



WASHINGTON STATE

VOTER

Spring 2006
Vol. 47 No. 4

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Barbara Seitle, President
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Eastern Washington Water Issues

Alice Stolz, LWV/Spokane Area

There are currently some 27 water issues being addressed in this region. Many are related to the Spokane Valley-Rathdrum Prairie aquifer and the Spokane River.

Discovered in 1895, the Spokane Valley-Rathdrum Prairie aquifer begins in Idaho between Spirit Lake and the south end of Lake Pend Oreille. It flows south to Rathdrum Prairie, then turns west into Washington to downtown Spokane where it turns north and discharges into the Little Spokane River through springs. Spokane River water flows to and from the aquifer.

Covering 322 square miles in two states, the aquifer is one of the most productive aquifers in the United States and supplies drinking water to about 500,000 people.

In 2002, new water rights requests were being made to pump millions of gallons a day from the aquifer. This is also a time of rapid growth in both Kootenai and Spokane Counties. Agencies and citizens became concerned about granting such large water rights without regard for aquifer sustainability.

They also realized that very soon conflict could arise about how the two states allocated water from the Spokane River. To develop a management plan that both states could agree on, more information was needed about the quantity of water available and how the aquifer works.

Begun in 2002, the Aquifer Study is a cooperative effort between the states of Washington and Idaho and the US Geological Service (USGS). They are working to determine science-based information on the quantity, quality, and recharge capability of the aquifer plus modeling to predict changes. The study is expected to be finalized by late 2007.

Watershed Planning began in 1999 after the passage of HB 2514 Watershed Planning Act in 1998. The Washington State Legislature provides funding each year to help local governments and organizations study to determine the amount of water currently available, and develop a plan.

Spokane County has six watersheds (recharge areas) in common with adjacent counties, requiring joint planning and respective county commissioner approval. Watershed management plans for three Water Resource Inventory Areas (WRIA) have been approved. Another has just begun. WRIA 34 Palouse River is in draft. The Palouse River is near Medical Lake, Turnbull Refuge, Moscow, and Pullman, and drains into the Snake River.

Continued on page 4

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2005-2007**

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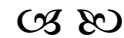
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UPCOMING EVENTS

June 2-4 LWVWA Council, Ellensburg, WA

June 10-13 LWVUS Convention, Minneapolis, MN



BOARD SPLINTERS for Spring

- Good In Government event went very well and was well received. LWVUS President Kay Maxwell sent a note of appreciation. The estimated net profit is \$6,000. It was noted that without the help of the Snohomish County League, it would have been very difficult to make the event successful.
- Lonnie Johns-Brown's years of experience as a lobbyist were very beneficial to the lobby team efforts for this session.
- We still need an Action portfolio chair, Voters Service portfolio chair and *VOTER* Editor
- Approved to transfer the Washington News Service from the C4 (LWVWA) to the C3 (LWVWA Ed Fund). It is hoped that local Leagues will use their Ed Fund accounts for WNS support.
- TSWI new brochures have been sent out to League members. Help is needed to get them into libraries. There will be a big push between now and May to sell to school districts.
- Voted to oppose I-933 ("Takings Initiative") and join the Community Protection Coalition. (See article in this issue.)
- Voted to support Initiative 937 known as The Clean Energy Initiative.
- State Council themes will be membership/leadership and fundraising. (See **Early Bird Registration form** on back page of this issue.)

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. Any person of voting age, male or female, may become a League member.

The *Washington State VOTER* is published quarterly by the League of Women Voters of Washington, 4710 University Way N.E., Suite #214, Seattle, WA 98105. Yearly subscription is \$10.00. Members of the League of Women Voters of Washington subscribe through their annual dues. Call 206-622-8961 for a local League in your area.

Send address changes to the League of Women Voters of Washington, 4710 University Way NE, Suite #214, Seattle, WA 98105.

