

The mission of the Olympic Forest Coalition is promoting the protection, conservation and restoration of natural forest ecosystems and their processes on the Olympic Peninsula, including fish and wildlife habitat, and surrounding ecosystems.



**Olympic
Forest
Coalition**

Spring 2016

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We thank all our members and donors for their financial support. If you have not yet contributed, we hope you will become inspired to do so.

We are including a self-addressed envelope for your convenience or, if you prefer, you can donate to OFCO online on our website: olympicforest.org.



Connie Gallant

President's Column

Wild Olympics Progress

Here's a milestone: On April 21, for the first time since the Wild Olympics bill was introduced in 2012, the U.S. Senate Energy & Natural Resources Committee held a congressional hearing on it. This campaign has been in the making since late 2006.

Also during April, the campaign unveiled more than 100 new endorsements from local elected officials and businesses rallying in growing support for the Wild Olympics Wilderness and Wild & Scenic Rivers Act. The new endorsements add to the broad public demand for permanent protection of the Peninsula's clean water, ancient forests and salmon streams. The new additions bring the total number of local businesses, elected officials, faith leaders, sportsmen, and conservation and outdoor recreation groups to more than 550 endorsers.

The Act was introduced by Sen. Patty Murray and Rep. Derek Kilmer last spring to protect permanently more than 126,500 acres of Olympic National Forest as wilderness and 19 rivers and their major tributaries, a total of 464 river miles, as Wild and Scenic Rivers. If enacted, the legislation would designate the first new wilderness on Olympic National Forest in nearly three decades and the first-ever protected wild and scenic rivers on the Olympic Peninsula.



Going to Court for Clean Water

The Peninsula's forests have always been OFCO's primary concern. Protecting the aquatic ecosystem—the rivers, bays, streams, and creeks—is a big part of our mission. Just recently, for the first time in OFCO's history, we have filed a Clean Water Act lawsuit. Paul Kampmeier (of Kampmeier & Knudsen), representing OFCO, has filed a lawsuit against Coast Seafoods Company under Section 505 of the Clean Water Act, 33 U.S.C. § 1365, for alleged Clean Water Act violations. See Paul's article on page 4.

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And What's Up with the Navy?

We'd hoped to bring you final news on the Navy issue, but it looks like the saga will continue for some time. We recently learned that the Northwest Training and Testing Environmental Impact Statement will not be approved any time soon. The U.S. Fish and Wildlife Service's biological opinion on endangered species consultation still is not finished. Thus, the Navy has not been able to sign a final Record of Decision.

But new research is making this situation ever more troubling. Research by Truthout reporter Dahr Jamail suggests that the Navy has little interest in protecting endangered species, as required by law, if doing so might slow its plans.

Read Jamail's May 9 article at www.truthout.org/news/item/35954-exclusive-emails-reveal-navy-s-intent-to-break-law-threatening-endangered-wildlife.

And see Karen Sullivan's update on page 6.

And, by the way, we recently had an impromptu live demonstration: An OFCO board conference call was



disrupted briefly by a horrendous sound on the line. We were mystified until a board member in Port Townsend spoke up and

apologized for not muting her phone: a Growler jet had just flown over. We cannot even imagine what the decibel levels must've been for this ear-piercing sound.

Collaborating

The Olympic Peninsula Forest Collaborative continues making progress. We have evaluated proposed stands for pilot projects based on OFCO's restoration criteria. We have collected and reviewed maps, aerial photos, and stand information, organized field gear and maps, and conducted field work in several units. Several of our board members have been on field tours to inspect potential sites/units.

Late last fall, we met with Secretary of Agriculture Tom Vilsack and Representative Derek Kilmer to review the

progress of the Olympic Peninsula Forest Collaborative and economic development issues facing rural communities on the Olympic Peninsula. We also discussed the need for a collaborative coordinator and more staff for the Olympic National Forest and Adaptive Management Area research.



