U.S. ARMY CORPS OF ENGINEERS

NORHTWEST AGGREGATE DOCK PROJECT

PUBLIC HEARING

May 17, 2005

Vashon Highschool

20120 Vashon Highway Southwest

Vashon, Washington

Reported by: Melinda Tyler, CCR
License No. 2999

1 COLONEL LEWIS: If I may have everyone's attention,
2 please. We have plenty of people who would like to speak
3 tonight. I know you don't want to hear me all night saying,
4 we need to get started. Why don't we go ahead and get
5 started, please.
6 Good evening, ladies and gentlemen. Can everybody hear
7 me in the back?
8 VOICES: Yes.
9 COLONEL LEWIS: Okay. Great. It doesn't hurt,
10 does it?
11 Welcome to the public hearing sponsored by the U.S. Army
12 Corps of Engineers for the Northwest Aggregates for Dock
13 Replacement Project. My name is Colonel Debra Lewis. I am
14 the District Engineer for the Seattle District, U.S. Army
15 Corps of Engineers. I will be conducting tonight's public
16 hearing.
17 The reason for a public hearing is to elicit new,
18 significant information which will help me make a balanced
19 decision. The Corps of Engineers is neither an advocate nor
20 an opponent of a proposed project. Our goal is to determine
21 whether this project is in the overall public interest. The
22 hearing will play an important part in that determination.
23 I will consider all comments from tribes, citizens,
24 organizations, and local, state, and other federal agencies
25 in making my decision to issue or deny a permit.

1 During the public hearing today, we will accommodate as
2 many people as time allows. I will adjourn the public
3 hearing at 9 p.m. Should you not wish to speak here or know
4 someone that could not make this hearing and were interested
5 in commenting, you can send us written comments until May
6 31st, 2005. If you wish to present testimony, you also have
7 a choice of tape recording your comments in the staff
8 lounge, which is to your left, my right, instead of speaking
9 at the microphone. Please keep in mind that I consider oral
10 and written comments with equal weight.
11 Now, I would like to go over the agenda for this
12 evening's hearing. I will first introduce my staff.
13 Secondly, I will continue with an overview of the
14 administrative details. After that, I will explain the
15 Army's regulatory authority, permit evaluation, and the
16 permit decision process. Then I will describe the project
17 that we are here to discuss. And finally, I will accept
18 comments from those individuals who have indicated a desire
19 to comment tonight. I will adjourn the public hearing, as I
20 stated, no later than 9 p.m. Since we started three minutes
21 late, 9:03 p.m.
22 So you know who we are, I want to introduce two key
23 members of my staff from the U.S. Army Corps of Engineers
24 that are here tonight. To my far right, your left, Tom
25 Mueller is my regulatory branch chief and to my right, your

1 left, Olivia Romano who is the project manager. There are
2 also several others from my staff here to assist us at this
3 hearing and they are wearing name tags. They are available
4 to clarify or answer questions, but I just ask that you not
5 disrupt this meeting. We'll do that off to the side or
6 perhaps in the lounge. Also with us tonight is Jeannie
7 Summerhays with Washington State Department of Ecology,
8 she's off to my far right, your left, and she will be
9 considering all the oral and written comments received
10 throughout this comment period, including the public hearing
11 for the water quality certification determination.
12 I would now like to explain some administrative details
13 for this hearing. The public hearing tonight is being
14 recorded by our reporter, a representative of James,
15 Sanderson & Lowers. We are making a complete written
16 transcript of this hearing, as well as the tape-recorded
17 statements taken in the staff lounge. Copies may be
18 purchased from James, Sanderson & Lowers in about 10 days.
19 Copies will cost 2.50 per page. Their address is 945 Tacoma
20 Avenue South, Tacoma, Washington 98402. Their address is
21 also posted on the registration table located just outside
22 the door of this room and on the handout we provided
23 tonight.
24 At the tables to the back of this room, you were given a
25 registration card, it should have looked like this, on which

1 you indicated your name and any affiliation and whether or
2 not you wish to speak at this hearing. If anyone has not
3 received a registration card, please raise your hand now and
4 we will provide you with one. Very good. Please pass
5 completed cards -- nobody had any; correct? Okay.
6 One of the purposes of this card is to have a complete
7 record of those in attendance. Also, from these cards I
8 will call on those who indicated a desire to speak. When
9 called to speak, please use the microphone located at the
10 center aisle for your presentation. If you have a written
11 statement and do not wish to make an oral presentation,
12 please turn in your statement at the registration desk
13 before you leave. If you have a written statement and wish
14 to use it in your presentation, please hand it to the Corps
15 representative right there next to the microphone after you
16 have read or summarized it. As I mentioned earlier, you
17 also have a choice to tape-record your comments in the staff
18 lounge to your left, instead of speaking at this microphone.
19 You may also submit your presentation if you choose to
20 record your statement in the lounge. Since the written
21 statement will be part of the record, a brief oral summary
22 will serve in place of a full reading. You may also submit
23 written comments to our regulatory branch at the address
24 shown on the screen.
25 Now I would like to explain some key aspects of the

1 Corps Regulatory program. First, the Rivers and Harbors
2 Act. One of the federal laws at the U.S. Army Corps of
3 Engineers implements is Section 10 of the Rivers and Harbors
4 Act. This law requires that a federal permit be obtained
5 from the Corps for any structure or work in, under, or over
6 a navigable water of the United States. Next is the Clean
7 Water Act. One of the other federal laws that the U.S. Army
8 Corps of Engineers implements is Section 404 of the Clean
9 Water Act. This law requires that a federal permit be
10 obtained from the Corps for the discharge of dredged or fill
11 material into waters of the United States, including
12 wetlands.
13 I would now like to summarize the permit evaluation
14 process. For all standard permits, a public notice is
15 issued for public review and comment. The public notice
16 comment period is 30 days. In this case, the public comment
17 period was from December 13th, 2004 through January 24th,
18 2005. An additional 30-day comment period is being held for
19 this public hearing. You may provide written comments on
20 the project through May 31st, 2005. The public notice was
21 widely distributed to tribes, federal, state, and local
22 agencies, adjacent property owners, and interested citizens
23 and groups. Comments received both in response to the
24 public notices and at this public hearing become part of the
25 record and are considered in the evaluation and final

1 decision on the permit application.

2 My decision to issue or deny a Corps permit is also
3 based on the probable impact of the proposed work within the
4 U.S. Army Corps of Engineers' jurisdiction, the proposed
5 project's intended use, the benefits which may be expected
6 to accrue from the proposal, my evaluation under Section
7 404(b)(1) guidelines of the Clean Water Act, and the public
8 interest review. My decision includes a review of
9 alternatives to determine if the proposal is the least
10 environmentally damaging practicable alternative. Our
11 public interest review includes the analysis of impacts on
12 navigation, fish and wildlife values, threatened and
13 endangered species, the aquatic food web and ecosystem,
14 water quality, safety, aesthetics, and in general, the needs
15 and welfare of the people. Our evaluations must look at the
16 benefits expected from the proposal and weigh them against
17 the foreseeable detriments when making my decision. If I
18 make the determination that the project meets the Section
19 404(b)(1) guidelines and my evaluation shows that the
20 project is not contrary to the public interest, a federal
21 permit will be issued.

22 I want to stress that while I give all comments full
23 consideration, the comments of federal, state, and local
24 agencies as experts in their respective fields receive very
25 careful attention.

1 Now I will give a brief description of the proposed
2 project. The proposed project is located in East Passage on
3 east side of Maury Island between the areas known as Gold
4 Beach and Sandy Shores. The portion of the proposed project
5 that is within the Corps' jurisdiction is the replacement
6 and extension of existing dock and the placement of clean
7 pea gravel or sand in any depressions or holes caused by the
8 removal of 228 timber piles. The existing dock will be
9 removed. The proposed dock will include barge-loading
10 conveyor tube with four support bents, seven berthing
11 dolphins with fenders and catwalks, and 56 steel piles. The
12 proposed dock will extend 305 feet waterward of the mean
13 high water line and run 510 parallel to the shoreline. The
14 proposed dock structure will cover a surface area of 7,796
15 square feet, a reduction of 1,144 square feet of surface
16 area from the existing dock. The placement of clean pea
17 gravel or sand is a conservation measure proposed by the
18 applicant as part of the Endangered Species Act, Section 7
19 consultation process.
20 A number of mitigation and monitoring measures have been
21 proposed by the applicant. Some of these measures include
22 extending the proposed dock out 120 feet past the outer edge
23 of the eelgrass beds to protect the eelgrass beds; only one
24 barge will be allowed at the dock at any one time; the
25 gravel conveyor will be enclosed to avoid spillage; the

1 barges will not operate shoreward of the dolphins to protect
2 the eelgrass beds; the applicant proposes to monitor
3 propeller wash velocities at the site; and to monitor the
4 barge-loading operations to minimize spillage.
5 That concludes my description of the proposed project.
6 We will now move to the public comment period. As I stated
7 previously, the reason for a public hearing is to elicit
8 new, significant information which will help me make a
9 balanced decision. Cross-examination of speakers will not
10 be allowed, nor will I answer questions asked by the
11 speakers regarding the project. Written and oral
12 presentation will be given equal weight.
13 We take your comments very seriously. This project has
14 undergone many changes as a direct result of the comments
15 heard from you through The King County Shoreline permit
16 process.
17 Please be as concise as possible in presenting your
18 views on the project. I ask that you limit your oral
19 comments to five minutes and please focus on the issues
20 pertinent to the permit application. You will get a
21 one-minute warning when you approach the five-minute mark,
22 and then you will get that your time is up. Because a large
23 number of people who wish to present tonight, I ask that you
24 honor that and only add new, significant information to this
25 process.

1 When you speak, please state your name and your
2 affiliation, if any. If you work for a particular agency,
3 please indicate if your presentation reflects the official
4 views of that agency or your view as a private citizen.
5 Please speak slowly and clearly into the microphone so the
6 court reporter can accurately record your testimony. Also,
7 when using acronyms, please define the terms. These
8 directions are also on your handout.
9 I will now call on those who indicated a desire to speak
10 on the registration card. I will follow this procedure
11 throughout this hearing. The first speaker is Dow
12 Constantine. He will be followed by Ken Kadler, to be
13 followed by Matt Judge.
14 To save time, I ask that the speakers please come
15 forward and wait by the microphone. Is Dow Constantine
16 here?
17 MR. CONSTANTINE: Good evening. This is a
18 wonderful turnout. Thank you all for being here tonight.
19 My name is Dow Constantine, I represent Vashon Island on the
20 King County Council. I'm speaking tonight with my own
21 views, not the official policy of the King County Council.
22 It has been seven years since Glacier originally proposed to
23 expand mining operation on Maury Island. You all are still
24 here and still committed to preserving this island and the
25 Puget Sound. Thank you so much for being here tonight. We

1 appreciate it very much.

2 I also want to express my appreciation to you, Colonel,
3 and to the Army Corps of Engineers for holding this hearing
4 here tonight and for coming to the island to hear the
5 concerns of islanders in person.

6 The Corps was the first government agency that listened
7 to islanders. It listened in February of 1999 when the
8 Corps determined that the dock was nonserviceable, even
9 though Glacier had consistently claimed that the dock had
10 been, quote, maintained and repaired. The Corps listened to
11 citizens, they visited the site, they saw what everyone here
12 knew, which was that it was a dilapidated relic from the
13 past. This has been the story of the last seven years.
14 These citizens have had the story right and Glacier has had
15 it wrong.

16 Besides being your county councilmember, I also have the
17 privilege serving as the cochair of the Steering Committee
18 that is working on restoring the salmon runs in the Green
19 Duwamish watershed. Because of that -- and that includes
20 the Maury Island nearshore -- because of that, I'm aware of
21 the tremendous effort -- 10 years of effort and perspective
22 spending of billions of dollars by federal, state, and local
23 government to restore our salmon runs. That number does not
24 consider what additional costs may be associated with
25 efforts to protect the orca population.

