worse, that this is good for fish. In a recent electro-shock survey of the area of the Ditch in question, they found two salmonids and TWENTY-THREE BULLHEAD! What does that say for their long

time “management” of the Ditch? Are we trying to restore salmon, or bullhead?

So there you have it, the word from May Valley. I did what I did because I believed it is the only way to bring life back to that “Little River” down the hill that has been a treasured part of my world for over half a century. I fished the “Little River” as a youngster in the 1950’s, and have never been far from it since.

My neighbors and myself welcome your interest but we know you have a hard choice to make. Join the bureaucrats or us; bring back the fish or endorse King County’s continuing destruction of this area.

Finally, I will say that I have presented a case here that has, as its essence, a clear example of government gone wrong. Some will be skeptical, especially the environmental “true believer.” I will say to any doubters, look at the evidence and be reminded of the so-called “Witch Hunt in Wenatchee” if you think government can do no wrong. Remember how a misguided and self-serving government employee, a police detective in that case, violated peoples’ rights, falsified or misstated “evidence”, duped others in government (his police superiors, the County Prosecutor and several judges) and caused the destruction of the lives of children and their families who were utterly helpless in his grasp. For far too long, the “system” in Wenatchee ignored the growing evidence that something had gone terribly wrong – needlessly prolonging the grief.

Some might recoil at the comparison of the damage done to May Valley folks and their property with that done in the Wenatchee victims, but in many ways it is a difference only of degree. Visit our valley and see.



Please patronize businesses that support MVEC.

Gov't Threatens Rural Lifestyle

Guest Columnist - Paul Carkeek

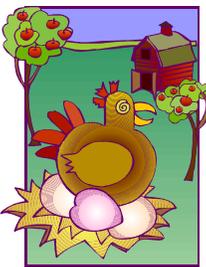
King County is sponsoring a war on poverty in the rural area. Anyone paying the slightest attention has undoubtedly noticed there are more than residential uses occurring on rural home sites. Trucks, equipment and materials used in a variety of trades are frequently observed.



Current regulations do not support rural activities associated with "family-wage jobs." King County does not want businesses to operate from residential properties if more than one non-resident is employed and/or if a vehicle capable of over 1 ton of capacity is kept on the lot.

Great hardship is being felt by some "busted" rural business owners while other competitive businesses remain open, but threatened. These trades and businesses are generally licensed by the state of Washington to do business on property zoned rural residential. Regardless of the fact rural land has been used in this manner for decades, you will no longer be able to support your family or your employees' families on the land you own as your father did.

Last year I asked the executive technical staff to look into this problem. Without hesitation, the reply from planning and technical staff was: The county should not legalize something which is inherently illegal. Evidently, **technical planning staff believes the rural area is messy and needs to be cleaned up.** Large-scale social engineering vis-à-vis zoning restrictions and soaring property taxes result in all the white eggs being separated from the brown eggs, and in your case, the ones which cannot be easily identified are discarded.



The Growth Management Act (GMA) requires protection of you, your rural lifestyle and the rural economy. Councilman David Irons is attempting to provide protection of rural family-wage incomes. During the 2001 update of the King County comprehensive plan, Irons

sponsored an amendment which requires a reluctant executive planning and technical staff to develop regulations in compliance with the GMA. By the end of this year [2001], new regulations are to be developed which better protect trades and businesses in the rural area.

The traditional rural lifestyle is not neat and tidy (sanitized). The GMA recognizes a healthy rural environment is virtually a Noah's Ark of things, people and experiences, and to function properly the rural area needs to be somewhat awkward by design. Existing development and design standards for rural trades and businesses do not comply with GMA and are internally conflicting with other county regulations and policies designed to foster and protect "rural character."

Traditional rural development makes a unique contribution to the King County's economy. In the Snoqualmie Valley, traditional rural land uses include: low density residential uses; farming, forestry and mineral extraction; small neighborhood churches; feed and grain stores; the keeping of horses and livestock; and businesses that are reliant upon the rural area and



support local needs for public and private facilities and utilities necessary to serve and support rural homes. Rural trades and businesses support numerous rural families. Rural family businesses support and patronize rural cities, towns and neighborhood businesses who provide services and shopping for rural families. Rural businesses and trades generate a significant amount of taxable revenue.