Rep. Kilmer will hold several collaborative public meetings throughout the Peninsula, including in Jefferson and Clallam Counties, later this summer.

See the article on page 5 by OFCO Collaborative representatives Jill Silver and Toby Thaler.

Please Help Grow the Bonnie Phillips Scholarship Fund

And, finally, please consider making a contribution to the scholarship fund we set up to honor the memory of our long-time director and friend, Bonnie Phillips, who died a year ago.

Contributions can be sent to: The Evergreen State College Foundation, 2700 Evergreen Pkwy NW, Olympia WA 98505-0001, Attn: Advancement. Please include "Bonnie Phillips Memorial Scholarship" in the memo line.

Looking Ahead:

Our ongoing projects, along with new ones, are lining up for 2016. We hope to engage with our membership on a wider spectrum of concerns for the future of the forests.

Thank you for your continued support and belief in our efforts!

"Sonic Sea" Debut in Port Townsend

The Olympic Forest Coalition and West Coast Action Alliance are honored to participate with other organizations in sponsoring a special screening of "Sonic Sea"—a new environmental documentary about harmful ocean noise pollution. It will debut on Monday, May 23, from 7–9 PM at Quimper Unitarian Universalist Fellowship (QUUF) in Port Townsend, 2333 San Juan Avenue. This eye-opening film reveals how noise from Navy sonar, drilling operations, and everyday vessel traffic adversely impacts whales and other sea life. A donation of \$10 is suggested at the door.

The Natural Resources Defense Council and Imaginary Forces produced "Sonic Sea" in association with the International Fund for Animal Welfare and Diamond Docs.

To learn more, please see olympicforest.org/wp-content/uploads/2016/05/SonicSea.pdf.

Olympic Experimental State Forest Landscape Planning News

by Marcy Golde

At this writing, the best available information is that the final Landscape Plan for the OESF will be released in late August. The Draft Environmental Impact Statement (DEIS) was released in 2010, and the Revised DEIS in 2013. The Dept. of Natural Resources (DNR) does not intend to take public comment on the Final EIS, or for the Landscape Plan. Both will be signed by DNR and go into effect two weeks after that.

We do not know what is in the plan, but we have been told that it will have a new alternative for Spotted Owl habitat, called the Pathway Alternative, with somewhat different management for each of the 11 OESF Landscapes, based on DNR's unreviewed Forest Estate Modeling program, and perhaps other undisclosed assumptions. It will use the new calculations of Northern Spotted Owl habitat, which we questioned in our 2013 comments, and probably will keep the same objectionable riparian management policies for widths of buffers and allowed practices in the riparian zone.

In 2013 OFCO submitted more than 150 pages of comments critiquing the Revised DEIS. When the final OESF Landscape Plan is adopted, OFCO may have as

little as 30 days to evaluate it and decide on our response. Stay tuned, as we will be back to you when we know more.

**Marbled Murrelet News—
It's All Process, Process, Process!**

by Marcy Golde

The Marbled Murrelet is a small seabird that nests on branches of big, old trees. It was listed as Threatened under the federal Endangered Species Act in 1992, and as Endangered worldwide on the IUCN Red List in 2012. The species has declined at an annual rate of 5.1% from 2001 to 2014 for the whole state of Washington.

The main news now is that little has changed in the process of finalizing DNR's protection plan—called the Long Term Conservation Strategy (LTCS)—as required in its Habitat Conservation Plan (HCP). The finalization of the plan continues at a glacial pace. The LTCS is the last piece of conservation policy for DNR's HCP, and it must also be approved by the U.S. Fish and Wildlife Service (USFWS). (No avoiding the alphabet soup, sorry.)

In 1997 DNR's HCP was signed and approved by USFWS and the National Marine Fisheries Service (NMFS). This HCP is a binding legal contract between DNR and the USFWS and NMFS. It recognized that too little was known about the Marbled Murrelet to allow the issuance of an Incidental Take Permit, so a five-step study plan was laid out. That plan was only partially completed by DNR; the study was marginally completed, but final management was never completed.