1 Spending billions on the one hand to restore habitat
2 that has been damaged is an important goal. We should not
3 be destroying the habitat we have remaining at the same
4 time. Do we continue to grant permits to project after
5 project and then wait to see if mitigation measures might
6 actually work? If we choose that course, I have to wonder
7 whether the billions we're planning to spend for salmon
8 recovery will be adequate. If not, the financial burden
9 passes to the next generation and the generation after that,
10 unless someone will finally just say no to further
11 degradation of the channel.
12 The Army Corps of Engineers was right in 1999 when they
13 declared the dock nonserviceable. Each person in this room
14 has made a difference during the past seven years and that's
15 why we're all still here tonight.
16 Thank you so much for your work.
17 COLONEL LEWIS: Thank you.
18 Next is Ken Kadler, then it's Matt Judge, and then it's
19 Brittany Goodnight.
20 MR. KADLER: My name is Ken Kadler, I am here from
21 the office of Congressmen Jim McDermott. I want to thank
22 you, Colonel Lewis, Tom, and Olivia for being here tonight
23 and I want to thank the people for the wonderful
24 participation.
25 Before I start with Jim's comments, I want to recognize

1 a few colleagues, Kristen Lemouth (phonetic) from
2 Congressman Larson's office is here. Patrick Kogan
3 (phonetic) from Congressman Hinkley's office is here, Iris
4 Demat (phonetic) from Senator Murray's office is here, Lisa
5 Chipaloni (phonetic) from Senator Cantwell's office, and
6 also Isaac Castelano from Senator Cantwell's office. And
7 Isaac is a native of Vashon.
8 This is Congressman McDermott's statement. I regret
9 that I could not attend this hearing in person. I again
10 express my opposition to this project and the issuance of
11 this permit, it is the free enterprise system gone wild.
12 This project fails the test in several respects. First,
13 environmental. Replacing the dock with threatened
14 terrestrial and aquatic habitat critical to the health of
15 the Puget Sound ecosystem. We hear repeatedly that Puget
16 Sound is in big trouble, businesses, citizens, and
17 bureaucrats all seek public funds to help clean up the mess
18 that man has created in the Sound. This did not happen
19 overnight, it happened piecemeal with individual businesses
20 or land owners trying to extract the maximum from their
21 property. The end result is the degradation of a common
22 resource. It is time to stop contributing to this
23 destruction and start repairing the damage. Whether we are
24 talking about the loss of our unique madrone forests, damage
25 to the eelgrass beds, loss of habitat for species

1 fundamental to the aquatic food chain, interference with
2 migratory bird habitat, jeopardizing the aquifer, the
3 aesthetics of the area, or the less understood disturbances
4 that may be factors and the decline of the orca populations,
5 the evidence is clear that this activity will not enhance
6 the ecosystem, it can only serve to further its decline.
7 Mitigation is not the answer. Yes, mitigation can help
8 deflect some of the damage, but it cannot prevent the
9 inevitable destruction of the resource. I don't want to
10 focus exclusively on the environmental impacts of this
11 proposal, I also wish to address the needs -- the issue of
12 need and the applicant's rights. Much of the proponent's
13 arguments are based on the need for gravel. While I
14 acknowledge that gravel is needed in our society, I must
15 point out that this is not the only source, nor is there a
16 critical supply shortage. I challenge the public assertion
17 made by the applicant that the environmental effects of
18 extracting the resource from this location are less than
19 those of the extraction of terrestrial upland habitats or
20 deposits. The need in this case is need by a business to
21 maximize the return on its property. While we all value
22 property rights, no one, corporation or private citizen, has
23 moral authority to destroy nature for economic gain. Our
24 law looks to the reasonable use of a resource and the right
25 to a reasonable return from one's property.

1 The Maury Island and Vashon Island communities have
2 offered in good faith to purchase the property at a price
3 that affords a reasonable profit to the applicant. The
4 proposed use after the purchase would have no adverse
5 environmental impact and to the contrary, would contribute
6 significantly to the recreation of the Puget Sound
7 ecosystem. It would have further benefits as a common area
8 for recreation and educational purposes for all Puget Sound
9 area residents, all residents of the state of Washington,
10 and for that matter, all residents of our nation.
11 It's time we learn from past mistakes and understand
12 that wisdom is the ability to foresee the greater good.
13 Environmental damage is never caused by the deliberate
14 intention of someone trying to destroy our natural
15 surroundings, it is rather because someone tries to maximize
16 their economic or personal gain from their property, seeking
17 short-term gains at the expense of long-term well-being. I
18 cannot support this application. The highest and best use
19 of this property is in the natural state with sand and
20 gravel resources intact. It is time to exercise wisdom
21 here. This application should be denied.
22 Thank you very much.
23 COLONEL LEWIS: Thank you, Ken. Next person is
24 Matt Judge and next is Brittany Goodnight, and next is
25 Colonel John Moore.

1 MR. JUDGE: Thank you for this opportunity. My
2 name is Matt Judge, I'm a legislative assistant for
3 Representative Joe McDermott and behind me is Brittany
4 Goodnight, the legislative assistant for Eileen Cody --
5 Representative Eileen Cody. They were unable to be here
6 tonight, but they had a written statement prepared and
7 Brittany is going to read from that. Thank you.
8 COLONEL LEWIS: Okay. I would ask the audience --
9 we have a lot of people to talk tonight and I know you want
10 to applaud, and I would ask that you hold it at the end if
11 we want to get through all the people that do want to speak.
12 Thank you.
13 MS. GOODNIGHT: All right. Can everyone hear me?
14 VOICES: Yes.
15 MS. GOODNIGHT: Right on. As state legislators
16 representing Vashon-Maury Island, we are very concerned
17 about the proposed project. The proposed project is located
18 within the boundaries of the Maury Island aquatic reserve
19 and is within a conservancy shoreline. The site on which
20 this action would occur has documented herring spawning
21 grounds, is a juvenile chinook salmon migratory corridor,
22 and is within the range of the winter feeding grounds of our
23 southern orca population. The preferred mitigation for this
24 project is no action and therefore no permits for a new
25 massive barge-loading facility should be issued.

1 As the Corps noted in 1999, the multinational
2 corporation allowed their dock to become nonservicable.
3 While Glacier states they always intended to barge from
4 Maury, their failure to use and/or adequately maintain and
5 repair the dock during the past 30 years does not support
6 that position. When the dock was last in service during
7 1978, the chinook was not listed as threatened, the orcas
8 were not on the verge of being listed as threatened or
9 endangered, and the herring stocks at Cherry Point and
10 Discovery Bay were not in crisis. Issues throughout Puget
11 Sound indicate that we no longer can allow such operations
12 as Glacier is proposing within sensitive shorelines.
13 Should the Corps determine that it will issue a permit,
14 consideration of the following is requested: No underwater
15 noise studies regarding the impacts of this operation on the
16 orcas and/or herring has been completed and distributed to
17 all agencies. This is critical and information needs to be
18 obtained to provide guidance to the regulatory agencies.
19 Further, if operations are determined to impact either
20 species, they should be terminated. Prop wash monitoring
21 must be ongoing and should require metering that feeds
22 directly to a regulatory agency. This should not occur just
23 during the initial operation of the facility, but should be
24 ongoing over the life of the facility. If prop wash damages
25 the eelgrass and/or is determined to be altering the

1 nearshore, operations should cease. Any changes in the
2 seeps on the beach due the mining operations upland from the
3 barge-loading facilities should require that operations
4 cease until investigation of the damage occurs and
5 restoration has been completed. The seeps are vital to the
6 health of the nearshore. A monitoring plan which requires
7 ongoing agency oversight of this operation must be in place.
8 We cannot rely on sporadic inspections of this operation and
9 we cannot rely on self-monitoring.
10 The cable haul-back system that Glacier intends to
11 utilize at Maury is critical to directing the tugs and
12 decreasing prop wash. The haul-back system at DuPont, which
13 is operated by Glacier Northwest, has had mechanical
14 failures. Those failures were not noted and/or investigated
15 during the EIS process. Washington State Department of
16 Natural Resources has indicated that on one occasion, the
17 haul-back system at DuPont ended up being on the sea floor
18 and recovery of the system was assisted by DNR divers. In
19 such an event on Maury, the entire operation should and must
20 cease.
21 Again, this information reinforces the necessity of
22 outside monitoring on an ongoing basis throughout the life
23 of the facility. It also emphasizes that certain
24 information and/or studies were not part of the EIS and must
25 now be considered.

1 The federal, state, and local governments are spending
2 billions on salmon recovery. We believe this is a site on
3 which a massive barge-loading facility should not be
4 permitted and appreciate the Corps' consideration of no
5 action. And thus, no permit is the correct response to this
6 permit application. Signed, Sincerely, Representative
7 Eileen Cody and Representative Joe McDermott. Thank you so
8 much.
9 COLONEL LEWIS: Colonel John Moore, Terry
10 Dievendore, and Susie Kalhorn.
11 COLONEL MOORE: My name is John Moore. I'm a
12 retired member of the Army Medical Specialist Corps having
13 served from 1963 to 1990. I speak this evening as a private
14 citizen.
15 The Army Corps of Engineers has a long history of
16 involvement of dealing with sensitive environmental issues.
17 The request by Northwest Aggregates to build a new dock and
18 expand its gravel mining activities on Maury Island is not
19 environmentally sound and the reams of documentation
20 provided by recognized experts supports this assertion.
21 Lieutenant General Robert Flowers (phonetic) of the Army
22 Corps of Engineers outlined numerous environmental operating
23 principles for the Corps to follow to the jump out relative
24 to the gravel lying in Maury's state, in part, that Corps'
25 decision should achieve environmental sustainability and

1 proactively consider environmental consequences.
2 Allowing Northwest Aggregate to remove all pilings used
3 in existing dock and replace them with steel pilings for a
4 new dock would create an unsafe habitat for nearshore fish
5 and vegetation. Dr. David J. showed compelling evidence
6 that prop wash from tugboats used to maneuver barges in
7 their access and egress from the dock would damage eelgrass
8 beds, despite increased dock length as proposed by Glacier.
9 In addition, there are several studies showing that
10 increased noise level associated with a mining operation
11 would have an adverse effect on the orca population
12 traveling from north to south in their quest to follow
13 salmon migrations. The worse case scenario would have the
14 orcas stop using these passages altogether. In proactively
15 considering environmental consequences, the Corps should
16 look at the concept of connectivity.
17 The nearshore environment is one big chain starting with
18 microcellular creatures and progressing to the largest.
19 Imagine this chain extending around Maury Island. Breaking
20 a link or several links in this chain by building a dock
21 that will damage eelgrass, increase noise levels, and change
22 the overall environmental climate and will ruin the
23 connectivity of Puget Sound ecosystems depend upon. The
24 initial effects of this may not be seen or felt, but in the
25 long run, they will when young salmon cannot use eelgrass

1 for cover or forage and orcas stop using the corridor. The
2 connectivity of the nearshore environment must be
3 maintained. The state has recognized this concept and
4 recently declared tidelands of Maury Island as a state of
5 plat preserve.
6 The Army Corps of Engineers is working with the state on
7 numerous environmental projects and I ask that you
8 continually reference the state's environmental protection
9 and restoration priorities in Puget Sound for 2005 to 2007.
10 The state wants to reduce continuing toxic contamination and
11 prevent further contamination. Also noted is the state's
12 desire to protect shoreline and other critical areas that
13 provide important ecological functions. They want to
14 restore degradated nearshore and freshwater habitats and
15 conserve and recover orcas, salmon, and ground fish. To
16 back up these priorities, Governor Gregoire has promised in
17 March of this year to provide 31.5 million over the next two
18 years to protect and restore the Sound.
19 To summarize some of my other points, one of the things
20 that Glacier wants to do is to move all the supposed
21 contaminated soils on their property into a large berm.
22 That berm is to be located up in the northern section of
23 their property on a high bluff line. This is a very bad
24 place for it to be. It's a seismic area and we have
25 documented evidence during the Nisqually earthquake of

1 severe ground movement. Should that berm break lose during
2 an earthquake, where will it all go? Hundreds of tons of
3 soil will cascade down into the Sound creating environmental
4 damages.
5 Based on the above, I ask that the Corps of Engineers
6 heed the admonishment of General Flowers and take a
7 proactive stance in denying Northwest Aggregate's
8 application. The cost of trying to undo environmental
9 damages caused by intention or inintention would be
10 prohibitive in terms of dollars and time. There is much
11 documented evidence that the environments of Puget Sound are
12 extremely fragile now and we do not need any further insult
13 to what we have done and already hoisted upon ourselves.
14 While past damages may have been done out of ignorance,
15 there is too much scientific evidence available today to
16 allow us to continue destroying what is a legacy for the
17 future.
18 Thank you.
19 COLONEL LEWIS: Terry Dievendore, Susie Kalhorn,
20 and Nancy Quenneville.
21 MR. DIEVENDORE: Hi. My name is Terry Dievendore.
22 I'm speaking on behalf of the Cascade Chapter of the Sierra
23 Club. We have over 27,000 members in Washington state.
24 The issue of the mine and dock expansion is an important
25 one for our members across the state. This is in no way a

1 local issue. There is a lot at stake for the future health
2 of Puget Sound and Glacier's project puts at risk a critical
3 aquatic preserve. I'm going to begin with our concerns
4 about the impact of the dock on the Puget Sound eelgrass,
5 zostera marina.
6 To date, Puget Sound has already lost an estimated 50
7 percent or more of our eelgrass beds. That loss is the loss
8 of food and shelter for an entire ecosystem, it's also a
9 financial loss for our state. According to the Port
10 Townsend Marine Science Center, fish and shellfish, which
11 depend on eelgrass for all or part of their life cycle,
12 accounts for a multimillion dollar industry in Washington.
13 To survive, eelgrass needs light, nutrients, and water of a
14 specific depth and salinity. Docks block sunlight and
15 eelgrass requires sunlight to survive; it's not a
16 shade-adapted species. Additionally limiting light for
17 eelgrass are fine-grain sediments kicked up and sent in
18 motion from propeller wash. These sediments travel much
19 farther than the distance between the pier and eelgrass
20 beds.
21 On top of sediments set spinning by propellers in barge
22 wakes, Glacier has a terrible record of keeping their
23 material from falling into the water. Glacier
24 representatives talk about good precautions that they are
25 taking; these precautions are not sufficient. What is the