Left to its own devices, King County planning and technical staff will create a "rural legacy," which includes a park-like environment with massive residential development, large industrial complexes and natural-resource areas that generate an economy that leaves the rural area almost immediately. For entertainment and rural employment security, King County has been supporting local jobs at bed-and-breakfast inns, antique stores, golf courses, or at farms that have become tourist attractions, camps and retreats for bicycle-riding citizens who wish to enjoy a bucolic imitation countryside. Making beds, picking up, becoming a nanny, serving meals and/or shopkeeping is *not* the type of work generally observed in rural areas. It is not desirable for rural residents who need to finance families and pay the ever-rising property taxes to take jobs that pay entry-level wages.

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Gov't Threatens Rural Lifestyle (con't)

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Nothing changes in a vacuum. During the upcoming development of new regulations for rural trades and businesses, it is important for all of you who have a great deal at stake to provide input and support for this effort. **If you do not fight for the right to both live and work within the rural area, you may be ordered to close up shop and/or move your business.** David Irons will support your effort, however, a groundswell of support is needed to emphasize the issue. If none occurs, it will appear no problem exists, and one by one people will continue to be harassed and busted.

Are you a telephone call away from losing your family's income? It's happening. However, *you* can prevent it.



Legitimate business people should not be made to feel and/or act like criminals and/or social outcasts in the communities they support. The question to be addressed is simple: Is King County protecting traditional rural lifestyles, or building a new and improved suburbia? If you are concerned, get off the stick and don't be afraid. Any

information given will not be disclosed without your permission. Believe me, there is a high-tech family eager to help you move your double-wide and turn your outbuildings into a super pony-cart barn. These are the folks who are organizing, e-mailing the executive staff and setting policy for the "New Rural Order." Move it or lose it! Call (425) 222-5662.

Paul P. Carkeek is a consultant specializing in government operations, community and environmental defense, policy planning and land-use regulations and is a resident of the Snoqualmie Valley.

Vanity of Freedom (con't)

paying them. I looked at my title again, "free and clear" it said. Yet still there was this 500 pound gorilla at my door demanding, insisting, walking over my kingdom, tromping on my toil of a lifetime as though it was all meaningless.

I sit in my chair now, thinking of the struggle through those long years. Starting from the great war the denial of this luxury or that necessity, all so that I might possess a "kingdom" of my own. I remember and I am angry. I have been robbed of my life and I do not think I will get another. I sit and wonder if those bright, shiny-faced members of an absentee government really think they are serving anyone but themselves. I think of my dreams. My life. Wasted, I say, all wasted. Wasted pursuing a dream of freedom in a land of bureaucracy.



Vanity of Freedom In A Land of Bureaucracy

by Reggie Hopper

I want to talk about something different. Yes, flooding, erosion and fish are still important, still central, but there are other issues, human ones, caring ones.

We were put here or evolved here or appeared here, we, the humans, meaning all of us calling ourselves human. The salient facts about us is that we are sentient, thinking, aware beings and we are here. Our minds open up from darkness at an early age and our conscious existence begins. We store likes, dislikes, experience and we come to conclusions, beliefs, convictions.



I stand on the downhill side of a life that began in a great war. I grew up in a vigorous republic which I have watched slowly ebb into empire. But enough of politics and history, I wish to talk of things of the heart, the treasured things, the yearnings of a soul.

I long for a home and a land that I can call mine. Where I make the rules and decide who can come and who must go; who can touch and who cannot. My place, my home, my castle, it is a dream I have. It drove me through my life. It smoothed over the rough days when I had to bow and say, "yes, Master," even when I felt wronged; "thank you, Master," even when I felt cheated. But finally I accumulated enough to buy my own place.

My place would have fruit because I liked fruit. It would have trees because I liked trees. It would have cows, ducks and sheep because I liked those as well. And it would have water because without water none of the other is possible. I looked and found my place in May Valley. There was room for all those things and more. Best of all I could afford this place and so it became mine, or so I thought.



I checked the title, "free and clear," good and fine. I could have animals, good and fine. I could grow fruit, super! It had water, wonderful! And I signed the papers and I paid with my life's blood transferred into money and I moved in.

Alas, I found a competitor for my dream. There was a snake in the grass, a government that wanted my place. They did not want to pay for my place, no, no, they just wanted my place. They told me that they owned 200 feet away from the ditch. They told me I couldn't cut trees, dig holes, put up fences, even remove weeds without consulting and



Are We Worth Less Than Afghamis?

by Reggie Hopper

The week before last I opened my February 15th *Capital Press* and read the following on page 14. "During the Mesozoic era of geologic time, from about 230 million to 64 million years ago, much of what is now Montana was a coastal plain like the Mississippi delta region. When the sea levels rose the area was covered by a shallow sea: when they receded, plants and animals repopulated the land."

"Wow," I thought. Montana, a sea not once, but over and over again. Montana, a land of mountains 600 miles from the nearest sea and one mile straight up. What a flood that must have been. And no human to see it or blame for it, either.