PRESIDENT'S MESSAGE

Am I excited? You bet! Just look at the latest *Legislative Newsletter* (#9) and what you and our team helped to accomplish in this last session. Bills we supported on education, early learning, the environment, health care, children's issues, transportation, alternative energy passed. All on the Governor's desk waiting for her signature. Congratulations to the Lobby Team and to Marilyn Johnston who coordinated all the effort. Thanks to Laura McCarty for the excellent newsletter that kept us all up to date, and a special thank you to all of you who responded to the Action Alerts. Catch the excitement and think about joining the team for the next session. We did make a difference!

Council is a great time for League leaders to connect with each other and with the LWVWA Board. Get to know your fellow local League activists and share some of your success and challenges. Council this year is scheduled for the weekend of June 3 and 4 at Central Washington University in Ellensburg. The focus of the program will be membership recruitment and retention, including our diversity toolkit, fundraising and leadership. We will have some presentations, but Council is really geared to be an interactive program. The LWVWA Board meeting will convene the evening of the 2nd and anyone who wishes to come early to attend is more than welcome. Call to Council will be out by mid April, but you can reserve your spot early by filling out the registration form on page 8 of the *VOTER*. We look forward to seeing you June 3rd!

The 47th National Convention of the League of Women Voters, "Meeting in the Middle", convenes in Minneapolis June 10-13. We hope each League will be represented by at least one delegate; better yet, will fill its quota. The program of Convention is very important, but connecting with your National organization may be the best reason of all to go. They need to hear from us as much as we need to learn from them. Meeting and working with delegates from other states is another wonderful League experience. Let us know how many delegates will attend.

Barbara Seitle
bseitle@whidbey.com

2006 Environmental Legislative Priorities- Batting 750!

This has been a very good year for the environmental legislative priorities: 3 out of 4 passed! The three are:

Biofuels.

All diesel fuel and gasoline sold in our state must have a 2-2.5% biofuel content within the next 2-3 years. NR portfolio chairs Toni Potter (Energy), Donna Ewing and Sue Minahan (Global Climate Change) were the LWVWA leads on this legislation.

Electronic waste.

A recycling system for TVs, computers and monitors is set up, a system that is free to the person or entity returning the E-waste and paid for by the manufacturers. NR chair Elizabeth Davis was the LWVWA lead on this.

Septic systems.

This Puget Sound clean water bill requires all jurisdictions bordering Puget Sound and the Hood Canal to adopt plans for addressing pollution arising from failing septic systems; additional budget legislation provides funds to enable property owners to repair or replace such failing systems. NR portfolio chair Ann Aagaard (Shorelines, Wetlands) was the LWVWA lead on this.

The priority legislation that did not pass is the phase-out of the toxic flame retardants known as PBDEs. NR chair Elizabeth Davis was the LWVWA lead on this.

Defending Land Protections.

We defended well. All of the bad bills that would have rolled back important provisions of the Growth Management Act were defeated. There were also some successful bills that addressed some long-standing growth management issues. NR portfolio chair Ann Aagaard (Shorelines, Wetlands) was the LWVWA lead on this.

To all of you who contacted your legislators in support of these outstanding pieces of legislation, THANK YOU!

Eastern Washington Water Issues, continued

Idaho's Rathdrum Prairie Groundwater Management Plan was approved in September 2005.

Water Quality issues have also become more urgent. In the 1970's people realized that the aquifer was vulnerable to contamination because of its permeable boulders, gravel, sands, and soil. After the 1977 bi-state 208 Study the Environmental Protection Agency designated the aquifer as a sole source aquifer under the Clean Water Act, which increased public awareness, and supported special management practices by local agencies to protect water quality.

Monitoring of aquifer water began in the City of Spokane in 1908. Since 1977 Spokane County and the Panhandle Health District monitor about 78 wells. Human activities over the aquifer carry contaminants originating as stormwater, septic tank leachate, fertilizer leachate, leaking underground storage tanks, industrial site spills, and other sources that percolate downward to the aquifer.