1 penalty for failure where in our state, most shoreline
2 abusers are not punished?
3 What is the risk to Glacier, versus the risk to the
4 public? The public stands to lose our resident orca
5 population already on the edge of survival. You will
6 receive testimony that will show that barge activities and
7 traffic could remove 25 percent of orca feeding area in the
8 southern part of Puget Sound. This area is where calves
9 spend the first part of their lives and lactating females
10 require extra food to provide for their young. Another
11 concern we share with others here is the impact of noise on
12 marine life. We are submitting a rather lengthy list of
13 studies here on noise pollution in the marine environment
14 that show negative impacts on feeding and other behaviors.
15 The National Marine Mammal Act states that animals
16 cannot be harassed. There is a growing body of evidence
17 that shows orcas and other marine mammals are harassed by
18 certain noises. We are spending billions of public dollars
19 to restore and protect our natural resources, but a
20 corporation can cause damage in the name of private profit.
21 It's not right.
22 Thank you.
23 COLONEL LEWIS: Susie Kalhorn, Nancy Quenneville,
24 Jeffrey Hogan.
25 MS. KALHORN: Hello. I'm Susie Kalhorn. I'm

1 speaking as president of Dockton Water Association. And I'm
2 speaking particularly to the Maury Island gravel mines
3 hydrogeological impact assessment that was funded by the
4 Department of Ecology.
5 To orient you to our water in Dockton, this is a
6 schematic of Maury Island. We have here this green hatched
7 area on both sides of Dockton, which represents the inner
8 glacial fine sediment. In this area, it is above sea level
9 on both sides. However, right here is where we actually
10 have the glacial outwash, advanced outwash, that Glacier
11 would like to mine. And this is the boundary of the Glacier
12 property. Right here is where Dockton springs exist. And
13 you'll see it's in the same geological zone that the mine is
14 -- proposed mine is.
15 Our problem is that the geologic study basically failed
16 to have any data points between our springs and the actual
17 mine boundary and they drew this red line, which indicates
18 where they call the hydrologic divide, but it is essentially
19 based on one data point, which is this point at the corner
20 of the proposed mine. Our concern is that because there's
21 lots of wells on this side, we can show that there is indeed
22 a geologic decline and we are getting water from the
23 northeast. But what the study failed to do is say what is
24 the contribution of water from the mine site to our springs.
25 And we are concerned about that. This hydrologic divide

1 could change, so there's a lack of data.
2 Secondly, one of the things we're also concerned about
3 is, our State Department of Natural Resources Lands
4 Commissioner has entered into some negotiations to perhaps
5 convey this 40 acres to a private entity. We are not privy
6 to that discussion, but the data that did come out of the
7 ecology study shows that groundwater does flow beneath this
8 parcel. And we want it to be very clear that we really
9 cannot afford to have any mining done on this 48-foot
10 parcel. That would be extremely problematic to us.
11 I am submitting more detailed written comments for you,
12 but I would like you to know that the Board of Dockton Water
13 Association is very clear that the data at this point does
14 not make us comfortable that the proposed mine will have no
15 significant impacts to our water supply.
16 Thank you very much.
17 COLONEL LEWIS: Thank you. Next is Nancy
18 Quenneville, Jeffrey Hogan, and Emma Amiad.
19 MS. QUENNEVILLE: Hello. I am Nancy Quenneville,
20 private citizen, and I thank you very much for coming to
21 Maury Island and hearing all of us. We're very concerned
22 about the reopening of Glacier.
23 I would like to comment on two environmental issues,
24 they're a little further away from the water, but my main
25 question all along has been -- they want to remove the

1 aggregate for profit, but they want to leave the
2 contaminated topsoil on the site. So why aren't they
3 barging the contaminated topsoil away? We remember the
4 millions of dollars that was spent down at the Asarco in
5 Ruston for the Superfund cleanup. They brought in tons of
6 contaminated soil and left it at the water's edge. They
7 also brought in the contaminated soils from Asarco's Everett
8 site.
9 And when the berms were being created, my husband and I
10 personally saw workers wearing white suits and respirators
11 while working on the site. We're talking about soils which
12 contain arsenic, lead, and cadmium, hazardous waste,
13 essentially. Glacier plans to store the hazardous waste as
14 one huge berm on the site is totally unacceptable.
15 In Glacier's original EIS, there is no mention of how
16 the workers would dress while handling the removal of the
17 topsoil. Glacier mentioned they would be using lots of
18 water to hose down the dust containing the arsenic, lead,
19 and cadmium. The dust can be referred to as fugitive dust
20 as it can blow onto neighboring lands. Glacier did not
21 include any facility for the workers to change their
22 contaminated clothing, possibly shower, and put on clean
23 clothes before leaving the site. No covered vehicle bay is
24 provided for workers to wash off their vehicles. Why is the
25 lack of any facility for workers to change their clothes and

1 wash off their vehicles so very important? If workers do
2 not change their clothes, possibly shower, and wash off
3 their vehicles, they bring those particles of fugitive dust,
4 that is the arsenic, lead, and cadmium, home to their
5 families. We know that babies and young children are
6 especially vulnerable to picking up and ingesting fugitive
7 dust at home.
8 Hopefully, Glacier will not be granted the dock permit,
9 not create and leave for future cleanup, a berm of hazardous
10 waste topsoil containing arsenic, lead, and cadmium. And
11 above all, not expose any of our babies and young children
12 to fugitive dust from their site.
13 Thank you.
14 COLONEL LEWIS: Thank you. Jeffrey Hogan, Emma
15 Amiad, and Karlista Rickerson.
16 MR. HOGAN: Good evening, Colonel Lewis and my
17 fellow residents. My name is Jeff Hogan, I'm a resident
18 here on the island. I run my island education program,
19 Killer Whale Tales from the island and last winter using
20 protocols and study methods developed by noted orca experts
21 Rob Williams and Dr. David Bane, I started one of the first
22 systematic land-based studies of killer whales and their use
23 of habitat in the water around Vashon and Maury Island.
24 As a teacher, when I go into classrooms, students often
25 want to know everything they can about the orcas, how big

1 are they, how many are there, what do they eat, and my
2 personal favorite, do whales ever get constipated. When
3 confronted with these questions, I always like to point out
4 to the students that what we know about the orcas can fit on
5 the back of our thumb, but what we don't know about the
6 orcas would cover the rest of our body. This is
7 particularly true of the water surrounding Vashon and Maury
8 and it's especially true of the science and data that was
9 available during the initial permitting process.
10 In 1999, when the petitioners submitted their proposal,
11 very little was known about the southern resident killer
12 whale, especially what they were doing down there during the
13 winter months. The proposal they submitted had very little
14 data to work with and is woefully incomplete. This perhaps
15 explains the complete omission of the orcas as a possible
16 species of consideration when assessing the proposed project
17 impacts. However, before this project goes forward, I feel
18 that the Section 7 Consultation must be reopened to take
19 into account what we know about the orcas today, rather than
20 what we did not know yesterday.
21 To illustrate the need of reopening the consultation,
22 one that includes the regional killer whales instead of
23 omitting them, I offer you the following is but a sample of
24 the new data that must be considered before permitting this
25 project to proceed. According to society data collected by

1 myself and many of the other island residents and compiled
2 by the Orca Network, we now know that members of the
3 southern resident killer whale pods, J, K, L have spent the
4 better part of 52 days in these waters since 2001, with most
5 of those sightings occurring between November and January.
6 Last season alone the whales were documented in our waters
7 on at least 15 different days, with the first appearance
8 being on the 30th of November and the last sighting on the
9 8th of March. It's also to be noted that of the 14 calves
10 born since 1998, 11 of those were first sighted down here in
11 the South Sound waters. These sightings are, of course,
12 limited to daylight hours and it is quite possible that they
13 are here much more often.
14 Since the initial request was submitted, the population
15 of the orcas has diminished. According to data collected by
16 the Center for Whale Research, we went from 99 individual
17 whales in 1995 to 79 in 2000. At last count, we have 87
18 whales in pods J, K, and L with some scientists believing
19 that that's about a third to a quarter of what was here
20 originally. This net loss of animals has been attributed to
21 lack of sufficient food source, pollution and contaminates,
22 and the effects of human-created noise. This class has
23 prompted these species' inclusion on the Washington State
24 Endangered list, the Canadian endangered list, and
25 obviously, as you know, is currently under review for the

1 protection under our own Endangered Species Act. It's also
2 much clearer today that the lack of prey is one of the key
3 problems that the region's orcas and the other marine
4 mammals face.
5 Habitat destruction caused by urban industrial
6 development have led to the listing of these orca's main
7 prey species, salmon, to the endangered species list.
8 Further development of the waters off Maury could compound
9 this problem further. A lack of prey, particularly during
10 the winter and in concert with the fact that the area is one
11 of the first places newborn orcas are seen, heightens the
12 need for preserving this area, not developing it.
13 As stated earlier, lactating females who frequent this
14 area require a great deal more energy to support and suckle
15 their newborn calves as those in their first months of life
16 are relying solely on their mothers for sustenance. Any
17 degradation of the orca's food chain here in the South Sound
18 could severely impact the viability of this important winter
19 habitat, making any potential population recovery that much
20 more difficult.
21 Another factor that also must be addressed before the
22 process continues is the amount of noise that will be
23 generated by the proposed mine. It has been documented that
24 decibel levels proposed by the operation can and has caused
25 disruption in killer whale behavior elsewhere in the world.

1 Researchers in Canada have seen orcas evacuate entire inlets
2 where they used to feed when confronted with the noise
3 levels proposed for the gravel loading process. This could
4 render the whole area, not just the site itself, dead to
5 orca use. Sound levels can also have an indirect impact on
6 the southern resident killer whales, particularly when it
7 comes to the lower part of the food chain that supports
8 them. Herring, a species highly susceptible to noise, which
9 uses the proposed area to spawn, is one of the pillars that
10 the whole food chain depends upon. To disturb these
11 irreplaceable herring spawning grounds, either by
12 construction or by operational noise, can severely impact
13 the ability of the area to produce and support, not only the
14 orcas, but the entire food chain on which they depend.
15 These have been a few of the findings we have discovered
16 since the 1990 proposal was first submitted by the
17 petitioners. It, however, represents only a tiny amount of
18 what still needs to be understood if we are to protect and
19 sustain and support this unique population of killer whales.
20 In conclusion, over the past six years we have come to
21 understand that our killer whales are unlike any others
22 around the world. This group of 87 whales and their
23 forebearers have populated this water probably since the end
24 of the last ice age, not only retaining their genetic
25 uniqueness, but also supporting and nurturing the orca

1 culture.

2 As a researcher, it is my hope that the Corps will deny
3 this permit and halt the advancement of this project until
4 its true impacts can be established. And as a teacher, I
5 request that the Corps consider its responsibilities to the
6 future generation of island dwellers, the children, whose
7 environment we hold in trust. We owe it to them to model
8 not only responsible stewardship, but to a decision-making
9 process that takes into consideration the facts of today,
10 rather than ignorance of the past.

11 Thank you very much.

12 COLONEL LEWIS: Emma Amiad, Karlista Rickerson,
13 Tess Rinearson.

14 MS. AMIAD: Good evening, Colonel Lewis. Thank you
15 so much for being here.

16 Although I believe that the environmental issues here
17 are far more important, I felt, as a realtor, it was
18 important to present some information having to do with
19 private property rights for those people surrounding this
20 site, particularly those communities of Gold Beach and Sandy
21 Shores.

22 I am a real estate broker here. I have been selling
23 real estate on Vashon for almost 20 years and I have a
24 company that specifically represents only buyers. I say
25 that not as an advertisement but because I am uniquely

1 qualified to speak to the loss of value in those communities
2 based on the potential for this mine site.
3 For at least the last six or seven years, we have
4 specifically disclosed to future buyers the possibility of
5 this Glacier mine site being reopened and the potential for
6 the noise, pollution, dust, and disruption that it would
7 cause. And I can assure you that that has resulted in
8 virtually no sales, in our office anyway, of properties in
9 Gold Beach. I think probably no other real estate person is
10 going to be able to say that to you because they rely on
11 listings and I don't. That's why I'm speaking out.
12 I think it's also pretty evident and it's statistically
13 provable that properties in Gold Beach and Sandy Shores,
14 over the last few years, while they have gone up in value,
15 have not gone up anywhere near as significantly as similar
16 properties at other locations on the island. Even on the
17 north side of Maury Island, a similar type of property is
18 going to be priced significantly -- and I'm talking like 25
19 percent -- higher. And part of the reason -- I believe the
20 main reason is the fear people have of what the potential
21 might be to ruining their views, to ruining their peace.
22 Both of these communities are very quiet. There are a great
23 many retirees who live in those communities because they are
24 quiet and because they afford a beautiful view. Those views
25 are going to be ruined and that quiet is going to be ruined

1 if this project goes forward.

2 While I support and totally believe that there is

3 sufficient evidence environmentally to reject this project,

4 I also wanted to just simply state on behalf of the owners

5 of those properties there, and there are a great many of

6 them, this would be a significant impact on their property

7 values. In addition to that, if this property were used for

8 public recreation or even developed for residential use, I

9 think it would return a great deal more to our community and

10 to our region than the use that's proposed.

11 Thank you.

12 COLONEL LEWIS: Thank you. Karlista Rickerson,

13 Tess Rinearson, Laura Wishik.

14 MS. RICKERSON: Good evening. And thank you again

15 for coming. I am Karlista Rickerson, different perspective.