Let's look at the long history of trying to make a management plan. The original Scoping Hearings for the LTCS were held in 2006. In 2008 a technical report (called the Science Report) was issued by DNR, but was never adopted. That Science Report has been vigorously supported by USFWS. In 2011 or early 2012, DNR resumed active work on a plan with new scoping hearings in 2012.

After much prodding by the conservation community, the new Draft Alternatives were released in late 2015. Then, with blinding speed—giving us just two weeks to analyze and prepare a response—DNR's governing Board of Natural Resources (BNR) made its decision on the six Alternatives to be considered. Only one of these, based on the 2008 Science Report, offered significant increases in current protections. All of the others seem to

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reflect the financial needs of DNR: to keep cutting timber and thus earn 26% of the value of the logs, and meet the financial needs of the beneficiaries (public schools K through 12, 22 counties, the University of Washington, Washington State University, and the Governor), who are DNR's governing BNR.

So the fate of the murrelet on state-managed forest land will be decided by the beneficiaries who would lose future revenue to adequate murrelet protection, unless it is appealed.

The best timing estimates for the release of the DEIS analyzing the murrelet plan are for late fall of 2016, probably after the election. This release would be followed by public comments, then DNR's analysis of the comments, then a Final EIS, then the adoption of a policy for the protection of the Marbled Murrelet, first by the BNR and then by USFWS. There is a long way still to go. At the end, the USFWS's approval takes the form of a formal finding that the policy and plan will protect the Marbled Murrelet "to the maximum extent practicable."

That may not be good enough to earn our unqualified support, and we will be having our say at every step.

Will the murrelet survive? It is an uphill fight for the little seabird that nests in big, old trees. Who knows? But we'll keep fighting.

OFCO Files Clean Water Act Lawsuit Against Coast Seafoods Company

by Paul Kampmeier

In late January, the Olympic Forest Coalition filed a lawsuit against Coast Seafoods Company for alleged violations of the Clean Water Act. Coast operates an oyster hatchery facility on the shore of Quilcene Bay. OFCO's lawsuit alleges the facility is discharging pollutants from point sources—pipes, ditches and channels—and that such discharges are illegal because Coast does not have a National Pollutant Discharge Elimination System (NPDES) permit from the Washington Department of Ecology.

Coast claims to have increased its production of spat (baby oysters) from about 8 billion to 40 billion annually over the past 5 years, apparently creating much higher levels of effluent, including "oyster poop," to be discharged into the bay. Effluent from the facility has in the past included excessive amounts of ammonia nitrogen and suspended solids that OFCO believes is

creating problems for fish, shellfish, and diving birds such as Marbled Murrelets, loons, cormorants and grebes. There is also evidence that Coast sometimes discharges chemical wastes such as chlorine into the bay.

The primary goals of the lawsuit are to reduce pollution to Quilcene Bay by forcing Coast to obtain and then comply with an NPDES permit, and to ensure that citizens and the state of Washington can monitor pollution from the facility. OFCO has also asked the court to impose civil penalties for what OFCO views as extensive and ongoing violations of the Clean Water Act.

Coast moved to dismiss the lawsuit in February, asserting it is not required to have an NPDES permit because discharges from the facility are not from "point sources." According to Coast, an oyster hatchery is only a "point source" if it meets certain feeding and production criteria listed in an EPA regulation. Because the Coast Seafoods facility does not meet those feeding and production criteria, the argument goes, Coast is not a point source and so does not require a permit.



This picture of the Coast Seafoods facility shows many of the pipes, ditches and channels it uses to discharge effluent to Quilcene Bay.