Studies from the 1980s indicated that 60% of the pollution reaching the aquifer came from septic systems. In 1985, the peak year of nitrate degradation, a major effort on both sides of the state line was initiated to reduce the number of septic systems by sewerage. Nitrates and other contaminants in the aquifer are decreasing despite significant population increases.

Over 20 years ago, the Legislature allowed Spokane County to impose an aquifer protection fee to help pay for sewerage and related activities. Two North Idaho legislators are seeking similar legislation.

The Coeur d'Alene Basin cleanup of mining wastes has a troubled history, from early resistance to EPA inspection to resistance of Superfund designation and cleanup plans. In 1982, the EPA used Superfund authority to start the process of protecting the Coeur d'Alene watershed from mine waste. According to Superfund law, EPA can chase pollutants to where they spread.

After much contention, EPA's 2002 "Record of Decision" (plan) called for a 30 year, \$359 million expanded cleanup from Mullen, ID, to Lake Roosevelt, WA. A letter of concurrence was signed

by Washington, Coeur d'Alene and Spokane Indian Tribes, and finally, Idaho. The plan called for a locally prepared lake management plan. After some struggling, the Basin Environmental Improvement Act Commission was formed in 2002, with one non-voting seat for Washington. Washington Director of Ecology, Jay Manning, fills that seat.

Washington's efforts will be primarily cleanup of "hot spots" in recreational and aquatic habitats, as well as behind Upriver Dam where sediments containing heavy metal accumulate. In 2000-2001, fish consumption advisories for the Spokane River were issued because of lead and PCB's (polychlorinated biphenyls) above Upriver Dam.

The Total Maximum Daily Load study began in 1998, but was delayed while dischargers challenged the science behind the TMDL plan. The plan considers these problems: biological oxygen demand to ensure enough dissolved oxygen is available for fish in Lake Spokane (Long Lake); excess phosphorus from a variety of sources that fertilize algae and other plants (as they decompose, they use up oxygen, putting aquatic life at risk); dissolved metals from Idaho (part of Superfund plan), and PCB's from several point sources that historically used PCB's in their operations.

Phosphorus amounts are at issue. The plan would not allow the proposed county treatment plant to discharge into the river. Dischargers (counties, cities, industry) cite redesign and other costs to meet TMDL required levels. Dischargers and others asked for a more collaborative approach to address alternatives and implementation. The Spokane River TMDL Collaboration is co-chaired by Dave Peeler, Ecology Water Quality program manager, and Todd Mielke, Spokane County Commissioner.

One initiative that has drawn all segments together is the County's proposal to ban phosphates in dishwasher detergents and fertilizers in the county. Taking it a step further, the 2006 Legislature passed HB 2322 to ban phosphates in household dishwasher detergents statewide, although incrementally.

To the north, Lake Roosevelt is polluted with lead, cadmium, and other heavy metals from effluent discharged by Teck Cominco Ltd., a large

lead and zinc smelter across the border in Canada, according to a 2005 report by the US Geological Survey (USGS). EPA is now studying the effects on humans and the environment from slag dumped into the Columbia River until the mid-1990s.

The Colville Confederated Indian Tribes sought an EPA Study six years ago. EPA asked Teck Cominco to fund it; Teck Cominco said no, it was not subject to US law. The Colvilles sued the company in July 2004 for failure to comply with the clean-up order, and the State of Washington joined the suit in September. The dispute is now in the hands of the United States and Canadian governments.