16 I'm a scuba diver.

17 I have been a scuba diver around Vashon for longer than

18 I care to count. Out in the lobby are underwater photos of

19 the marine life that exists here now. My sons graduated

20 from this high school and the youngest one in '81. We dove

21 those barges when they first went down and we watched the

22 marine life. We -- I had a chance to dive them again in '02

23 and again just now in, probably, February or March of '05.

24 It was like visiting a graveyard because the natural

25 evolution -- the natural ecosystem that moved in there did

1 what they always do to barges. It is now essentially an
2 artificial reef created by the barges that went down. If
3 this site -- the first tugboat that comes in there to do any
4 repairs, it will disintegrate what's left. It will be into
5 dust. All the marine life, the octopus, the ling cod the
6 cabezon, the perch, the black-eyed gobys will have to move.
7 And we have seen that already happen at the Tacoma Narrows
8 at the new construction of the bridge when the Department of
9 Transportation dropped huge anchor chains and destroyed the
10 old bridge bed that was declared a historic site.
11 This site would make a wonderful underwater park.
12 Divers are losing access to the beach, we're losing our dive
13 sites. And with the increased population predicted for
14 Puget Sound, the increased boat traffic, I sure would like
15 to see more underwater parks and more attention paid to our
16 recreational needs when you look at the evaluation of this
17 property. Charter boats will lose money because this is a
18 designated dive site and they come from Gig Harbor and
19 Tacoma. If mitigation can happen, of course, it would be
20 nice to have an underwater park, but King County has a park
21 a couple miles down the beach. If we could work with all
22 the agencies that are involved in that process.
23 So on behalf of the little marine life that lives there,
24 please don't let the tugboats come in.
25 Thank you.

1 COLONEL LEWIS: Thank you. Tess Rinearson, Laura
2 Wishik, Kathy Fletcher.
3 MS. RINEARSON: Hi. I'm Tess Rinearson. I'm 11
4 years old and I spend a lot of time on Maury Island.
5 I know Maury can only take so much. It was already
6 victimized by a big company that spewed out arsenic. Why
7 should another large company be allowed to stir up that
8 arsenic?
9 I am definitely no environmental expert; however, I know
10 that a strip mine in a fragile and environmentally sensitive
11 area is not a good thing. A 400-foot dock would intrude
12 onto even more delicate ground.
13 I know that we should make long-term decisions to
14 benefit future generations; I am a member of a future
15 generation. Is a 400-foot dock the right decision to
16 benefit my and my hypothetical children's generations? I
17 don't and I won't want gravel and sand if it means
18 threatening sea life further.
19 A book I'm reading, Collapse, looks at past societies
20 that have collapsed. It's written by Pulitzer Prize winner
21 Jared Diamond, a notable professor at UCLA. Very
22 interesting book. You should read it. In fact, my dad and
23 I have brought a copy for each of you. If you don't read
24 the whole thing, please at least read pages 452 to 468. The
25 section deals with the environmental effects of hard rock

1 mining, including the bad track record of companies similar
2 to Glacier. I have photocopies for your convenience inside
3 each book. Throughout the book, Diamond makes a point: The
4 earth can only take so much. My point is: Maury can only
5 take so much.
6 Thank you.
7 COLONEL LEWIS: Laura Wishik, Kathy Fletcher, Becky
8 Cox.
9 MS. WISHIK: Hard act to follow. I'm Laura Wishik.
10 By profession, I'm an environmental attorney for the City of
11 Seattle. I'm speaking today as a private citizen.
12 I want to be sure that you have had brought to your
13 attention new information regarding juvenile chinook that
14 was not available to you when you were previously asked to
15 consider Glacier's application; that was not available in
16 February of 2004 when NOAA Fisheries, in consultation with
17 you, determined that the project was not likely to adversely
18 affect chinook. This information was not published until
19 August of 2004 and I have provided a copy to your staff. It
20 consists of a study by a team of scientists that were funded
21 by WIRA-8 and 9 and by the King Conservation District. They
22 collected data by beach sieve in the nearshore areas of the
23 mainland and Vashon-Maury Islands. Their sampling sites on
24 Maury Island bracket the Glacier site to the north and to
25 the south.

1 Before this study, it was generally assumed that
2 juvenile chinook did not use the Vashon-Maury nearshore to
3 any significant degree because they are not present in
4 streams on our island. That assumption was wrong. The new
5 data demonstrates that juvenile chinook are equally abundant
6 in the Vashon-Maury nearshore as they are in the mainland
7 nearshore sites.
8 Another surprise was that juvenile chinook were found
9 all year-round in the nearshore. And most important, they
10 were found at times when they were not expected and at
11 times -- the peaking times for the population of the
12 juvenile chinook turned out to be different from the peaking
13 times in the mainland sites. Your previous consideration of
14 Glacier's application and your determination of an
15 appropriate fish window for construction, which you set as
16 mid-July to October, was based on old information, based on
17 mainland information. The new data shows that juvenile
18 chinook peak in late July and in mid-August, in the middle
19 of what you had previously designated as the fish window.
20 This new data, in conjunction with the information we
21 have regarding herring and other key species and the times
22 when it is inappropriate for marine construction to occur in
23 order to protect those species, means that there is only one
24 month of the year when construction could possibly occur in
25 the nearshore of Maury Island without harming one of the

1 four key species, the month of September. I hope that you
2 will consider this information and also consider that the
3 sampling data showed the presence of juvenile chinook from
4 all over the Puget Sound. They come from very far away to
5 use the nearshore off Maury Island and they need to be
6 protected.
7 Thank you.
8 COLONEL LEWIS: Thank you. Kathy Fletcher, Becky
9 Cox.
10 MS. FLETCHER: Thank you, Colonel Lewis. I'm Kathy
11 Fletcher. I'm Executive Director of People for Puget Sound.
12 I'm speaking on behalf of the People for Puget Sound this
13 evening.
14 First, let me thank you for holding this hearing. We
15 appreciate you going to the extra effort to do that and for
16 your presence here tonight. I also want to add my thanks to
17 everyone who has come tonight showing how important this
18 issue is. This issue is about Puget Sound. This issue is
19 about Puget Sound as a whole. This is not simply an issue
20 about Maury Island. As important as Maury Island is, in and
21 of itself, I want to make a point that this is not a
22 backyard issue, this is truly an issue about the Puget Sound
23 ecosystem.
24 It's been alluded to before, but let me emphasize the
25 fact that we are now on the brink of seeing Puget Sound's

1 health declining and declining and declining for decades.
2 We're starting to see restoration and healing efforts going
3 on in Puget Sound. But the way Puget Sound lost its health
4 and the way it continues to lose its health is one permit at
5 a time. The way we are going to put Puget Sound sound back
6 together is to say no to permits that would allow further
7 damage.
8 Puget Sound, sometimes they say, is dying the death of a
9 thousand cuts and it's no one thing that has caused our
10 orcas to decline, our salmon to decline, and Puget Sound's
11 health overall to decline. It's going to take a lot of
12 effort and a lot of discipline and a lot of saying no to
13 things that will do further damage if we're going to be
14 successful in restoring Puget Sound to health. I want to
15 mention a couple of issues that rise to the top of the list
16 in terms of our concerns about this project.
17 The first one the previous speaker just discussed and
18 that's the importance of the beaches of Maury Island as
19 salmon migration corridors, so I won't go into detail.
20 You have already heard that. I think it's terribly
21 significant to realize there are salmon using Maury Island
22 nearshore from as far away as the Skagit River. So another
23 evidence that this project is about all of Puget Sound. You
24 have also heard a lot of information about the orca whales
25 and the fact that the orca whales, the southern resident

1 community, are about to be listed under the federal
2 Endangered Species Act, I think, heightens your obligation
3 to consider the impact on the southern resident community.
4 Not only do they use these waters, the water where the
5 project would occur and where the noise especially and the
6 vessel traffic would disrupt their travel and their feeding,
7 it's been documented that when the southern resident
8 community is in the area, they very distinctly favor the
9 Maury Island side of Puget Sound. They're not traveling on
10 the mainland side, they're traveling and feeding on this
11 side of the water.
12 Let me also point out that the risk of oil spills is an
13 issue that increases with this project. Unfortunately,
14 Maury Island got hit and Vashon Island got hit by an oil
15 spill as recently as the spill in October of last year
16 showing how fragile and how vulnerable this ecosystem is to
17 spills and that was a small one. With increased traffic
18 associated with this project, we will increase the oil spill
19 risks.
20 So let me conclude by saying that Puget Sound's health
21 is in jeopardy. This project further jeopardizes Puget
22 Sound. And I hope that you will further the concern you
23 have shown and your interest in the information about this
24 project and you will deny the permit.
25 Thank you very much.

1 COLONEL LEWIS: Thank you, Kathy. Becky Cox,
2 Joseph Bogaard.
3 MS. COX: I am Becky Cox and I'm representing the
4 League of Women Voters of King County South. We represent
5 all south of Seattle to Enumclaw, all the way to Vashon
6 Island. The league supports land use planning that reflects
7 conservation and wise management of resources,
8 identification and regulation of areas of critical concern,
9 such as fragile land where development could result in
10 irreversible damage to areas such as shorelands, estuaries
11 and bays, rare and valuable ecosystems. We also support
12 wise management of renewable resource lands where
13 development can result in the loss of productivity, such as
14 watersheds, aquifers and aquifer recharge areas, and forest
15 lands. We strongly support the reclamation of lands damaged
16 by surface mining.
17 All the Island League Support leads us to be concerned
18 about the future of Vashon-Maury Island. All the planning
19 for this small island needs to reflect conservation and wise
20 management of all resources. The fragile area of the
21 nearshore or home to the herring schools and eelgrass has
22 been designated an aquatic reserve with significance for
23 aquatic wildlife, especially salmon, and especially -- as
24 you just heard, salmon from all over Puget Sound. We are
25 supposed to be working on salmon restoration in Puget Sound.

1 Efforts to reestablish eelgrass in other areas has been very
2 difficult. We should not endanger what we have. We view
3 the proposed pier as the first step in a series of events
4 that could affect the whole island system.
5 In the 1970s, when the Shoreline Management Act was new,
6 the act was used to prevent King County from building a boat
7 ramp of approximately the same length into the Sound at
8 Seahurst Beach Park. The hearings board understood the
9 significance of Seahurst Beach and the impact such a pier
10 would have on the shoreline. They denied the permit to
11 build.
12 A week ago last Saturday, the fully restored natural
13 beach at Seahurst Park was dedicated by the city of Burien
14 and Senator Patty Murray and Councilman Dow Constantine was
15 there also. And it was shown as a national example of
16 excellent science and political will being brought together
17 successfully.
18 The league does not believe that good science is
19 preceding this proposal. We believe the shoreline, which
20 has been plagued recently with careless oil discharges,
21 should be Vashon Island's Seahurst Park, a model for dealing
22 with a fragile and irreplaceable area.
23 The next step beyond the pier is the proposed expansion
24 of the mining facility. The acreage involved is significant
25 to such a small island complex. The league does not believe

1 the land and vegetation could ever be reclaimed and the
2 ultimate mine site would drastically alter the island
3 forever.
4 We are also extremely concerned about the security of
5 the aquifer. We do not believe enough is known about its
6 configuration to be assured that there would be no incursion
7 by the mine expansion.
8 A pier was not good for Seahurst Beach Park, a pier is
9 not good for Vashon-Maury Island. The unintended
10 consequences of building such a pier are far-reaching and
11 permanent for this area.
12 Thank you.
13 COLONEL LEWIS: Thank you. Brenda Moore, Joseph
14 Bogaard, Ann Stateler.
15 MS. MOORE: Thank you for coming tonight. My name
16 is Brenda Moore and I speak to you as a resident of this
17 island.
18 I don't have any scientific information to give you, but
19 I do have a request to make of you. I ask that you act to
20 protect --
21 COLONEL LEWIS: I'm sorry. If I may ask your name
22 again.
23 MS. MOORE: Brenda Moore.
24 COLONEL LEWIS: Emma Amiad.
25 MS. MOORE: She already spoke. I'm sorry. Did I

1 speak out of turn?
2 COLONEL LEWIS: Joseph Bogaard, Jeff Hogan.
3 MS. MOORE: I apologize. I thought I heard my
4 name. It's hard to hear over the applause.
5 COLONEL LEWIS: I have not heard Joseph Bogaard.
6 MR. BOGAARD: I'm Joseph Bogaard, but I would like
7 Brenda to be able to finish before I take my moment at the
8 microphone.
9 MS. MOORE: Obviously, it's not my turn. I'll sit
10 down.
11 VOICES: No.
12 COLONEL LEWIS: I did not say your name. But it's
13 here and we'll go ahead. I think the crowd wants you to go
14 ahead further.
15 MS. MOORE: Might I suggest that you wait until
16 after applause to call names because I seriously thought I
17 heard it.
18 COLONEL LEWIS: My problem is we still have a whole
19 stack to go through and I have asked them to not applaud
20 because we have to go through -- so I have to keep saying --
21 You're next. Joseph Bogaard and Jeff Hogan.
22 VOICES: He already spoke.
23 COLONEL LEWIS: Ann Stateler.
24 MS. MOORE: Okay. Once again, my name is Brenda
25 Moore and I'm not here to give you more specific scientific