OFCO argued in response that the discharges are plainly from point sources because the Clean Water Act itself defines pipes, ditches and channels as point sources; that neither the statute nor EPA regulations say anything whatsoever about exempting oyster hatchery facilities from the NPDES permit requirement; and that in any event the statutory definition of the term "point source" controls over any EPA regulation. Coast filed its reply brief March 18 and the parties now await a decision

from Judge Ronald Leighton of the U.S. District Court in Tacoma.

Kampmeier & Knutsen PLLC in Seattle, Washington, represents OFCO in the lawsuit.

Olympic Peninsula Forest Collaborative

by Jill Silver and Toby Thaler

OFCO's work with the Olympic National Forest (ONF) and representatives of the timber industry in the Olympic Forest Collaborative (OFC) continues. The collaborative was initiated with the support of the Peninsula's congressional representative, Derek Kilmer.

The purpose of the OFC is to provide increased timber to local mills while using environmentally focused and site-specific thinning prescriptions that have been shown to accelerate the development of more structured forests to provide better wildlife habitat and diversity. Research, along with timber and habitat growth models, suggests these goals can be met.

One of the pieces that's been important for OFCO is that all OFC-developed sales be "stewardship sales." A benefit of stewardship sales is that a portion of the timber sale receipts can be kept in the community to conduct habitat restoration and similar projects. OFCO also advocates for robust monitoring of these sales as an integral piece of the Collaborative's activities. Money for "good science" is hard to find, but the interest is high among the members of the Collaborative for incorporating validation, effectiveness, and long-term monitoring of these practices.

It takes time to find appropriate sites on the ONF where pilot thinning sales can be conducted. The first OFC thinning sale is called the H to Z Thin in the Soleduck watershed. Consulting forester Derek Churchill has worked well with all parties to identify potential sites and lay out a sale to which OFCO and the other members of the OFC can agree.

Our environmental partners include Jon Owen (Pew Trust), Dr. Thomas O'Keefe (American Whitewater), and Tom Uniack (Washington Wild).

Rep. Kilmer has been hosting meetings around the Peninsula to familiarize communities with the OFC. The first meeting was in Forks last fall, and the second was in Shelton in March. The next OFC public meeting was scheduled for May 9 in Aberdeen.

Contact toby@louploup.net or jillsilver@olympus.net for information if you are interested in attending meetings or have questions about the Collaborative. For more information: www.olympicforestcollaborative.org/ and www.fs.fed.us/restoration/Stewardship_Contracting/faqs.shtml

A Change in the Wind at DNR

by Marcy Golde

The recent news that Peter Goldmark will not be seeking another term as Public Lands Commissioner will have implications for the timing and ultimate outcome of both the OESF Landscape Plan and the Long Term Conservation Strategy for Marbled Murrelets across Western Washington.

If the DEIS on murrelets comes out before Goldmark leaves office, it could discourage his successor from going back to the drawing boards and wasting all of the efforts to date. That strategy deserves our support: the work will mostly be done and we can support a candidate who comes out and says "I like the alternative the most protective on murrelets." The same is true for the Long-Term Conservation Strategy on the OESF.

A couple of promising candidates to replace Goldmark have surfaced, and we should be very attentive to this race. And while we engage and advocate amidst the weeds of interacting bureaucracies and political contests, we should keep the larger picture in mind, and challenge our leaders (and candidates) to do so too.

A brand new scientific study has just affirmed something we have long known, or at least surmised, to be true: Our region's old-growth forests are way better than any engineered replacement at mitigating climate change. (We've always believed this to be so, and a study (<http://tinyurl.com/zckryz3>) by scientists from Oregon State University and the U.S. Forest Service, published in the April 2016 *Science Advances*, the journal of the American Association for the Advancement of Science, provides strong reinforcement.) The murrelet's survival is not unconnected with ours.

Military Plans for the Olympic Peninsula

by Karen Sullivan, OFCO member

The Navy still seeks to broaden Growler jet crew training on the Olympic Peninsula to include electromagnetic warfare exercises now conducted in Idaho. The training requires crews to pinpoint signals from mobile emitters that mimic enemy systems, stationed for up to 16 hours at any one of a dozen small sites on Forest Service land.