I say "Wow," because I think of another time. A time when the Persians had conquered Athens at last and they thought they were hot stuff, lords of the heavens and the earth. The time was 480 BC and the victorious Persian king Xerxes had his throne set up on the seashore below the high tide. Then he sat in his throne, raised his royal septer, and commanded the seas not to come in. He got wet. A microcosm in time, a macrocosm. And what do they have in common? Things change, and we the humans cannot do much about it.

I read a lot of the current King County eco-literature about pre-European America, that is, the Northwest before 1850. I read it and for the main it says that there was an idyllic time in the Northwest, a time before the "others" came, a time when things were perfect. This time is set up as an ideal to strive for. That this date predates American settlement of the area is of no matter. The date could be 1906, or 1948, or 2002, August. The principle would remain the same. Things change, we cannot stop them. We cannot go back. So then, what to do? "Direct the events," you say, "channel them into a course that is beneficial for all." Brave words, these, imbued with good motives and noble sentiment. But what about the collateral damage?

Collateral damage. That is the unintended consequence. The cost of doing business in the violent realm of forced ideas. In the rural area the collateral damage is lives. Destroyed lives. People whose entire lives are devastated because their life savings are wiped out by down zones or sensitive area ordinances or urban separators. They lose a lifetime career and other things like that. These things, these human costs, are the collateral damage, the unintended consequences, of an eco-policy of rural cleansing. What happens to the older couple when you make their land worthless? What retirement options do

they have? You can bet you won't see them on a cruise ship or even a bus to Vegas. And what about the fifty-year-old logger, or mill worker, or farmer? Re-train him for McDonalds? Sure, that is a great plan.

You know, the problem of collateral damage, or unintended consequences, is not new. No, it is old; people have known for years what government is capable of doing. That's why they put in the "no taking of property without just compensation" clause. They put it in both the Bill of Rights for the nation and the Constitution of the state of Washington. This is a good thing. But it is ignored. One of the problems with good law is that it takes good men to enforce it. The rural folk of America are looking for the good folk. The good men who will champion their cause and stop the collateral damage. We cannot help but notice that in Afghanistan, when someone is affected by collateral damage, by unintended consequences, there are CIA men running around distributing money.

So now we sit in our valley, flooded because some Xerxes is trying to roll back the clock to an idyllic 1850 that never existed. A silliness that will be forgotten long before Montana floods again. And we the citizens of this valley are paying the heavy price of unintended consequences, the taking of our land, yet we are not receiving the just compensation that is our Constitutional right. We need help. We need a white knight to appear to set things right. Take our land if you must. Destroy our lives if you have to. But pay us for it.

The Agricultural Interest (con't)

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anything about it. All those whom Dante placed in the first pit or circle of the doleful regions, might have represented the agricultural interest in the present Parliament, or at quarter sessions, or at meetings of the farmers' friends, or anywhere else.

But that is not the question now. It is conspired against; and we have given a few proofs of the conspiracy, as they shine out of various classes engaged in it. An indictment against the whole manufacturing interest need not be longer, surely, than the indictment in the case of the Crown against O'Connell and others. Mr. Cobden may be taken as its representative--as indeed he is, by one consent already. There may be no evidence; but that is not required. A judge and jury are all that is needed. And the Government know where to find them, or they gain experience.

Recreating Wetlands

This news item is from Tony Rossiter of the State Ecology Department - Feb. 8, 2002

Creating or enhancing wetlands can work, if done right

OLYMPIA -- When a wetland is destroyed to make way for development, can its functions be re-created or replaced in another wetland? According to a new report, the answer is yes, but more often than not, projects intended to replace lost wetlands fail due to a lack of monitoring, maintenance and inspections.

The report also concludes that projects to enhance existing wetlands are doing a very poor job of compensating for wetland losses, but creating wetlands from scratch is doing better than expected.

In a two-phase study, the state Department of Ecology examined how well man-made ("mitigated") wetlands are working in Washington. The first phase evaluated whether 45 randomly selected projects followed their mitigation plans and met permit requirements. The second phase evaluated 24 projects to determine how ecologically successful they were and to what extent they replaced the functions of the wetlands that were lost.

In the first phase, the agencies found that attempts to implement plans were made 93 percent of the time, and 55 percent were constructed correctly. However, only 29 percent of the projects met all permit requirements. The second phase found that 46 percent of the projects were fully or moderately successful from an ecological standpoint - leaving 54 percent that were minimally successful or unsuccessful.