1 or legal information about this project. I'm here simply to
2 make a request. I ask that you act to protect and preserve
3 my backyard. I live on an island and my backyard is Puget
4 Sound, a crown jewel in Washington state, worldwide known
5 for its breathtaking beauty, it's exceptional recreational
6 opportunities, and home to incomparable wildlife species,
7 such as salmon, bald eagle, and orca.
8 Scientists and governmental agencies on all levels,
9 including representatives of the Army Corps, have been
10 warning us repeatedly over the last several years these
11 waters are in deplorable condition. Ecosystems throughout
12 the food chain are struggling and the future is dim if we
13 don't act now. All the agencies and experts point to
14 pollution resulting from nearshore development along the
15 tributaries and nearshore areas of Puget Sound as the main
16 cause of the deterioration. The same experts in the
17 environment in the government tell us we must restore what
18 is damaged and preserve where we can to reverse the trend.
19 This proposed dock and subsequent barging operation is
20 exactly the kind of development that ruins pristine
21 nearshore and it must not be allowed to occur any longer.
22 If the current trend is to be reversed, the emphasis on
23 preservation must start somewhere. Why not here and why not
24 now with this project?
25 The scientific investigations and studies of the impacts

1 of this dock and the barging operations clearly show that
2 damage to the nearshore ecosystems is likely to result.
3 Construction disturbance, sediment from prop wash, noise,
4 shading and light changes will all take a toll on the
5 sensitive environment and the balance of nature in this
6 delicate area. Yes, the applicant has proposed mitigation
7 plans and self-monitoring. But by the time we know that
8 this is just another pie-in-the-sky plan, it will be too
9 late. How much longer is the standard going to be, let's
10 wait and see if impacts are destructive? How much longer do
11 we depend on the maybe of mitigation and the folly of
12 self-monitoring? I believe it's time to draw a line in the
13 water and say enough is enough. It's time to make
14 preservation the key action word when it comes to Puget
15 Sound and not continue to resort to restoration at taxpayer
16 expense. You have an opportunity here to set a new standard
17 in the fight to regain the health of Puget Sound. You can
18 set an example.
19 Please protect my backyard. Do not allow this dock and
20 barging operation to happen. Not anywhere in my backyard.
21 Not now, not ever.
22 Thank you.
23 COLONEL LEWIS: Thank you, Brenda. Joseph Bogaard,
24 Ann Stateler, Evan Justin.
25 MR. BOGAARD: You pronounced my name correctly the

1 first time. No one does that.

2 Good evening. My name is Joseph Bogaard. Thanks for
3 the opportunity to speak. I work for the Save Our Wild
4 Salmon Coalition and I'm here to represent them this
5 evening.

6 The Save Our Wild Salmon Coalition is a coalition of
7 businesses, conservation organizations, sport and commercial
8 fishing associations working together to protect and restore
9 wild salmon and steelhead and the habitats they depend on.
10 I spend most of my time working on salmon recovery at the
11 other major basin of Washington state, in the Columbia
12 Basin, where your colleagues in the U.S. Army Corps of
13 Engineers and other members of the federal family are making
14 it difficult and standing in the way of effective salmon
15 recovery by defending for outdated dams on the lower Snake
16 River. But I'm here tonight to talk about the Puget Sound
17 basin and the permit that's in front of you affecting Maury
18 Island and Vashon Island and the larger Puget Sound basin.
19 I'm here to express my opposition to the mine and the dock
20 on the grounds that it will deal another devastating blow to
21 salmon in the Puget Sound.

22 The eelgrass beds adjacent to the proposed mine site and
23 dock site represent an important salt water habitat for many
24 Puget Sound stocks. Juvenile salmon from as far away as
25 Skagit River, as Kathy Fletcher pointed out a moment ago,

1 have been documented to use as critical habitat. Also, as
2 Kathy Fletcher pointed out a moment ago, Puget Sound and the
3 health and productivity of fish and wildlife are facing
4 death by a thousand cuts. The approval of this mining
5 operation represents yet one more severe cut to the health
6 and productivity of Puget Sound. As the habitat of Puget
7 Sound has been destroyed and degraded, it increases the
8 value of all the habitat that remains. This site is no
9 exception. By any measure, this is valuable habitat to
10 salmon recovery in the central Puget Sound.
11 Finally, I want to emphasize a point that hasn't been
12 made particularly strongly this evening and to speak about
13 what salmon represent in the Northwest. They have been and
14 are a cultural icon. They're essential to our tribal
15 neighbors and nontribal neighbors, ourselves, everyone in
16 this room. They represent, across the region, a billion
17 dollar salmon economy and tens of thousands of jobs. We all
18 have a responsibility to protect and enhance our Northwest
19 way of life and this includes stable jobs, including salmon
20 jobs, abundant salmon, healthy food, good fishing, and
21 outdoor places for our families to enjoy. I don't think
22 that the U.S. Army Corps of Engineers should stand in the
23 way of those important Northwest values by limiting them and
24 approving this permit. By moving forward with this mine and
25 this dock, the federal government will be moving ahead with

1 yet another project that will further damage these important
2 Northwest values. The mine site and the dock site, for many
3 reasons, are important and critical to our communities, to
4 our environment and throughout Puget Sound to salmon and to
5 the economic communities that rely on them. Bury this
6 permit, protect this land, and let's move on with some
7 alternatives.
8 Thank you.
9 COLONEL LEWIS: Thank you. Ann Stateler, Evan
10 Justin, Kristine Alkire.
11 MS. STATELER: Ann Stateler, I'm the vice president
12 and conservation chair of the American Cetacean Society,
13 Puget Sound Chapter and I coordinate the Vashon Hydrophone
14 Project for Puget Sound Whale Research on behalf of the
15 chapter. I also hope to do right by my (inaudible) tribe
16 ancestors with the words I speak tonight. I will be
17 referring to field work that has been done by my colleague
18 Mark Sears (phonetic) who couldn't be here tonight and the
19 Vashon Hydrophone Project.
20 Mark's identification photos and our field observations
21 constitute the primary record of verified whale sightings in
22 Puget Sound and are incorporated into the whale museum
23 sightings archive. Mark is often the first researcher to
24 document newborn orcas in local waters. You have already
25 heard many references to Mark's data tonight.

1 In fall and winter, southern resident orcas are drawn to
2 Vashon-Maury by coho and chum salmon runs. Islanders also
3 report that killer whales have been coming here since the
4 1930s, at least. Evidently, Vashon-Maury is the only island
5 in central Puget Sound that the southern residents routinely
6 circumnavigate. Vashon-Maury waters provide off-season
7 sanctuary for our endangered orcas, a place where they can
8 usually find respite from the relentless pursuit of whale
9 watchers and boats. The southern residents get a
10 much-needed break here to forage, socialize, and give birth
11 in comparative peace. Southern resident killer whales show
12 strong site fidelity for the Maury Island shore when they
13 travel in East Passage. As they navigate East Passage, the
14 orcas regularly hug the Maury Island shoreline from Point
15 Robinson south. In nearly 30 years of field study, Mark
16 Sears has never seen killer whales close to the mainland
17 shore when they pass through the area near Glacier's dock,
18 and neither have I in 11 years of collaborative observations
19 with Mark. An extended dock will obstruct the southern
20 residents' preferred travel route. Salmon and orcas are
21 attracted to Maury Island spawning grounds. Orcas often
22 forage in this area.
23 If Glacier's expansion spoils crucial eelgrass beds,
24 herring and salmon will suffer. If local forage fish and
25 salmon stock are further compromised, the southern residents

1 will be forced to expend more energy during their most
2 vulnerable time of year to search elsewhere for food. To
3 our orcas, Vashon-Maury is a continuous piece of habitat
4 within their greater home range. It's not unimaginable that
5 if the extended pier barging activity and underwater noise
6 at the Glacier site disturbs the southern residents,
7 impeding their access to vital winter habitat, they will
8 avoid the Maury Island shoreline. Glacier's expansion could
9 eliminate the orca's use of island waters, as Dr. David Bane
10 has suggested.
11 Vashon-Maury waters are critical habitat for pregnant
12 and lactating southern residents and their newborns in the
13 fall and winter. Our waters serve as an orca nursery.
14 Since 1994, Mark Sears has documented at least nine babies
15 near our island. Several of these newborns have still had
16 fetal folds, indicative of recent birth. So we can not rule
17 out the possibility that calving is occurring in
18 Vashon-Maury waters. As an example, on 12/26/2003, Mark
19 photo documented a new calf in K pod off Dilworth in East
20 Passage, several miles north of the Glacier site. The baby
21 was obviously born recently, possibly hours earlier, because
22 he still had fetal folds. On December 27th of 2003, 100
23 yards off the beach of Point Robinson, we watched in
24 amazement as the mother presented her newborn calf to us.
25 K Pod continued to hug the Maury Island shoreline as

1 they recently traveled south, passing within several hundred
2 yards of the current Glacier dock. Point Robinson is a
3 reliable place to have a shore-based, noninvasive close
4 encounter with orcas. It is also within underwater acoustic
5 range of the Glacier site.
6 I monitor a continuously operational hydrophone and I
7 can attest that only one loud boat or barge could have a
8 detrimental acoustic impact. Dr. Bane noted that an
9 environmental impact statement on Glacier's proposed
10 expansion did not consider research that shows boat noise is
11 a likely contributor to the southern residents' decline.
12 Killer whales have the most sensitive hearing of any toothed
13 whales, they rely on their sophisticated acoustic abilities
14 for survival. Recent studies indicate that the cumulative
15 underwater noise from manmade sources interferes with orca
16 social communication and may be damaging their hearing.
17 Noisy engines and propellers mask echolocation used for
18 hunting and navigation. Southern residents are in danger
19 due to decimated salmon runs, buildup of toxins in their
20 blubber, growing effects from boat disturbance and
21 underwater noise, and the removal of a breeding generation
22 of 58 orcas for marine parks in the 60s and 70s.
23 As top predators, our fate is linked with killer whales.
24 What we do to orcas and their habitat has consequences for
25 us. The precautionary principle dictates that we should not

1 engage in activities that we can reasonably expect will
2 cause harm to species facing extinction. We share our
3 backyard with many magnificent species that could be
4 displaced by Glacier's expansion. As habitat is further
5 degraded, where are our fellow creatures to go?
6 Future generations are not likely to think twice about
7 the source of gravel in their pavement, but they will notice
8 the absence of orcas, salmon, and drinking water. The
9 natural capital at risk if this mine is expanded is
10 irreplaceable. To prevent the southern residents'
11 extinction, we must commit to restoring or maintaining
12 habitat, not further degrading it. Adding Glacier's barging
13 operation to the existing underwater cacophony in East
14 Passage is inconsistent with orca conservation and recovery.
15 Thank you.
16 COLONEL LEWIS: Thank you. Evan Justin, Kristine
17 Alkire, Tim Robinson.
18 MR. JUSTIN: Thanks for this opportunity.
19 20 years ago, I sat on that side of the table. I used
20 to work for the Corps of Engineers as an environment impact
21 assessment technician and technologist. I used to be a
22 toxicologist, now I'm a school teacher. I used to hate
23 (inaudible) out of my backyard, now it scares the
24 unmentionables out of me that my kids will be exposed to a
25 toxic waste dump for the rest of my life. It scares me.

1 It's nuts, but it's true. It's something I can't get away
2 from.
3 Another thing that bothers me is cutting half of an
4 island away to its water shed and not expecting a landslide
5 when there is two freshwater tables. And at the same time,
6 we're talking about having a completely permeable unified
7 water table on the gravel side, no worry about landslide one
8 way or the other on the other half of the island. That's
9 something that will pop up on you during one storm or down
10 on you. The other thing that bothers me is the noise, as
11 trivial as that sounds. I can't imagine a berm having any
12 impact on noise abatement over a 24/7, several-year life of
13 this thing as it goes all the way down to sea level. I just
14 imagine a huge chunk of this place taken out, disappeared,
15 and fallen on top of the toxic dump. And I have been proud
16 of the last 20 years of my association with the Corps. I
17 certainly hope I can say that in a year.
18 Thank you very much.
19 COLONEL LEWIS: Thank you. Kristine Alkire, Tim
20 Robinson, Martin Baker.
21 MS. ALKIRE: Hello. My name is Kristine Alkire,
22 I'm a private citizen here. I have lived here for about 15
23 years. I'm a mother of four and a grandmother of, I guess,
24 it's five now. Thank you very much for coming.
25 We're meeting tonight in a school building that honors

1 learning and transmission of knowledge. I'm really glad
2 we're here because there's specific knowledge that we want
3 to talk about. Words do matter. Facts do matter. Life
4 going on does matter. We're here in a small room and
5 everybody is probably as thirsty as I am, so I wanted to
6 talk about the water and the fact that it's just a small
7 point, but it's important to me. The fact that the --
8 Glacier will be using our water to mitigate their dust
9 arousal of their processes. For me, our water is so
10 valuable. It seems to me the wealth of the future and we
11 can see it in so many political arenas that the value of
12 water is increasing, increasing. Our water here is so
13 limited, we limit our growth of our island because we only
14 have a certain number of people that we can have drink. And
15 the 10,000, perhaps 100,000, gallons that they use a day to
16 keep the dust down, is a true concern to me. I don't think
17 we can keep them to the amount that they say that they're
18 going to use because no one's going to be there to watch
19 them.
20 The second thing is as they -- if the plan goes forward
21 and the aquifer is closer and closer to the work area, the
22 10,000 gallons, the 20,000 gallons, however much water they
23 use, will then be filtering through a smaller and smaller
24 recharge area. I don't see how it's -- it can possibly be a
25 life-giving process to have this.

