



GLACIER NORTHWEST MEDIA ADVISORY

Attached is a letter from Attorney Bill Cronin, on behalf of Glacier Northwest, to Governor Gregoire and Attorney General McKenna. It responds to the January 6 letter by Rep. Sharon Nelson which asked the governor to rescind Glacier's binding lease of state-owned aquatic lands at Maury Island.

Key elements of the letter include that:

- The request is based on a false claim that DNR failed to protect the state's interest when the lease was issued;
- After an unparalleled, 10-year environmental review, every local, state and federal agency, administrative body and court to review the Glacier dock project has unanimously concluded it will ***not*** harm Puget Sound, nearshore habitat or any endangered or threatened species;
- The multiple local, state and federal agencies, administrative bodies and courts that have reviewed the project have ***without exception*** rejected project opponents' claims of environmental harm;
- The letter sent to the governor on January 6 "simply ignores all of these agencies' findings."
- The January 6 letter, in suggesting that rescinding the lease is an appropriate action so that impacts to salmon, herring and orcas can be evaluated, ignores the fact that "multiple agencies have already exhaustively reviewed every possible environmental issue relating to this project" and "reached their conclusions based on science and objective evidence, not politics."

The letter also points out that the Attorney General's Office is defending state agencies in separate legal actions filed by the opposition based on determinations – reached after years of review – that the project will simply ***not*** harm Puget Sound. Yet the January 6 letter asks the Attorney General's Office to reverse course, ignore all the state agencies findings and initiate a separate action to rescind the lease based on the myth that the project somehow " 'undermines the Legislature's commitment to restore Puget Sound.' "

Glacier's letter also points out that on November 17, 2000, the then outgoing Commissioner of Public Lands created the Maury Island Aquatic Reserve without any prior environmental review or public comment, advising Glacier that the aquatic lands lease it had held for the past 32 years would not be renewed until DNR had prepared a management plan for the reserve. Between 2001 and 2004 DNR completed a full environmental and public review process and finalized this plan. It provided that various existing uses – the Quartermaster Yacht Club, Quartermaster Harbor Marina, Dockton County Marina and the Glacier facility – would be allowed to continue if new management criteria were met.

Still, DNR could not act on Glacier's lease renewal until all other project permits had been obtained, the last of which was received from the Corps of Engineers on July 8, 2008 after multiple public comment and appeal periods. DNR reviewed these permits, further evaluated the project under DNR's Land Management Regulations and the Aquatic Reserve Management Plan, and issued the lease on December 2, 2008. The January 6 letter "neglects to mention that DNR staff subjected the project to intense review" and that "in addition to the dozens of permit conditions imposed by other governmental agencies, the DNR lease adds further requirements to enhance and protect the aquatic environment."

In addition, the Glacier letter chronicles the many unsuccessful legal actions pursued by project opponents that "have been uniformly rejected." The state Shorelines Hearings Board and State Court of Appeals both unanimously ruled that the project was entitled to shoreline permits because it "will not have any significant impacts on the nearshore environment or Puget Sound." The state Supreme Court declined to hear an appeal of those rulings. An administrative law judge and the director of the Washington Department of Fish and Wildlife both upheld the project's Hydraulic Project Approval

permit in all respects affirming that its current conditions fully protect fish and habitat. Opponents have also failed in recent attempts in state and federal courts to obtain injunctions to stop dock construction.

Finally, the Glacier letter addresses the allegations that DNR's decision was based on political contributions and favoritism as "demeaning to the Commissioner and the professional, experienced DNR staff who reviewed the lease application and made recommendations after years of careful analysis of the project, the criteria in the Management Plan and the numerous mitigation measures in place to protect Puget Sound." Mr. Cronin wrote that the January 6 letter did not disclose that project opponents, "who now claim to seek a 'non-political' review, fail to note the political efforts over the last two legislative sessions to interfere in the lease decision and their 10-year political campaign at the county level to sabotage a very valuable and needed project."

A complete copy of Mr. Cronin's letter on behalf of Glacier Northwest is attached.

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