Recently published research (www.truth-out.org/news/item/35954-exclusive-emails-reveal-navy-s-intent-to-break-law-threatening-endangered-wildlife) by Truthout reporter Dahr Jamail reveals—disturbingly—that the Navy has been working to influence, ignore or circumvent endangered species protection measures.

Several years ago, the Navy secured short-term permits from the Forest Service for "feasibility checks" at 15 potential emitter sites in Olympic National Forest. Still pending are long-term use permits for the sites. The Navy's request has generated more than 3,000 official comments and tens of thousands of other comments and letters, mostly from concerned citizens. Navy officials have repeatedly said the system poses no threat to the public, despite scientific evidence to the contrary.

The Navy's apparent disregard for law and process is not new; in a March 7 piece in Truthout (www.truth-out.org/news/item/35111-exclusive-navy-secretly-conducting-electromagnetic-warfare-training-on-washington-roads), Jamail wrote: "Without public notification of any kind, the US Navy has secretly been conducting electromagnetic warfare testing and training on public roads in western Washington State for more than five years."

Does public opposition get results? Yes. The Army has withdrawn its request to use the North Cascades for combat helicopter landings due to public opposition. The Forest Service has pushed back the permit for the mobile emitters on Olympic National Forest roads by 21 months, for the same reason. As of May 10, 2016, the Navy still hasn't signed its final Record of Decision on the ocean-based part of its testing and training from the October 2015 EIS, because the Endangered Species Biological Opinion by the U.S. Fish and Wildlife Service is still not complete. The USFWS is keenly aware of public concerns, and this seven-month delay is unprecedented. The Navy also pushed back their Draft EIS on Growler jets to autumn, though no reason has been given. And on Sunday, May 1, resolutions opposing the Navy's and Forest Service's plans for an Electronic Warfare Range, highlighting their lack of

regard for public health and the environment, were passed at Democratic County Conventions in Jefferson, Clallam and San Juan Counties.

News media are picking up on the ethical and economical aspects of encroaching on public lands, waters and in skies over our communities (westcoastactionalliance.org/media/news-stories-2016).

Opposing unfair decisions by our government still works. All those letters to editors you've been writing, all the letters to politicians at national and local levels, all that sharing of posts on social media, plus comments on what few public documents we are allowed to comment on, and calls to the Navy's noise complaint hotline when the jets fly too low, are making a big difference. Thank you, and keep it up!

What else can you do? Sign up for the occasional alerts sent out by the West Coast Action Alliance (westcoastactionalliance.org/location). You can photo-document Navy jet incursions on public lands whenever you encounter them, especially when afterburners are being used, or when dogfighting (aerial combat) is going on. The Navy's EIS suggests a 244% increase in dogfighting coming soon, but if altitude minimums are being violated, they can be documented. Just record the image if you can, plus the time, date, your exact location, and a description of the noise/activity. Send this data to JetNoiseHurts@gmail.com. If pilots exceed minimum altitudes, we will report it to the FAA. Regardless, we intend to amass a database of incidents.

But remember, writing letters and comments remains one of the most powerful tools there is; words carry immense power, so please keep writing.

The Malheur NWR Armed Occupation, and the Push for Public Lands

by Lorna Smith

Bird song and peace have returned to Malheur National Wildlife Refuge in eastern Oregon and to the nearby town of Burns, but it's an uneasy peace that has left a community scarred, and public and cultural resources damaged. The armed militants left behind defiled federal records and computers, piles of garbage, human feces and scattered belongings. A road was plowed through a site containing relics sacred to the Paiute Tribe.