1 Thank you for coming tonight.

2 COLONEL LEWIS: Thank you. Tim Robinson, Martin

3 Baker, Toby Welch.

4 MR. ROBINSON: Tim Robinson, Dockton resident.

5 The issue I want to bring to your attention for

6 consideration tonight is the soil containment system that

7 will have to be built and maintained by Northwest

8 Aggregates. This containment system will be the repository

9 for an estimated 271,000 cubic yards of arsenic, lead, and

10 cadmium contaminated soil that will be removed and stored on

11 site as a result of the mining operation.

12 The mine will extend downward to a level 15 feet above

13 the documented aquifer. At this elevation, the aquifer may

14 be at risk for contamination due to daily mining activities.

15 At the upper elevations, a large manmade membrane will be

16 used to construct the soil containment system. The design

17 of this soil containment system includes a retention

18 infiltration pond at the base of the mine 15 feet above

19 aquifer. Any leaching from the containment cell will be

20 captured and directed to the infiltration ponds at the base

21 of the mine. I'd like to emphasize the fact that Maury

22 Island -- Vashon-Maury Island has been given the sole source

23 aquifer designation of the U.S. Environmental Protection

24 Agency.

25 I'd like to quote from Herrera Environmental

1 Consultants. It states, Contaminants exposed by a cover
2 system failure could migrate beyond the containment cell
3 footprint and enter surface water runoff. Most of the
4 runoff from the cell would flow towards the site's detention
5 infiltration ponds or would infiltrate before reaching the
6 detention infiltration ponds and thus would be expected to
7 be contained on site. However, the eastern slope above the
8 containment cell is located above a steep hillside that
9 drains directly into Puget Sound. A cover system failure
10 along this eastern slope could result in runoff from exposed
11 contaminated soil pouring contaminates directly into Puget
12 Sound. The eastern portion of the containment cell is
13 proposed to contain soils exceeding the amount of toxic
14 control at industrial area cleanup levels.
15 In closing, I would suggest that the Corps of Engineers
16 require that Northwest Aggregates submit a cleanup action
17 plan for approval prior to any dock permits being issued
18 because there's an integral correlation between water
19 contaminated soils and this mining activity. They all have
20 to be looked at in one term.
21 Thank you.
22 COLONEL LEWIS: Thank you.
23 Martin Baker, Toby Welch, Jerry Williams.
24 MR. BAKER: I'm Martin Baker. I'm a resident of
25 the island of 30 years. Professionally, I work for the City

1 of Seattle. I head up the Salmon Recovery Program for the
2 city and also the Cleanup of Contaminated Sediment Program.
3 I'm speaking to you tonight as a resident, however, not in
4 my job at the City.
5 I don't want to repeat many of the good scientific
6 points that have been made tonight, only to emphasize their
7 importance, especially the new information. Salmon recovery
8 is a part of adaptive management process we are always
9 monitoring. And I hope that you are learning some new
10 information tonight that will call into question the
11 consultation with the National Oceanic Administration and
12 look into the question of whether that consultation does
13 need to be opened again.
14 Secondly, I want to comment on the importance of WIRA
15 planning. When the Critical Habitat Rule for Puget Sound
16 chinook was issued, there was a report that went along with
17 the rule called the B2 report. In that report, the NOAA
18 staff admitted to not taking into account WIRA plans and the
19 scientific information under those plans. One of the
20 reasons, they said those plans were not completed. However,
21 much of what you heard tonight comes from the science that
22 was -- at that point existed. So it's important research,
23 it's important to take it into account.
24 Finally, I want to emphasize that case law is
25 emphasizing the importance of the definition of adverse

1 modification. That the standard to which organizations and
2 regulators should hold themselves when determining what the
3 standard is in judging the impact of inaction on critical
4 habitat is actually recovery, it is not jeopardy. So
5 really, Glacier should be held and you should hold
6 yourselves accountable to a recovery standard in judging
7 whether mitigation really achieves recovery of the habitat
8 that has been impacted and would be impacted.
9 Thank you very much.
10 COLONEL LEWIS: Toby Welch, Jerry Williams, Ed
11 Swan.
12 MR. WELCH: Hello. My name is Toby Welch. I'm the
13 head of school at the Harbor School. More importantly, I am
14 a member of the Vashon Island community for 22 years and a
15 resident of Dockton for 16 of those years.
16 The reason I chose to speak tonight is to talk about the
17 recreational value of the trail system that is located on
18 southeastern Maury Island. In the 20 or so miles of trails
19 that stretch from the golf course to Gold Beach to Sandy
20 Shores Road to Dockton Park, these trails run across both
21 public and private lands. People from all over the island
22 and beyond use this trail system. On any given weekend I
23 will run across a large number of people who are choosing
24 trails as their recreation. What kind of use do these
25 trails see? Walkers and hikers, mountain bikers,

1 equestrians, motorbikes. Who uses these trails?
2 Multi-generational usage. I have come across parents and
3 their young children out for their first hike. I've also
4 met grandparents out for a stroll. As a frequent user of
5 these trails, it's been a pleasure to see teenagers out
6 building trails for downhill biking. Through my eyes I see
7 people of all ages using these trails for their recreation
8 and enjoyment.
9 Preserving the trails that currently exist helps
10 preserve the rural quality of our life that this community
11 has fought so hard to maintain. Preserving the trail system
12 also provides the community with recreational activities
13 that serves multiple users and these users represent all
14 ages.
15 In closing, on this afternoon's news there was an
16 interesting item of particular interest that pertains to
17 today's proceedings. The superintendent of public
18 instruction of Seattle seems to be a huge budget deficit to
19 the tune of many to many millions of dollars. In a
20 cost-cutting measure, it was proposed to close 20 Seattle
21 public schools. After hearing from the Seattle residents,
22 he has chosen to not close these 20 schools due to the
23 outpouring of support by the people. Tonight, hear the
24 outpouring of support from this community to have Glacier
25 look elsewhere for its gravel.

1 COLONEL LEWIS: Jerry Williams, Ed Swan, Sandra
2 Ripley.
3 Ed Swan.
4 MALE VOICE: No. I'm dash 4586.
5 You're Colonel Lewis; right.
6 COLONEL LEWIS: I'm sorry. Your name?
7 MALE VOICE: Kevin. 4586. Yes. I didn't want to
8 get left out. I can't hear. But it is pronounced U.S. Army
9 Corps of Engineers, is it not?
10 COLONEL LEWIS: Yes, it is. Let me find your card
11 first.
12 MALE VOICE: Excuse me?
13 COLONEL LEWIS: Your card.
14 MALE VOICE: I have been confused by the signs I
15 have been reading on Vashon for five days leading up to this
16 process. I'm either going to be embarrassed by --
17 COLONEL LEWIS: I'm sorry. Would you please repeat
18 your name? We must find your card for the records.
19 MALE VOICE: It says yes all over the card. Every
20 answer on the card is yes. 4586. That's the last four of
21 something that will identify me. I had that number before
22 you were born.
23 COLONEL LEWIS: The name.
24 VOICES: Your name.
25 MALE VOICE: Kevin. You know that. This is

1 insane.

2 I've been watching the signs for five days leading up to

3 this process. I'm embarrassed by my question.

4 What is wrong with my understanding of U.S. Army Corps

5 of Engineers?

6 Please take my answer [sic] off the floor. I'm really

7 embarrassed.

8 COLONEL LEWIS: Ed Swan, Sandra Ripley, Billie

9 Christianson.

10 MR. SWAN: My name is Ed Swan. I'm speaking as a

11 private resident and as the president of the Vashon-Maury

12 Island Audubon Society.

13 Many other people have spoken tonight about the effects

14 on eelgrass and fish populations. What has been less talked

15 about and documented in written documentation is the effects

16 on bird populations. As part of my own written work that I

17 have submitted, I added a list of bird species that feed

18 directly on the fish or on the various spawning events

19 related to the fish. That list of species is the exact same

20 list of species that is reported in recent Washington

21 Department of Fish and Wildlife studies as facing serious

22 declines.

23 And the declines that they're facing -- these are the

24 studies done by David Dysbomer (phonetic) and other staff

25 members of the Department of Fish and Wildlife. Those

1 declines are: For loon species, all together in the
2 northern Puget Sound region, 79 percent decrease in the last
3 20 years, the common loon population has gone down 64
4 percent in the last 22 years -- I mean the last 20 years.
5 Grebe, 82 percent; red-throated grebe, 89 percent; western
6 grebe, 95 percent; greater scowl, 72 percent; the scolder
7 population of sea ducks, down 57 percent. These are all
8 birds that are documented off of the waters where this will
9 go in, off of Maury Island and around Vashon-Maury Island.
10 And they're all dependent on the eelgrass beds and the fish
11 that are dependent on those. And their studies are showing
12 that those declines are spreading beyond just the north
13 Puget Sound area to around the sound as a whole. And so
14 far, their studies have shown that the central Puget Sound
15 has done better -- the populations are decreasing; that
16 they're more stable than the north Puget Sound. However,
17 the recent data that they have had is continuing to show
18 more decline and, in addition, the Vashon-Maury Island
19 Audubon Society, through it's Christmas bird counts, is now
20 starting to see those high rates of decline start to strike
21 some of the birds that are listed for the north Puget Sound
22 and, in particular, the western grebe population has dropped
23 in the last seven years of bird counts. The western grebe
24 population for the Vashon-Maury area has dropped about 75
25 percent, according to the data. It's actually down to about

1 90 percent of where it was when we added some additional
2 data for counts that were occurring before the official bird
3 counts began here.
4 So this -- the work that the dock will be doing and
5 subsequent work from the boats as it disturbs the fish
6 habitat and the vegetational habitat there, it continues to
7 go on to many other species that are not facing just small
8 declines, but we're talking about huge declines that aren't
9 sustainable over time.
10 Thanks.
11 COLONEL LEWIS: Thank you. Sandra Ripley, Billie
12 Christianson, Elliott Libman.
13 MS. RIPLEY: Hi. My name is Emily Mahan and
14 Senator Ripley is my mother. I'm speaking on both our
15 behalves.
16 I am a resident of Maury Island. That island is unique,
17 singular, and irreplaceable, just as the whole of Puget
18 Sound has a unique geological and biological history. To
19 me, this is not simply a textbook fact, but also something
20 that I can experience and witness every day from my home.
21 The ecosystem on Maury Island is very subtle and delicate
22 and the tide in front of my house rises so gently that is
23 almost seems like a lake, rather than something that's
24 marine. Even a speedboat across the harbor can throw up
25 waves that are many times the size of what is typically

1 experienced and that produces quite a large effect. I can't
2 imagine the impact of such a large-scale operation as what
3 is being proposed.
4 We can choose to keep this island as a home for the
5 residents and as an irreplaceable natural resource or we can
6 gut it for gravel. There is only one wise decision here and
7 only one sensible decision here and I belive that is to deny
8 the permit for expansion because the proposed benefits of
9 this plan are not benefits to us, the citizens, or the
10 residents, and they are not a benefit to the island. They
11 are only of the benefit to the Glacier Corporation.
12 Thank you.
13 COLONEL LEWIS: Thank you. Billie Christianson,
14 Elliott Libman, Jerry Williams.
15 MS. CHRISTIANSON: I am Billie and I don't want to
16 speak.
17 COLONEL LEWIS: Thank you, Billie.
18 Elliott Libman, Jerry Williams, Lori King.
19 MR. LIBMAN: Thank you for coming.
20 I have only lived here for a year and I don't know as
21 much about this issue as I would like to. But I do know
22 that everyone I have spoken with about this issue, without
23 exception, has been against it. King County rejected
24 Glacier's proposal about a year ago.
25 Because Glacier has ample resources, they may be able to

1 lean on the decisionmaking system, perhaps indefinitely,
2 until it yields. This meeting has been made necessary
3 because Glacier has so leaned in the courts and may be
4 granted their wish to go ahead with this project. This
5 raises an important question about our democracy. Are the
6 wishes of a corporation more important than the wishes of
7 the people who will be effected by that company's decisions?
8 In a democracy, the majority is supposed to determine the
9 outcome of policies effecting the public. It's clear here
10 that the overwhelming majority of people on these two
11 islands is totally against this plan. There's been no one
12 that's spoken for it.
13 You said in the beginning that it was your job to assess
14 the public interest, the global public interest. There has
15 been nothing here that has indicated that there is any
16 public interest that people here are interested in, except
17 for Glacier's financial interest and some jobs that will
18 come to the island.
19 VOICES: Not many.
20 MR. LIBMAN: Please do the right thing and deny
21 this permit.
22 Thank you.
23 COLONEL LEWIS: Lori King, Laurie Geissinger.
24 MS. KING: I implore you to carefully consider the
25 negative impact that would occur should Glacier be allowed