Resources

2004 Aquifer Atlas www.spokaneaquifer.org/educationpage

Washington Department of Ecology brochures: Environmental Improvements on the Spokane River www.ecy.wa.gov/programs/wq/tmdl/inde.html and The Rathdrum-Spokane Aquifer Study www.idwr.state.id.us/hydrologic/projects/svrp/

Spokane River Dialogues www.spokesmanreview.com/sections/riverdialogues

Spokane River Currents www.columbiariverkeeper.org

LWV Spokane Area *Voter*, March 2005, February 2006, April 2006 www.lwvwa.org/Spokane



-LWVWA BOARD ENDORSES ENERGY INITIATIVE-

The state League Board has endorsed I-937, the Clean Energy/Security Initiative. This initiative requires that utility companies serving more than 25,000 customers in Washington must have 15% of their energy production come from renewable resources by 2020. Renewable resources include wind, solar, geothermal, landfill gas, wave/ocean/tidal power, biodiesel, and biomass among other resources. For more information, please contact the campaign, Washingtonians for Energy Security, 206.283.3335, www.energysecuritynow.org.



-LWV/Thurston County Member Honored-

Margie Reeves, LWV/Thurston County was honored recently for her “leadership on community issues” at the United Way of Thurston County's annual luncheon at Saint Martin's University. 200 people attended the event.

Margie, 81, was given the Gladys Burns Human Services Award, which also recognized her as an “advocate for young children”.

She was honored for her work in early education. She is a former instructor with Head Start — a federal program for preschool children — and a former instructor at South Puget Sound Community College. *Congratulations, Margie!*

LWVWA BOARD VOTES TO OPPOSE I-933

At its meeting on March 10, the LWVWA Board of Directors voted unanimously to oppose Initiative 933, the so-called takings initiative.

Initiative 933

Depending on your point of view, this initiative is called the “Property Fairness Initiative” (name its supporters give it), the “Irresponsible Developers’ Initiative” (name the initiative’s opponents give it), or the more neutral “Takings Initiative”, a reference to the so-called “takings” clauses of the U.S. and Washington Constitutions.

What Is the “Takings” clause?

The term comes from the final clause of the Fifth Amendment to the Constitution of the United States, which reads: “nor shall private property be taken for public use without just compensation.” Washington State has a similar clause in Section 16 of Article I of the state Constitution: “No private property shall be taken or damaged for public or private use without just compensation having been first made....”

A Bit of League History

Based upon our land use positions, LWVWA has strongly supported the Growth Management Act since its inception in 1991. League was a leader in the successful effort to force Initiative I-164 (an earlier “takings” initiative in 1995 that was approved by the Legislature) to be put to a public vote. League worked hard, and successfully, to defeat I-164, which had been renamed Referendum 48 in 1995.

Oregon’s Measure 37

In November 2004 Oregon passed Measure 37. M37 contains the following takings provisions: “If a public entity enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of this amendment that restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation. Just compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the owner makes written demand for compensation under this act.” In lieu of paying compensation, the public entity may waive the applicable regulation as to that affected property owner. This provision gives the name “pay or waive” to the initiative.

2005 LWVWA Action

With Referendum 48 and Measure 37 in mind, and knowing that a similar measure was planned to be filed in Washington, the LWVWA Board passed a motion at its September 2005 meeting that put League on record as opposing any initiative that was substantially similar to Washington’s Referendum 48 and/or Oregon’s Measure 37 and reserving the right to review our position when such an initiative was filed. The key element of both measures is the requirement to pay compensation for any reduced value due to regulation or waive the regulation.

2006 Takings Initiative Filed

The Farm Bureau had been publicly discussing its intent to file a takings initiative, similar to Measure 37 in Oregon for more than a year before it finally filed I-933 in February this year. I-933 contains the following takings provisions:

“An agency that decides to enforce or apply any ordinance, regulation or rule to private property that would result in damaging the use or value of private property shall first pay the property owner compensation as defined in Section 2 of this Act. This section shall not be construed to limit agencies’ ability to waive, or issue variances from, other legal requirements.” Private property is defined broadly as “all real and personal property

interests protected by the Fifth Amendment to the United States Constitution or Article I, Section 16 of the Washington Constitution owned by a non-governmental entity, including, but not limited to, any interest in land, buildings, crops, livestock, and mineral and water rights.” Compensation is defined in part as “remuneration equal to the amount the fair market value of the affected property has been decreased by the application or enforcement of the ordinance, regulation or rule.”