"Some will look at our statistical findings and say that mitigation is a failure, but a deeper analysis shows that wetland mitigation is more complex than that," said Andy McMillan, a wetlands specialist who led the study. "Some of the sites that failed to meet all permit requirements still provided ecological functions that adequately replaced what was lost."

The study also evaluated the factors that contributed to success and failure. Researchers concluded that, to be successful, projects must be inspected to ensure work is completed, and sites monitored over time so that problems can be caught and fixed.

McMillan said Ecology will work with developers, local governments and others who have a role in designing and constructing wetlands to develop new guidance on how to

design, construct, monitor and maintain mitigation sites. Another solution is already in the works. The Ecology Department is in the process of adopting a regulation that will establish criteria and a certification process for setting up "wetland mitigation banks."

Mitigation banking provides a way for local governments, developers or others to generate "credits" by restoring, creating, enhancing or preserving wetlands before they cause damage to an existing wetland. The credits can then be used by that party or sold to someone else to compensate for land-use activities that damage or eliminate wetlands.

"There's a lot of money being spent to compensate for lost wetland functions, and it's important to make sure they work," said McMillan. "Investing more time and energy into following up on mitigation sites and ensuring that they are constructed and maintained appropriately is the best way to achieve success."

An executive summary of the report, entitled "Washington State Wetland Mitigation Evaluation Study: Phase 2," is on the Internet at <http://www.ecy.wa.gov/programs/sea/mit-study> <<http://www.ecy.wa.gov/programs/sea/wetlan.html>>. Printed versions can be ordered from the state Department of Printing (360-753-6820); the cost is \$5.

Editor's note: Photos of wetland mitigation projects, reflecting various degrees of success and failure, can be seen on Ecology's Web site at <http://www.ecy.wa.gov/programs/sea/wetlan.html>.



Please patronize businesses that support MVEC.

Flood Festival 2002

Prizes, food and good company marked the first May Valley Flood Festival and Potluck, sponsored by MVEC. Held on Monday evening Feb. 11, the event was held at The May Valley Alliance Church, which also provided decorations in a Valentine's Day theme. The guest list included residents of



The room was full as everyone brought a dish to share; MVEC furnished glazed hams and fried chicken.



The highlights of the evening were the games: a "Do You Know May Valley" word matching contest, a "What Picture Is This" game, May Valley candy bingo and a penny-pitching contest. Prizes included chocolate



the May Valley Basin area, members of the 4 Creeks UAC, King County Councilmen David Irons and aide



King County Councilman David Irons



Council Aide Jeanette McKague



hearts, homemade decorated cookies, MVEC t-shirts and the biggest prize, a toy track-hoe.

Jeanette McKague, DNRP employee Glenn Evans, guest



Paul Carkeek, an "old-timers" table that included long-time valley resident Bill

Maranakas and friends, as well as members of MVEC.

Prizes were plentiful and were awarded to as many people as possible. Paul Carkeek won the penny pitching contest with his first throw and eagerly tried out the controls on his new track hoe.



The Agricultural Interest

by Charles Dickens

The present Government, having shown itself to be particularly clever in its management of Indictments for Conspiracy, cannot do better, we think (keeping in its administrative eye the pacification of some of its most influential and most unruly supporters), than indict the whole manufacturing interest of the country for a conspiracy against the agricultural interest. As the jury ought to be beyond impeachment, the panel might be chosen among the Duke of Buckingham's tenants, with the Duke of Buckingham himself as foreman; and, to the end that the country might be quite satisfied with the judge, and have ample security beforehand for his moderation and impartiality, it would be desirable, perhaps, to make such a slight change in the working of the law (a mere nothing to a Conservative Government, bent upon its end), as would enable the question to be tried before an Ecclesiastical Court, with the Bishop of Exeter presiding. The Attorney-General for Ireland, turning his sword into a ploughshare, might conduct the prosecution; and Mr. Cobden and the other traversers might adopt any ground of defence they chose, or prove or disprove anything they pleased, without being embarrassed by the least anxiety or doubt in reference to the verdict.