1 to obtain a Section 10 permit to build a dock and to further
2 pursue their mining and barge operations on Maury Island.
3 I'm sorry. I'm Lori King and I'm a resident.
4 COLONEL LEWIS: You need to move up. I'm not sure
5 the people in the back can hear you.
6 MS. KING: Okay. I'm a resident of Maury Island
7 and I speak as a resident of Maury.
8 The impact on every citizen of this beloved island that
9 we call home would be nothing short of catastrophic in
10 relationship to their homes and their health, property
11 values, to say nothing of the threat to fish and wildlife,
12 wetlands, shoreline erosion, and the aquifer.
13 The fact that Glacier's request is actually being
14 considered and that we have to fight to protect our
15 environment and our home in this capacity is
16 incomprehensible. There has never been a more critical time
17 in the history of our planet to at long last make the health
18 of the environment a priority over corporate greed. The
19 Vashon-Maury community has rallied to protect this one small
20 portion of our precious earth.
21 Cascade Land Conservancy and others have offered Glacier
22 over $10 million for this bit of land that they paid
23 $500,000 for so that it may be protected and enjoyed
24 recreationally by our entire community. This island is
25 ours. It belongs to the people who love it and who live

1 here. It does not belong to a foreign conglomerate who
2 would so cavalierly rape the land for profit with wanton
3 disregard for the consequences of their actions.
4 Through this adversity, you are presented with the rare
5 opportunity to create a new template in the relationship
6 between humanity and the environment. I ask that you look
7 within yourself and choose the higher ground. Assist us in
8 the protection of our precious piece of earth.
9 COLONEL LEWIS: Laurie Geissinger, Jack Barbash,
10 John Candy.
11 MS. GEISSINGER: Good evening. My name is Laurie
12 Geissinger. I have been an island resident for 30 years.
13 I came tonight to listen. I came without a prepared
14 statement and I'm feeling very strongly that perhaps there
15 is -- we haven't taken the larger view and I want to try to
16 step back just a moment and bring the Corps back to the
17 initial questions that Colonel Lewis presented to us this
18 evening.
19 The first that I understood is that the Corps is trying
20 to determine if this is in the overall public interest.
21 Secondly, whether this proposal is the least environmentally
22 damaging alternative. And thirdly, is the weighing of this
23 use relative to both its benefits and impacts.
24 When I took a look at this proposal, I couldn't help but
25 think that it was somewhat like extracting a kidney from a

1 very fragile and unwilling donor. Puget Sound is in
2 decline. Puget Sound -- we're doing everything possible --
3 throwing money to try to restore small areas of Puget Sound.
4 So it's really hard for me to get past that basic fact as I
5 proceed into trying to understand the justification of need
6 at this particular location based on the existing
7 environmental conditions, even before I get to evaluating
8 the impact. Puget Sound is in decline.
9 Vashon Island is a sole-source aquifer with limited
10 water resources, there's endangered and threatened species
11 that rely on this habitat, it's a conservancy shoreline,
12 there's a huge public investment spent in trying to restore
13 Puget Sound.
14 The need is unjustified in this location. The need --
15 there may be an overall need in the region, in the nation,
16 you know, internationally for gravel. But there's many
17 other areas to extract gravel. So is this the least
18 impacting alternative? I think not.
19 When this project began, this need was driven based on
20 and argued on the third runway. The third runway now has
21 identified 13 other sites for gravel. So I'm wondering how,
22 all things considered, with the sum truly being greater than
23 the total of its parts, how this benefit calculation could
24 be made possibly in favor of mining this site. Because the
25 section 404 of the Clean Water Act, the (b)(1) guidelines,

1 to me, seem explicit. And to me, this proposal would defy
2 the intent of this legislation -- this very protective
3 legislation.
4 The final thing I would like to mention very briefly is
5 I think that in assessing impacts, we need to consider the
6 track record of the proposer. And, you know, it's very,
7 very hard, once a facility is in operation in this day and
8 age, to effectively monitor and enforce environmental
9 regulations. In a perfect world, we could set out a
10 tremendous list of mitigation measures and say we're going
11 to go forward. In reality, we know enforcement is poor in
12 this state and that the best laid plans often falter. I ask
13 for your conservatism in making these judgments and I
14 greatly appreciate understanding the rationale of your
15 decision.
16 Thank you, Colonel Lewis.
17 COLONEL LEWIS: Thank you, Laurie. Emily Mahan,
18 Jack Barbash, John Candy.
19 Emily has already spoken?
20 Jack Barbash, John Candy and Rick Dahms.
21 MR. BARBASH: Yes. I've been involved in studying
22 and doing research in the environmental sciences for 30
23 years and work -- do that professionally for the federal
24 government. I do speak as a private citizen and resident of
25 Vashon-Maury Islands tonight.

1 There are two major concerns that I have in addition to
2 many of the others that have been voiced that I think make
3 this site particularly important for protection. The first
4 is, as has been mentioned many times, the nearshore habitat.
5 Work was done that was sited extensively by Laura Wishik
6 earlier by the King County Department of Natural Resources
7 and WIRA-9 team. Research demonstrates that chinook salmon,
8 that are obviously a species of concern, use the nearshore
9 very extensively and so therefore putting the eelgrass beds
10 in this area in jeopardy and very probably destroying them,
11 doesn't make sense from that standpoint. We need to protect
12 eelgrass habitat. You have already heard that it is very
13 much in danger and very much depleted, relative to what was
14 here before major settlement began.
15 It's also been demonstrated from that study and the
16 study of the WIRA-9 that the habitat around Vashon-Maury
17 Island, the nearshore habitat, is so healthy that it's
18 actually used by fish from throughout the southern Puget
19 Sound region. Fish tagging recovery studies indicated that
20 fish from 16 different hatcheries and nine different WIRA
21 areas are showing up in the waters around Vashon-Maury.
22 That was based on studies. Clearly this nearshore habitat
23 is seriously in danger by this project. It is not only of
24 local importance, but of regional importance, certainly from
25 the standpoint of the south sound, very possibly for the

1 north sound. We have heard several people mention that fish
2 from the Skagit River valley have been detected in the area.
3 The tagging studies I'm familiar with have demonstrated very
4 extensively that fish from nine different WIRAs are using
5 these nearshore areas. Again, impacts to the eelgrass areas
6 will have regional -- are of regional importance, not just
7 local.
8 The other area that I'm concerned about -- ecological
9 concern I have has to do with the madrone forest that will
10 be destroyed by this operation. I understand that this
11 madrone forest is one of the healthiest in the state.
12 Actually, most other parts of Vashon-Maury Island a lot
13 of -- many of the madrone trees are subject to a fungal
14 disease. I don't know the Latin name. But this particular
15 stretch of madrone forest is remarkably free of this
16 disease. I don't know if it's known why that is. But that
17 in and of itself makes the madrone forest that will be
18 destroyed by this mine of particular importance. It also
19 relates to the nearshore habitat because this WIRA-9 study
20 that Laura Wishik and others have mentioned did stomach
21 content studies of the fish that they were catching. And
22 what they were finding is that fish -- that one half -- 50
23 percent of their diet comes from terrestrial insects. What
24 that means is that what is done on the lands very much
25 effects nearshore habitat and the species in the habitat.

1 So to destroy the madrone forest, not only has the obvious
2 effects of losing that very healthy forest, also has an
3 indirect effect on the food supply for these nearshore fish.
4 It's also been stated many times it makes no sense,
5 given all the effort and money being expended to protect
6 habitat, to allow habitat that is clearly supporting
7 important species in the region to be destroyed. It's also
8 been apparent that gravel from this operation -- some have
9 stated it's important for construction of the third runway.
10 Speaking personally, I can tell you that I will gladly
11 accept the inconvenience of fewer flights coming out of
12 SeaTac in order to protect these precious ecosystems.
13 COLONEL LEWIS: Thank you. John Candy, Rick Dahms,
14 Troy St. Germain.
15 MR. CANDY: My name is John Candy and I'm a
16 resident of Vashon for 25 years. My wife and I raised three
17 children here and we have loved living here.
18 Since the science has been so well spoke, I'll just
19 mention two other aspects: The aesthetics and recreation.
20 It's really uncanny to me that when people are traveling the
21 world over to visit sites that are as special as the Maury
22 Island site, that we are considering destroying it. It's
23 really unconscionable that when so many people are trying --
24 and so many agencies -- to preserve this very special place
25 in the world, that we would contemplate degrading or

1 destroying it.

2 When you fly into SeaTac, on many of the approaches, you
3 fly over the south sound. And what you see is a chain of
4 emerald islands and a sea of blue. It's a beautiful,
5 beautiful sight. And to turn that into an industrial site
6 when it speaks now with such purity, such beauty, and such
7 poetry, seems unbelievable when we're not forced to. We
8 have the opportunity to avoid that. If you visit this site
9 and walk along the shoreline or boat near the nearshore or
10 walk the uplands, you will have the feeling that you're 100
11 miles away from the stresses of civilization. And this
12 serves not just the population of Maury Island and Vashon
13 Island, but all the people that visit the island and all the
14 people that will visit in the future and all the boaters
15 that pass by the island. And this is something we need --
16 this tranquillity and peace is something we need to
17 preserve, not just for our children, but all those that
18 follow after.

19 As far as the aesthetics go, you need to walk the
20 shoreline, to walk the madrone forest, or to boat the
21 nearshore and to see the beautiful headlands and then to
22 look the other way and see Mt. Rainier in the distance.

23 So I ask the Corps to consider those two aspects: The
24 aesthetics and the recreation which would be lost and to
25 consider also what it would do to the views of the people

1 who live on the east side of the passage looking towards the
2 west.
3 Thank you.
4 COLONEL LEWIS: Thank you.
5 What we're going to do right now -- we have actually run
6 out of time. What I would like to do is allow at least two
7 minutes per person, if you need it, to talk, by exception of
8 something that has not been mentioned before or to be very
9 quickly -- say, I repeat whatever the other person said.
10 Some of us -- it's scheduled for that period of time.
11 So if you, Rick, could handle that. So very briefly,
12 not a first -- by exception, what has not been mentioned as
13 far as information. Go ahead.
14 MR. DAHMS: Thanks very much.
15 For over seven years we lived under the threat of this
16 criminal company's complete disregard for the health and
17 safety of the people living in this area. Their plan to put
18 our drinking water at risk, promise to destroy critical
19 protected marine ecosystem salmon feeding ground, to fill
20 the air with toxic dust from the poisonous soil that they'll
21 be moving around, and leave behind what amounts to a hole
22 and a toxic landfill.
23 As we have educated ourselves to the issues and
24 legalities of our situation, many of us have been astonished
25 at how this corporation seems to hold all the cards. The

1 current land use laws, laws that state, among other things,
2 that if a mine company poisons or destroys a community's
3 drinking water, it cannot be held liable, were cowritten by
4 Glacier's lead attorney. Glacier sues public officials that
5 refuse to rubber-stamp permits that they need. Glacier has
6 tried to bribe leaders of community groups that oppose them.
7 This company has multiple convictions for criminal
8 pollution. And the CEO himself, Ronald Summers (phonetic),
9 has publically confessed to, and been convicted of,
10 knowingly breaking EPA regulations and state environmental
11 laws by dumping pollutant soil that burn human skin through
12 a secret tunnel hidden directly into the Duwamish River.
13 This is who we're fighting against. This is why we're all
14 here.
15 I realize that your interest in our situation is limited
16 as is the scope of what you're supposed to review regarding
17 the permit that we're asking you to deny. There are bigger
18 issues in play as well. Our community is being threatened
19 by a convicted criminal running a criminal organization
20 whose scheme threatens the people who live here, their
21 property, and the wildlife that surround them. You have
22 been put in a position of choosing whether this corporation
23 will go forward with a plan that clearly threatens public
24 health and welfare or whether they are denied the right to
25 make millions of dollars at the expense of a community of

1 people that will pay with their health and the health of
2 everything living for miles in every direction.
3 COLONEL LEWIS: Thank you.
4 Troy St. Germain, Bruce Morser, Douglas Mish.
5 It's after nine, so if anybody wants to leave, that's
6 okay.
7 MR. ST. GERMAIN: Hi, Colonel Lewis. Thanks for
8 having me speak. I appreciate it.
9 My name is Troy. I'm an island resident, business
10 owner, and also employed here. I want to thank the Army
11 Corps of Engineers for having a meeting here on the island
12 and thanks for all my neighbors who live on the island for
13 coming down and showing that we don't want it here, not now,
14 and not ever.
15 Thank you.
16 COLONEL LEWIS: Thank you.
17 Bruce Morser, Douglas Mish, Richard Lovering.
18 MR. MORSER: My name is Doug Mish. I'm a
19 third-generation islander, 47 years old. I've been here my
20 whole life.
21 I watched this mine during operation, be shut down and
22 take over 20 years to start to grow some kind of vegetation
23 on the hillside again. I do appreciate that they opened
24 that area up when I was in high school, it was a great place
25 to go drinking and take your girlfriend. I really liked

1 that. However, I got a real problem with them ripping up
2 the beach and they will when they put a dock in.
3 I've been a marine diesel mechanic for 25 years. I work
4 on a lot of heavy equipment and I work on yachts, I work on
5 fishing boats, I work on tugboats. None of those things are
6 very clean, people. The things that are going to be moving
7 the dirt out there -- and I do love my dirt equipment people
8 out there that send me their work, I do appreciate that.
9 But we all know that things break and we have contamination
10 problems sitting on top of sand that is probably going to
11 get into Dockton's waters.
12 So the other thing I would like to add is that if you do
13 happen to get down on that beach -- even though I don't
14 recommend it because I think it's trespassing -- if you do
15 during the summertime particularly, look at the funny little
16 critters that live down there right next to the shore.
17 There's some real strange looking lizards and some real
18 funny looking, like, sea grass that grows down there. I
19 don't think it grows anywhere else on the island. Anyway,
20 it's a special place. We would like to keep it the way it
21 is.
22 Thanks very much.
23 COLONEL LEWIS: Thank you.
24 Richard Lovering, Ann Shapiro, Rayna Holtz.
25 MR. LOVERING: Thank you. I'm Richard Lovering,

1 I'm Glacier's neighbor to the north.

2 We talked a lot about how special a place it is. It is
3 a magical place because I'm one of the people that
4 trespasses frequently there. And I would like to welcome
5 Colonel Debra Lewis and Olivia Romano -- I have got a house
6 right next to the site as it stands right now. You are
7 certainly welcome to come over and spend a weekend and walk
8 -- trespass with me in the site and see what a wonderful
9 place it is.

