

# Protect the Peninsula's Future Newsletter—2020

## Our Annual Meeting—Online: Thursday, November 12



Due to the current pandemic, PPF's 2020 Annual Meeting will take place online via Zoom at 7 p.m. on November 12. It will include a presentation by Steve Koehler on the birds of the Dungeness National Wildlife Refuge. ***Please send an email address to [steve@stevekoehler.com](mailto:steve@stevekoehler.com) to receive the link to attend the meeting.***

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## PPF's 47th Year—Steve Koehler

This year has been like no other. Though PPF's board has been meeting online and via teleconference since March, we are still engaged in defending the community. Major issues have included a proposed industrial shellfish operation within the Dungeness National Wildlife Refuge, and examining compliance with stream buffer ordinances. We are also monitoring 5G implementation, WA State Parks proposal to develop the Miller Peninsula State Park, and Clallam County's new mining codes. We welcome participation at whatever level and capacity individuals and families can manage. All PPF work is undertaken by volunteers. We thank our members, and the greater community, for continued support.

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## When Is a Local Wildlife Refuge No Longer a "Refuge"?

—Janet Marx & Darlene Schanfald

The Dungeness National Wildlife Refuge is being threatened by an attempt to establish a 34-acre, industrial oyster-shellfish operation within the Refuge, and in the most sensitive mud flat feeding grounds for certain Refuge birds.

The Refuge is a unique area established in 1903 and intended as a refuge where human activities do not interfere with a wildlife-rich, natural environment. The site hosts more than 250 species of birds—migrating, nesting and resident birds. Sand lance, smelt and herring that spawn in the vicinity are critical forage species for the birds and endangered salmon. The many visitors to this popular destination have restricted access in order to protect this rich avian and marine life. A commercial shellfish operation is a misuse of this publicly financed Refuge.

The Clallam County Department of Community Development (DCD), the first level of approval, received the Applicant's—Jamestown S'Klallam Tribe (JST)—final proposal in 2018. This initiated a long and complicated review process. On February 6, 2020, the Clallam County Hearings Examiner issued a final decision allowing 80,000 chemically treated plastic bags to be laid on the sediment benthic life ("bottom bags"). He ruled that the operation be established in three phases. Phase 1 includes five acres of bag cultivation totaling 20,000 bags. Phase 2 will increase cultivation to 10 acres with 40,000 bags and Phase 3 will increase cultivation up to the original 20 acres with 80,000 bags.

Throughout the process PPF, other organizations and numerous individuals concerned for the health of the Refuge made comments opposing the project. Nevertheless, the County approval was upheld

by the Washington Department of Ecology (WADOE) Shoreline Permitting Division and, additionally, allowed the oysters to fully grow out on 29 acres of the Refuge beach.



***Above: Oyster bags—similar to what's proposed for the Refuge***

The next step in the approval process was a review by the US Army Corps of Engineers (USACE) and the WADOE. On April 30, these two agencies issued a Joint Public Notice for the JST proposed Industrial oyster project. The permit application only includes using 5 acres of bag cultivation (Phase 1) and 29 acres of oyster grow-out. Modifications or expansion of the proposed work would require additional permitting.

The comment period ended on May 30. During the comment period, PPF kept in touch with interested local and national individuals and organizations that resulted in most of the 136 public comments in response to the USACE-WADOE Joint Public Notice. Additionally, PPF created a special webpage addressing the oyster issues and financed a migratory bird study to include with PPF comments to the agencies. <http://www.protectpeninsulafuture.org/dungeness-refuge-alert/>

We are now waiting for the USACE and the WADOE decisions. One of the USACE criteria will be for the JST to reason why it cannot do this project elsewhere from this considered “special area”—the Dungeness National Wildlife Refuge. The JST has oyster sites in Blyn, John Wayne Marina, Quilcene’s Dabob Bay, and may propose an oyster project in the boat dock of the Port Townsend Hudson Bay Harbor.

PPF is accepting **donations** dedicated to this issue for its public outreach and information work and potential legal assistance that may be needed. The donation page can be found at: [http://www.protectpeninsulafuture.org/dungeness-refuge-alert/work in progress](http://www.protectpeninsulafuture.org/dungeness-refuge-alert/work%20in%20progress).