That the country in general is in a conspiracy against this sacred but unhappy agricultural interest, there can be no doubt. It is not alone within the walls of Covent Garden Theatre, or the Free Trade Hall at Manchester, or the Town Hall at Birmingham, that the cry "Repeal the Corn-laws!" is raised. It may be heard, moaning at night, through the straw-littered wards of Refuges for the Destitute; it may be read in the gaunt and famished faces which make our streets terrible; it is muttered in the thankful grace pronounced by haggard wretches over their felon fare in gaols; it is inscribed in dreadful characters upon the walls of Fever Hospitals; and may be plainly traced in every record of mortality. All of which proves, that there is a vast conspiracy afoot, against the unfortunate agricultural interest. They who run, even upon railroads, may read of this conspiracy. The old stage-coachman was a farmer's friend. He wore top-boots, understood cattle, fed his horses upon corn, and had a lively personal interest in malt. The engine-driver's garb, and sympathies, and tastes belong to the factory. His fustian dress, besmeared with coal-dust and begrimed with soot; his oily hands, his dirty face, his knowledge of machinery; all point him out as one devoted to the manufacturing interest. Fire and smoke, and red-hot cinders follow in his wake. He has no attachment to the soil, but travels on a road of iron, furnace wrought. His warning is not conveyed in the fine old Saxon dialect of our glorious forefathers, but in a fiendish yell. He never cries "ya-hip", with agricultural

lungs; but jerks forth a manufactured shriek from a brazen throat.

Where is the agricultural interest represented? From what phase of our social life has it not been driven, to the undue setting up of its false rival?

Are the police agricultural? The watchmen were. They wore woollen nightcaps to a man; they encouraged the growth of timber, by patriotically adhering to staves and rattles of immense size; they slept every night in boxes, which were but another form of the celebrated wooden walls of Old England; they never woke up till it was too late--in which respect you might have thought them very farmers. How is it with the police? Their buttons are made at Birmingham; a dozen of their truncheons would poorly furnish forth a watchman's staff; they have no wooden walls to repose between; and the crowns of their hats are plated with cast-iron.

Are the doctors agricultural? Let Messrs. Morison and Moat, of the Hygeian establishment at King's Cross, London, reply. Is it not, upon the constant showing of those gentlemen, an ascertained fact that the whole medical profession have united to depreciate the worth of the Universal Vegetable Medicines? And is this opposition to vegetables, and exaltation of steel and iron instead, on the part of the regular practitioners, capable of any interpretation but one? Is it not a distinct renouncement of the agricultural interest, and a setting up of the manufacturing interest instead?

Do the professors of the law at all fail in their truth to the beautiful maid whom they ought to adore? Inquire of the Attorney-General for Ireland. Inquire of that honourable and learned gentleman, whose last public act was to cast aside the grey goose-quill, an article of agricultural produce, and take up the pistol, which, under the system of percussion locks, has not even a flint to connect it with farming. Or put the question to a still higher legal functionary, who, on the same occasion, when he should have been a reed, inclining here and there, as adverse gales of evidence disposed him, was seen to be a manufactured image on the seat of Justice, cast by Power, in most impenetrable brass.

The world is too much with us in this manufacturing interest, early and late; that is the great complaint and the great truth. It is not so with the agricultural interest, or what passes by that name. It never thinks of the suffering world, or sees it, or cares to extend its knowledge of it; or, so long as it remains a world, cares

(Continued on page 8)



A Message from the President

We feel cautiously optimistic as King County proceeds from diplomacy to actual work on plans to clean obstructions from the ditch. The project engineer, Kathryn Neal, met with MVEC at our March 11 meeting and discussed the next steps that will lead to work on the ditch this summer during the fish window. Ms. Neal also listened attentively to residents concerns with the upcoming projects.

Two words come up in any meeting with County staff when discussing work on the ditch. The words are "restoration" and "mitigation." It is very difficult to get a handle on what King County thinks these words mean (other than, in order to restore we must mitigate) so I decided to see what Webster thinks.

Res-to-ra-tion — noun, **1**: an act of restoring or the condition of being restored as **a**: a bringing back to a former position or condition: REINSTATEMENT **b**: RESTITUTION **c**: a restoring to an unimpaired or improved condition **d**: the replacing of missing teeth or crowns, **2**: something that is restored, *especially* : a representation or reconstruction of the original form.

Mit-i-gate — mit-i-ga-tion — noun, **1**: to cause to become less harsh or hostile : mollify **2**: to make less severe or painful : ALLEVIATE.

MVEC is certainly all for restoration in the context of definitions 1a and 1c as long as the restoration is back to a time when we had use of our property and the fish run was abundant. If the regulatory hurdles are too large for the combined might of DNRP and DDES to leap, then 1b would be our last choice but one that would certainly be necessary.

Alleviating flooding in May Valley will certainly go a long way towards mollifying the residents. I think it is great that the County has finally gotten the message that they need to mitigate the harm that their one-size-fits-all rules and regulations have done to May Valley. As our valley becomes less harsh and hostile to the residents thereof we will be able to get on with the more productive aspects of our lives and restore our faith and trust in King County government.

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May Valley!