10 I have two quick points to make. One is that I was
11 traveling home on the ferry today and I ran into a guy, one
12 Richard Garrisson (phonetic), who was a civil engineer and
13 an arsenic contamination expert on water systems who was
14 here -- he services a water system in Maury Island, but he
15 also services another one on the north end. And I said to
16 him, Well, you know, what would happen if the worst thing
17 happened with the site? And he said, Well, you know, you
18 would be out of water table. You would have to get your
19 water from some place else. I said, What would it suggest
20 to you? He said, You're surrounded by water. You would
21 start a reverse osmosis plant. In other words, you would
22 reach out a pipe into the Sound, filter that water,
23 pressurize it through a filter to get the salt out under
24 extreme pressure, 750 pounds of pressure, and filter once
25 again on the back end and chemically treat it. The long and

1 the short of it, there were up-front costs associated with
2 this, based on 400 gallons per day per household, based on
3 500 households being served in the eye-ear-smell-shot of the
4 site. And he said, The long and short of it is you would be
5 spending approximately 100 to $150 a month for your water.
6 Hello. That is point number one.
7 One last point and that is this: Five years ago or
8 whenever it was that we had the county meeting, we had
9 people come out who were intent on looking at the Glacier
10 plans and approving or disapproving them. The reality is,
11 oftentimes that disapproving -- what we would have them do,
12 veto those plans, drive the stake through this project's
13 heart, that isn't necessarily in their toolbox. For that
14 you need real political clout. Unfortunately, at the county
15 level -- back then we had Dow Constantine and Ron Simms who
16 went to bat for us and we thought killed the project. It
17 was overturned on the state level. Now we're at the state
18 level and the national and federal level. But we're at the
19 state level tonight. We have Jeannie Summerhays here from
20 state Department of Ecology. Two, three steps up, she
21 reports to Jay Manning, who reports to our governor. I do
22 not know whether you have noticed this, but our governor has
23 been very silent about this whole process. And possibly the
24 reason she has been very silent about this whole process is
25 the Derkin (phonetic) sisters. One Derkin sister is our

1 governor's James Harville (phonetic), without whom, she
2 wouldn't have gotten in. The other Derkin sister is
3 Glacier's lawyer. Our governor would now wish to be
4 absolutely invisible. I would urge you to go home and get
5 on the web and drop the governor a note and let her know
6 she's not invisible.
7 Thank you.
8 COLONEL LEWIS: Ann Shapiro, Rayna Holtz.
9 MS. SHAPIRO: My name is Ann Leda Shapiro. I
10 didn't come with super prepared notes but I want to thank
11 you so much for coming to our island. I wish you could
12 spend more time here. And in lieu of that, I'm going to
13 send you the paintings I've been doing of Vashon Island.
14 I'm an artist and an acupuncturist.
15 I have been doing paintings of the lavender fields and
16 the pumpkin patches and the deer pond. And I went to
17 Dockton to do a painting of the view up there. And what
18 happened was little animals started to appear. I mean, I
19 saw them around me and I started putting them in the
20 painting and then little tears came out of their eyes. And
21 so I'm hoping for a happy ending to this book that I'm
22 working on about Vashon Island and how this is a very
23 interconnected community of people, of republicans, of gay
24 people, of poor people and not so poor people, and -- you
25 know, the interconnectedness is so amazing here. I haven't

1 seen it anywhere else.

2 So that was the one point I wanted to make about how

3 beautiful this place is. And I want a happy ending to my

4 book and I want Sasquatch to publish it.

5 The second one is -- this has happened twice to me. I

6 have been driving in my car and a gravel truck passes and my

7 windshield is popped with gravel specks. And I did get a

8 settlement from one -- from the first time that it happened.

9 And the second time I said forget it, you know. But I

10 just -- there is going to be I don't know how many

11 thousands -- 50 lawsuits, you know. And the whole thing

12 about the gravel on the windshield, it's going to be a

13 problem. And the paint job -- I didn't have them redo the

14 paint.

15 Those are the two points I want to make. Thank you very

16 much for coming and listening to our community. Thank you.

17 COLONEL LEWIS: Rayna Holtz.

18 MS. HOLTZ: Thank you for coming and listening to

19 us. I'm Rayna Holtz. I've been on the board of the

20 Vashon-Maury Island Audubon Society off and on for about 10

21 years. I am speaking tonight as a private citizen. I have

22 lived on Vashon for over 30 years now. My interest is in

23 bringing up a few things about the ecology of the site that

24 haven't been completely covered.

25 As you probably know, the Quartermaster Harbor and the

1 shoreline of Maury Island have been designated as a marine
2 aquatic reserve. But what really hasn't been brought out
3 tonight is that Quartermaster Harbor is also an important
4 bird area which is a national designation of the National
5 Audubon Society based on precise criteria for selecting the
6 most critical areas in the country for birds. And
7 everything is connected.
8 Some of the reasons why the harbor itself is critical
9 habitat for birds has to do with the shorelines leading up
10 to it. And a case in point is the herring. If you look at
11 Department of Fish and Wildlife -- guess it's Washington
12 Department of Fish and Wildlife forage fish information on
13 the web, you see that there's a holding area for herring at
14 the southeast corner of Maury Island, which overlaps this
15 site. It's very likely that this barge facility would
16 interrupt that. There's no telling what would happen to the
17 herring run, which is one of the most significant herring
18 runs in the state. The actual spawning beaches are within
19 the harbor.
20 I would also like to mention a little bit about bird
21 habitat on the upland site, Ed Swan addressed the marine
22 habitat. Some of the highest bluffs on the island are on
23 the whole shoreline of Maury Island, on that southeast
24 shoreline, and bird nesting sites on that -- on those bluffs
25 facilitate bluff-nesting birds. They need to have bluffs

1 which they can excavate nest holes in. And the site, right
2 now, undoubtedly has the nests of these three species on
3 Vashon that include the northern rough-winged swallow,
4 pigeon guillemot, and kingfisher. We have an insufficient
5 number of these. Many of these birds have lost habitat in
6 the Puget Sound area because of development. I could go on
7 but I -- thank you very much.
8 COLONEL LEWIS: Thank you.
9 Now that we completed all the cards, we're going to
10 close the public hearing. The public hearing record will be
11 open through May 31st, 2005. Written comments may be sent
12 to U.S. Army Corps of Engineers until that date. We had our
13 mailing address that we showed to you, it's also on the
14 registration table, if you haven't picked that up in the
15 back of the room.
16 If you would like to see more detailed project
17 information, the December 13th, 2004 public notice is
18 available on the Seattle District's web site. There are
19 links to the project's public notices and other web sites
20 that contain project-related information under the hot
21 issues link at the top of the page. That information was
22 also included in your handout.
23 I will take into consideration all comments received. I
24 will ultimately be responsible for determining if a
25 Department of the Army permit should be issued. As in the

1 past, a very important factor in this determination will be
2 our evaluation of all the comments received by May 31st,
3 2005, including this hearing. On behalf of the U.S. Army
4 Corps of Engineers, I wish to thank everyone for coming and
5 participating in tonight's hearing. This hearing is now
6 adjourned.
7 (Hearing concluded.)
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1 U.S. Army Corps of Engineers public hearing for Northwest
2 Aggregates pier extension. Reference number 200001094, tape
3 one, side one.
4 MR. STAHL: My name is Andrew Stahl from Sunrise
5 Acupuncture, I'm a business owner.
6 I am opposed to the mining of Maury Island for many
7 reasons. One of them, most importantly, is the impact it
8 will have on the fish. This will disturb the last remaining
9 eelgrass in the Puget Sound around Seattle. We can't afford
10 to lose anymore native fish. It is unbelievable to me that
11 that is even being considered.
12 I don't feel like the -- I know that the proposal that
13 Glacier has will not suffice for the quality for the fish.
14 We have destroyed enough fish. Certainly, strip mining an
15 island not only messes with the fish, it also messes up the
16 land. The island is a very special place. There's not
17 going to be a volcano that's going to dump more (inaudible
18 words) inappropriate.
19 The economic impact is only going to be good for one
20 corporation and maybe some employees. The long-term impact
21 is -- you can't put the land back together again. There's a
22 lot of gravel in a lot of places that is much easier to
23 extract. I understand we do need gravel, but we don't need
24 it from here.
25 Thank you.

1 MR. DEBLASSI: This is Michael DeBlassi
2 representing a citizen of Vashon Island and my comments for
3 the Army Corps is to please take the testimony that you get
4 tonight on the 17th of May very seriously. People have
5 given a lot of time and a lot of their personal resources to
6 give facts to this presentation.
7 Obviously, looking in the history of this presentation
8 of Glacier that it is a purely economic decision.
9 (Inaudible words) to make profits, but surely there are a
10 lot of other places to get gravel. (Inaudible words)
11 obvious damage to the shoreline and surrounding areas.
12 Let's face it, it's immeasurable and it will be
13 immeasurable. This area needs to be preserved, not only for
14 the people of Vashon, but for the whole community of Puget
15 Sound.
16 I hope that if there's any doubt in the Corps' mind that
17 this is a project that has absolutely zero impact to the
18 environment, that they continue to ask questions and
19 continue to extend this process until we are sure this is
20 the right long-term decision for our community.
21 Thank you very much.
22 MS. SEVERSON: My name is Kate Severson and I have
23 been here at the public hearing for the last hour and 45
24 minutes listening to my fellow islanders and I thought it
25 would be a good idea to come and share a few thoughts with

1 you as well. Thank you for coming and having this hearing
2 and listening to our concerns about the proposed mine on
3 Maury Island.
4 My thoughts have to do with not so much any other animal
5 species and aquatics species, but the barbarian species of
6 homo sapiens. What I want to say is -- what it feels like
7 -- sometimes we need our own spiritual and soulfulness out
8 of the equation. I don't mean religious, I just mean our
9 own connection to this web of life and the vast interflow of
10 -- the mystery of life and death. Yet here we are, we're
11 all here speaking in an effort to try and save this precious
12 landscape for the other animals. I would like to say that I
13 would like to save it for us as well and not just in an
14 economic sense or a recreational sense, but because this
15 land is our home and home is -- how do you describe it?
16 It's only the place where I come at the end of a day and I
17 can smell the water and the trees and I can see my neighbors
18 and I can feel my connection and I can feel myself be
19 replenished by this land.
20 I was born in Tacoma and have lived here in Washington
21 state all my life with some traveling here and there. This
22 is my home and it's not Glacier's home. It's not their
23 home, it's not -- (inaudible words) and the smell, the salt
24 water and the feel of the beach and the wind in the winter
25 and all of those things. It's not their home and yet they

1 want to come to my house and take part of it away -- a big
2 part of it away. And I just believe that the human species
3 that -- at some point we have to reconnect, we have to know
4 our connection to a place. And we have to (inaudible word)
5 ourselves again in some sensibility, some sense of a whole
6 and some sense of our connection. I really just hope and
7 prey that you will consider everything that you have heard
8 tonight and that for the sake of -- for all the animals and
9 fish and birds and for the humans and our journey on this
10 planet, that you will deny a permit based on science and
11 based on spirit.
12 Thank you very much.
13 (End of taped statements.)
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1 CERTIFICATE

2

3 STATE OF WASHINGTON)
)
4 COUNTY OF PIERCE)

5 I, MELINDA TYLER, a Certified Court Reporter and
6 Notary Public in and for Pierce County, Washington, do
7 hereby certify that I reported in machine shorthand the
8 public hearing and that the foregoing transcript was
9 prepared under my personal supervision and constitutes a
10 true record of the testimony of the said witness.
11 WITNESS my hand and seal in Tacoma, County of
12 Pierce, State of Washington, this 1st day of June, 2005.

13

14

15 _____

16 Notary public in and for the
State of Washington, residing
at Tacoma.

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18 My commission expires 5-19-08.

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