On another shellfish matter, in 2019, the western Federal Appellate Court in Seattle ruled that the USACE, at least for WA State, could no longer issue general permits for shellfish operations (Nationwide Permit 48). Each applicant now must apply for an individual permit and these would likely allow for public input per site. The permittee would have to fully disclose the environmental impacts that could result from its operation. (This will not affect the Refuge application as the JST applied under an individual permit.) However, due to the Covid-19 pandemic and the industry’s financial losses, the judge allowed one more shellfish planting under the general permits if plantings were begun by the end of 2020.

The case was brought by the Coalition to Protect Puget Sound and Center For Food Safety. The defendant was the USACE. Throughout the court decision, the damage from these shellfish operations was cited and convinced the judge of the environmental harm that is ongoing. [http://coalitiontoprotectpugetsoundhabitat.org/wp-content/uploads/2018/02/2017-8-10-Complaint\\_Final.pdf](http://coalitiontoprotectpugetsoundhabitat.org/wp-content/uploads/2018/02/2017-8-10-Complaint_Final.pdf)

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## **Summary Report: Attending Dungeness River Management Team (DRMT)**

—Judy Larson & Tony Corrado, PPF Delegate & Alternate

During these COVID times, the DRMT meetings, typically scheduled for 2-5pm on the 2<sup>nd</sup> Wednesday of each month, have had cancellations. When meetings have been held, the sessions have been conducted by ZOOM for which Tony, but not Judy has participated. At these sessions, knowledgeable presenters are still able to share information about topics relevant to our WRIA 18 watershed. The meeting agendas and minutes, plus other valuable resource materials/reference links are available on the DRMT website: <http://tinyurl.com/DRMTweb>. Shawn Hines, a JSKT Watershed Planner, continues to coordinate the meetings and may be able to answer questions about DRMT website materials; her contact information is: 360.681.4664 or [shines@jamestowntribe.org](mailto:shines@jamestowntribe.org).




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## **5G Issue & Pertinent Charter Review Commission Efforts Recommending a Clallam County Ordinance—Tony Corrado**

Tony Corrado has been functioning as an elected commissioner for the Charter Review Commission (CRC) since 2020. The CRC has recommended that a letter be delivered to the BOCC for consideration of an ordinance regarding the implementation and expansion of 5G in Clallam County. 5G has a direct impact on our environment both by harming or killing the flora and fauna, as well as each tower transmitter causing direct heating effects on the atmosphere. Europe is witnessing a growing movement to ban its implementation. The city of Napa, CA has successfully adjudicated a legal challenge, and received a ruling requiring the industry and FCC to comply with the National Environmental Protection Act (NEPA), which is precisely the argument presented in the CRC letter to the BOCC. Following are some of the details to be included in a presentation that will be given to the BOCC at their next working session.

### **What is 5G? Why are so many people, municipalities and counties against it? —Tony Corrado**

The reason people are concerned is that 5G is not what the majority of people think it is. It is not just faster phones or Internet. It is not just a single frequency. It is an onslaught of new radio frequency exposures and power levels that have never been used before except for military and spy applications. It is a technological rollout that is concerning because it ignores international, peer reviewed scientific studies that overwhelmingly prove that the frequencies and power levels are not just harmful, but actually toxic. The technology not only damages people, but also introduces gigawatts of heating to our atmosphere causing horrific local and global effects on the climate change conditions,



which are (perhaps irreversibly) occurring. It is toxic to not just people, but animals, insects and even plants.

There is no single frequency of concern because 5G ranges from 800 MHz (smart meters) through the commonly utilized 2.45 GHz (Wifi, Bluetooth, Fitbit) up to 300 GHz. It includes 3, 4, and 5G phones, commercial/industrial/security communications, smart car sensors, body scanners, weapons and satellite use. Over 60,000 satellites are currently approved and up to 45,000,000



**Above: 5G antenna tower**

vehicles produced annually that use safety sensors, operating at 5G frequencies, which will render the atmosphere a virtual smog of lethal RF signals.

These frequencies penetrate *all* living things. The signals are highly modulated (extremely fast) oscillations that produce greater penetration, massive amplification when frequencies align, and direct damage—even when exposure is at extremely low power levels.