The surrender of the last four remaining militants on Feb. 11 brought to an end a 41-day occupation by armed, self-styled "patriots" led by the Bundy brothers, sons of



Nevada scofflaw and renegade rancher Cliven Bundy. The armed takeover kept federal employees from their jobs, closed local schools, caused the Paiute Tribe anguish over the fate of their sacred relics, and brought calamity and divisiveness to the once-peaceful town of Burns. The long wait and show of restraint by law enforcement, however, paid off in the end: only one life was lost.

The same night the final four surrendered, Cliven Bundy, patriarch of the Bundy family and leader of the 2012 armed standoff with the Bureau of Land Management (BLM) at the Bundy Ranch in Nevada, was arrested and taken into federal custody. He faces multiple serious charges for taking up arms against federal employees seeking to enforce a court order to confiscate Bundy's cattle for overdue grazing fees of over one million dollars.

Almost two years passed after that 2012 standoff, with no further attempt to take the cattle or evict the Bundys, leading them and their followers to believe they had "won" that confrontation with the federal government. Militia and "Sovereign Citizen" organizations across the West and South celebrated what they were sure would be the first of many victories in a shadowy clandestine rebellion to take over the American government and return control of federal lands to the "people."

How did this group of Nevadan lawbreakers end up taking over a bird refuge in southeast Oregon? It started as a peaceful protest organized by the Burns community against the resentencing of a local father and son, the Hammonds, following their conviction for arson on federal lands. A local judge sympathetic to the family at first ordered a lighter sentence, but a federal court of appeals overrode that decision, imposing more prison time in accordance with federal minimum sentencing requirements. As a result, the Hammonds were headed back to prison, and friends and family organized a local protest over the severity of the punishment.

The Bundys saw this as an opportunity to make hay and hoped to turn local anger into support for disavowing the federal government's right to own or manage lands, including Malheur National Wildlife Refuge. Fortunately, that local support never materialized, and the Burns community called on the armed occupiers to leave.

It's worth noting that the Bundys apparently were unaware that the citizens of Harney County—encompassing the town of Burns, the Malheur Refuge and other federal lands—had for several years been

engaged in a community process on natural resource management, a process that included farmers, ranchers, conservationists and natural resource management agencies. The process has been held up as a model for resolving local resource conflicts and many locals were justifiably proud of the effort.

In early January, following the peaceful community protest on behalf of the Hammonds, the Bundys and their heavily armed out-of-state followers headed out to the Refuge and took possession, at a time when federal employees were largely absent. Meanwhile, the Hammond family declined the help of the outside armed militia. In a wise move, their lawyer had already negotiated a plea deal and they had agreed to return to prison, with credit given for time already served.

Fast-forward to the middle of April: Cliven Bundy and five of his sons, and more than 20 others, have all been arrested and most are in federal prison, charged with federal crimes that could put them away for the better part of their lives related to the Bundy Ranch BLM armed standoff in 2012 in Nevada, as well as the Malheur takeover of 2016.

Even with the Bundys behind bars, it would be a mistake to think opposition to public lands has abated. The Sagebrush Rebellion of the '70s and '80s is very much alive. The federal government owns 47 percent of the 11 western states, and much of that is already open to logging, mining and grazing. Nevertheless, the Senate recently passed a budget amendment sponsored by Sen. Lisa Murkowski (R-Alaska) to create a fund for sale or transfer of federal lands to states. Sen. Ted Cruz (R-Texas) has proposed to limit federal government ownership of land in any state to 50 percent.

The Malheur takeover was a wake-up call. A number of sportsmen's groups, conservationists, businesses and veterans groups are speaking up in defense of public lands. During the occupation of Malheur, thousands of activists gathered in cities across the West, including Seattle, to show support for federal ownership and control of public lands and their resources, and choruses of Woody Guthrie's "This Land Is Your Land" rang out at rally after rally. This issue requires vigilance on the part of all of us who care about keeping public lands available for wildlife, recreation and the health of future generations.

Footnote: Malheur NWR has reopened and is hoping that lots of birders and nature-lovers will come and visit this spring!

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