2006 League Action

In late February the LWVWA Board voted to join as a petitioner to the Thurston County Superior Court requesting that the ballot title for I-933 be re-written to give a more objective and accurate description of what is really set forth in the initiative. The other initial petitioners were: Alan Soicher, Whatcom County voter/forest manager and member of the Washington Forest Practices Board; and William Stratton, Kitsap County voter and wetlands owner. Subsequent to that filing, three other entities joined as petitioners: Association of Washington Cities, Black Hills Audubon, and Washington Environmental Council.

The petition was heard March 15 in Thurston County Superior Court. Thurston County Superior Court Judge Hicks made minor changes to the ballot title for Initiative 933, but kept the bulk of the misleading ballot title intact. Although the law is very clear in its intent that the Thurston County Superior Court has the final say regarding ballot title challenges, we decided to appeal to the State Supreme Court. The Court agreed to “exercise its inherent power of review to determine if the trial court’s decision is arbitrary, capricious or contrary to law”. The petition will be considered April 6.

The State We’re In: Washington Update

The League’s Civic Education Project that includes this book and its companion teaching materials is moving into classrooms across the state thanks to the hard work of many League members. Teachers and curriculum directors are claiming that it is the tool they need because it is focused completely on governments within Washington and includes current and historic tribal culture and government. Students are drawn into the compelling text through the interesting graphics and sidebars.

While enthusiasm runs high, school funding does not. Close to 6000 books have been placed and other schools want the material but have no financial resources. So, not only do we need to reach out to teachers and to curriculum directors, we need to raise money.

We are reaching more schools through direct contact, special mailings, placement of articles in newsletters of school administrator and teacher organizations. Local Leagues are managing vendor tables at the state wide Social Studies teachers’ conference in Chelan, the state Indian education conference in Pullman and the State Library Association conference in Tacoma this spring.

Many League members deserve special thanks. While we cannot name them all we especially recognize Peggy Saari, Alexandra Pye, Sandy Paine, Becky Scholes, Janet Chalupnik, and Julia Solberg for their many hours of work. Their school contacts led to the successful placement of books in classrooms and major responsibility for very large orders from Spokane and Yakima school districts. LWV Kitsap is busy posting our information onto the OSPI website and raising money to place books into their schools. LWV Thurston has placed sets in four school districts. Many other members have made donations toward placement of more books. We are grateful to each of you and we hope you can assist in sustaining this effort a few more months.

Money from the Puyallup Tribe helped with publishing expenses. A grant from the Tulalip Tribe allows the placement of 10 classroom sets in Snohomish County. A Microsoft Corporation gift allowed us to place 40 classroom sets in Seattle, Spokane, Yakima and Toppenish for students where more than 51% qualify for the federal school lunch program (the current measure of poverty used by the Office of the Superintendent of Schools).

While all of these efforts are underway, we are also working on more grant proposals so that we can continue to place these wonderful materials into the hands of our students. What better way to invest in democracy?

Karen Verrill, Project Manager, gokar1@comcast.net

Council 2006 Early Bird Registration

June 2-4

Munson Conference Center, Central Washington University, Ellensburg, WA

Name _____

League _____ *Check here if coming as an Observer*

Address _____

City _____ State _____ Zip _____

Roommate Choice _____

Phone _____ email _____

REGISTRATION fee required:\$20.00**CONFERENCE PACKAGES****The Full Package** is \$152.00 per person based on double occupancy. This package includes Saturday breakfast, lunch and dinner, Sunday breakfast and lodging for two nights (per person based on double occupancy).\$152.00**The Commuter Package** is \$105.00 per person.

This package includes Saturday breakfast, lunch and dinner and Sunday breakfast.

\$105.00**MEALS:** Breakfasts are continental. Lunch is buffet. Dinner is "chef's choice".Please check here for **vegetarian** option**TOTAL PAYMENT ENCLOSED**

\$ _____

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