The proven health effects include: mood, anxiety and depression as general effects. In addition, induced weariness, heart and cardiovascular damage, infertility, cancer, DNA/RNA breakdown including double strand breakage, brain disorders, early dementia and death are documented in over 200 studies. Insects and birds are killed when their flight path takes them into the high-energy field associated with 5G or the exposure is lasting duration. Trees, vegetables and all flora suffer extensive damage from drying and biological damage.

For years the telecommunications industry, with the complicity of the US Government, have been touting the safety of all this technology. In particular, cell phones have been promoted as safe principally because the testing standards focused upon the heating effects of 5G technology. Heating occurs because these frequencies interact with both water and oxygen molecules, causing them to vibrate creating heat. This effect is restricted to several millimeters of flesh, although several studies detail the mechanism by which they can penetrate much deeper. The fallacy about this “safety” is fundamental. Heating is not the most dangerous—nor the most prevalent causative factor in causing health effects. The outdated safety standard, which uses “watts/kg” of mass, is the wrong standard. The industry test standards should be based on exposure measurement of “milliwatts/cm<sup>2</sup>”, an area based standard. Extremely low-level signals are the most dangerous, and have a direct causative relationship to the dangerous health effects.

The federal government has taken the position that regulating 5G is a violation of the Interstate Commerce law, and is thereby outside of the purview of States and local government. This is pure nonsense! The National Environmental Protection Act (NEPA) is a federal law that requires any agency to prove that any new technology or implementation of technology must demonstrate its safety through reports and studies that are required under the NEPA law. These reports are the Environmental Assessments and Environmental Impact Statements.

The requirement that companies comply with the NEPA has been tested in the courts and adjudicated as constituting a valid requirement. Napa, California has passed a requirement that the FCC comply with NEPA. That reference language is included herein:

*On Aug 9, 2019, the DC Circuit Court of Appeals ruled in Case 18-1129: the ruling means that The FCC/Wireless Industry must now complete a NEPA Environmental Assessment (EA) and/or Environmental Impact Statement (EIS) BEFORE any CPMRA application can be considered*

*complete. All CPMRA shotclocks must now be tolled and all CPMRA installations must IMMEDIATELY STOP.*

The Clallam County deputy attorney, on behalf of the CRC, has reviewed this recommendation and ruled inclusion of a NEPA requirement as an ordinance is legally sound.

## Miller Peninsula State Park—Darlene Schanfald



*Pacific Rhododendrons flourish at Miller Peninsula State Park*

In 1985, Clallam County citizens recommended an area of 1444 acres on the Miller Peninsula be set aside for open space. The site is bounded by Discovery Bay and the Strait of Juan de Fuca. Clallam County Commissioners concurred. Citizens lobbied Washington State Parks (Parks) to adopt that acreage as a state park. In 1988 the State Legislature directed Parks to purchase the acreage, along with 21 other parcels, from the Washington State Department of Natural Resources (DNR)—who held it in public trust for Clallam County, along with two miles of beach. Parks and DNR inked the agreement.

At the same time, unbeknownst to a few, DNR and Parks were making an agreement to release some of that acreage to Mitsubishi for a Planned Recreational Community which grew to well over one-thousand acres that included nearly half the dedicated parkland. Parks believed that in exchange Mitsubishi would build the road to the Park and the utilities and some picnic infrastructure, and some acreage in exchange (although later Mitsubishi's partners felt Parks should pay for the acreage).

PPF and an *ad hoc* organization, Save Our State Park (SOSP), (now Friends of Miller State Park) lead an intense legal battle and Initiative drive to keep the dedicated parkland.

After succeeding, and the developers quitting, Parks worked with us to increase the acreage of the park. It is now 2800 acres and Parks is in negotiations to purchase a 21-acre parcel with a quarter mile of shoreline that would give an access to the beach.

The Legislature has never funded Parks to develop the park. But over the years forest, plant and animal experts have listed the Park's native plants, old growth and some animal habitat. Parks has listed this site as the one it will invest in developing.

Miller Peninsula State Park is a contiguous forest, rare in scope. It contains sizeable wetlands, rare native plants, unique plant-tree clusters, stands of naturally regenerative old growth that has federal protection, is a unique Climax Douglas Fir Tree Forest and flourishes with the WA State's native flower-wild rhododendrons. Too, given our CO2 losses, it is wise to retain the continuity of this forested land. Thus, our message to Parks is this: Until the Park's natural resources are *fully* assessed; development strategies and options should not be proposed.

Between October 6 and October 31, State Parks is accepting comments on a development strategy. Details are available at these sites. <https://www.sequimgazette.com/news/state-parks-set-virtual-public-process-miller-peninsula-park-planning/> <https://parks.state.wa.us/1187/Miller-Peninsula-Planning>

Comments can be made various ways:

*On-line:* <https://parks.state.wa.us/FormCenter/Planning-6/Public-Comment-65>

*Email:* Nikki Fields, Planning Lead, WA State Parks and Recreation Commission, [Nikki.fields@parks.wa.gov](mailto:Nikki.fields@parks.wa.gov)

*Mail:* Nikki Fields, Planning Lead, WA State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650

## PPF Comments to Clallam County Commissioners on Proposed Mining Code Changes—Darlene Schanfald & Steve Koehler



PPF has commented on Clallam County's proposed changes to its mining codes. Of particular concern is overlay zoning. County staff have created a new zone: Mining Resource Land Overlay District (MRLOD). A surface mine located upon land having the MRLOD designation may operate there without first obtaining a conditional use permit, if one would otherwise be required in the absence of MRLOD designation. Staff devised a scoring system to determine if a site is designated a MRLOD. If a site becomes a MRLOD, it needs no conditional use permit nor input from the community. MRLODs trump Comprehensive Plan zones throughout the County, inserting unreliability to County residents on lands they once understood to be subject to certain zoning regulations. Any landowner in an MRLOD loses its land protections and rights to comment. Existing mines currently permitted, will be designated as MRLODs—a huge amount of acreage that can affect many nearby communities. Automatic MRLODs exempt impacts to wildlife and their habitats.

What does this mean for nuisance (nuisance claims within 600 feet for residences of a MRLOD and a quarter or half of a mile from the Olympic National Park have no basis), damage, wrongful operation, and public comment? MRLODs should not be allowed. No individual or community, outside of a city,



is safe from MRLODs. Residents outside city limits should check with Clallam County Community Development staff or their Commissioners to see if they could be affected.



## **Port Angeles Harbor Hazardous Waste Cleanups—Darlene Schanfald**

This cleanup process began in 1997 with Rayonier, when a coalition of western environmental organizations and citizens petitioned the USEPA to ensure the nearly 70-year Rayonier, Inc. Port Angeles Pulp Mill was cleaned of its contaminants post-closure.

Region 10 (Seattle) EPA assessed the Port Angeles Harbor, the mill site and two of Rayonier's landfills. EPA determined all ranked for Superfund status but would focus on seeing the Harbor and mill site cleaned by Rayonier. Local politics kicked in, and in 2007 oversight of the cleanup was transferred to the WA State Department of Ecology (Ecology). Ecology promised it could beat EPA's predicted cleanup schedule by two years. That 2007 cleanup schedule has long passed with little accomplished.

In 2019, Ecology returned to the local community to tell us that Rayonier had to meet a very low cleanup bar. Basically, cover up. Cover up the toxic sediment with clean sand; cover up the toxic on-land soils with dirt. The community howled "Coverup! We want a Cleanup!" The pushback went up the Ecology channels and the staff sent a message to the community that it heard our disagreement and would meet with us in Port Angeles in June, 2020.

Given COVID-19, that meeting was cancelled. The community awaits another meeting time.

In 2007, Ecology determined the rest of the Harbor should be cleaned, at least the southern portion. The Harbor ranked second in concern to other state sites under WA State's Legislative Puget Sound Cleanup Act passed in 2006.

In January, Ecology met with the community to review its scoring procedure for cleanup of the western Harbor. This cleanup involved the City of Port Angeles, Port of Port Angeles, Nippon, Georgia-Pacific and Merrill & Ring, all contributors to polluting that area. Ecology has not released a draft cleanup decision, but in mid September it responded to the comments it received after its January presentation. Those comments and the agency's Responsive Summary, along with other information about the cleanup, can be accessed at:

<https://apps.ecology.wa.gov/gsp/sitepage.aspx?csid=11907>



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