

The Newsletter of the Alpine Lakes Protection Society (ALPS)

2009 Issue No. 1



REITER FOREST UPDATE

On your State lands (a future State Park?), these trees are being killed by ORVs.

By Thom Peters

In a previous edition of this newsletter (2008 issue #1), we reported on planning initiated by the state for an off-road vehicle "park" in the Reiter Foothills north of Index and Gold Bar. Even without State Park designation, these lands have been overrun for years, with hundreds of miles of routes carved into state forest land. Another unfortunate fact is that Reiter is located just above spawning grounds of the Skykomish River. Nonetheless, a process was put in motion that included an advisory committee comprised almost entirely of motorized recreation advocates.

The last Reiter Foothills Recreation Planning committee meeting took place on May 20, 2009. The Washington State Department of Natural Resources (DNR) proposed two draft planning maps for the area for discussion purposes. The maps show a number of ideas that have been suggested by committee members at planning meetings. The suggestions have not been approved by the agency or agreed to by the planning committee.

Those of us who represent the environmental community favor concept map "D". It proposes approximately 1,090 acres for

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Reiter Forest, *continued from page 1*



KARL FORSGARD

A very bad apple.

non-motorized areas, and approximately 1,040 acres for motorized areas and appears more balanced in its approach. The entire Reiter Foothills area is approximately 10,000 acres. Concept map "E" proposes 830 acres for non-motorized areas and 1,040 acres for motorized areas. One of the main distinctions between the two map proposals is that map "D" provides separate trailheads for non-motorized and motorized trails, whereas map "E" combines the two.

It needs to be emphasized that the motorized community is not happy about either proposal. They obviously prefer the status quo of the "Wild West" atmosphere that has been going on for decades in the area.

There are a number of things that could be done to improve conditions in and around the Reiter Foothills. The proposed strategies include:

- Initiate an education and enforcement strategy prior to development using methods such as gate management, a strategy for keeping users on trails, and enforcement patrols

by motorcycles.

- Provide positive sign messaging that communicates information related to trail closures including why specific enforcement or management activities are taking place.
- Pursue additional opportunities to partner with enforcement personnel from adjacent municipalities, U.S. Forest Service, Washington Department of Fish and Wildlife, Snohomish County, and Snohomish County Sheriff's Office.
- Assess feasibility of a campground designed for motorized use in a location adjoining the motorized trail system.
- Develop a protection strategy for aquifer recharge protection areas (Index aquifer recharge area).
- Encourage separation of recreation uses through campground and facility design (i.e. facilities designed specifically for equestrian, motorized and non-motorized users, and day-use versus overnight use).

- Design all trails to have bridges or culverts at stream crossings.
- Consider a vehicle width limitation for motorized vehicles on trails.
- Utilize seasonal trail closures to minimize potential environmental impact.
- Consider the provision of motorized use areas for children and novice riders adjacent to motorized facilities to facilitate safe supervision.

DNR has already taken some actions to try to manage the situation, including:

- Camping is allowed only in two temporarily designated areas in the gravel pit and the upper staging area.
- Sani-cans have been installed in the designated temporary camping areas.
- Off-road use is limited to daylight hours only.
- Officers and DNR staff will be issuing citations instead of warnings for illegal activities.
- DNR staff posted more signs to clearly indicate areas that are not trails and where off-road use cannot occur.
- Last but not least, the gate to DNR's May Creek Mainline Road has been permanently closed to street vehicles.

The public will have an opportunity to become involved and provide comments this July when DNR intends to publish their proposed alternatives in complying with the State Environmental Policy Act (SEPA). SEPA is the state policy that requires state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal. To follow or participate in this process, go to www.dnr.wa.gov/recreation. ■

Legislation Revived for Westside Wilderness Additions

By Don Parks

On March 26 of this year, Senator Patty Murray and Representative Dave Reichert jointly introduced legislation (S.721 and H.R.1769) to provide additional statutory protection for the west side of the Alpine Lakes Area.

Representative Reichert had introduced a bill last November to add parts of the Middle and South Forks of the Snoqualmie River, and all of the Pratt River, to the Alpine Lakes Wilderness. His bill also sought to protect the Pratt within the Wild and Scenic River System. That bill, although sponsored by many in the Washington delegation, did not receive a hearing or other consideration, and so it died in the last Congress.

The outlook for the new bill is far more promising, due to a number of recent developments. The new legislation is identical to the 2007 legislation except that the Middle Fork Snoqualmie River has also been added as a Wild and Scenic River.

To recap, the new bill would add about 22,000 acres to the Alpine Lakes Wilderness in the three river drainages. ALPS supported the addition of these lands to the Wilderness during the Congressional campaign of 1975-76, but they were left out of the 1976 Wilderness bill for a number of reasons. One of these was the added acquisition cost of private land, then mostly in Weyerhaeuser hands. Since the 1980s, all of the intermingled private lands within the national forest have been acquired, and the area being considered for Wilderness is now in solid Federal ownership. The Pratt and the Middle Fork contain large areas of low-elevation forests (50% of it is below 3,000 feet, and 20% below 2000 feet) that are unusual in Washington Wilderness areas. ALPS has played a lead role in the development of the boundaries for this outstanding Wilderness addition.

The proposal for Wild River status for the Pratt is unchanged from the 2007 legislation. An exciting change is the addition

of the Middle Fork Snoqualmie as a component of the Wild and Scenic River System. Wild and Scenic River status will prevent dam construction and formally recognize the important recreational and natural values of the Middle Fork Valley. The portion of the Middle Fork to be protected will extend from National Forest land at the Cascade Crest to DNR holdings below Mailbox Peak.

At the time of this writing, the bills had been referred to committees in the House and Senate but no hearings had been scheduled. Stay tuned for developments! You can follow progress by dialing in website <http://www.thomas.gov/>. Search under bill number (S.721 or H.R. 1769) or word/phrase 'Alpine Lakes.' Double click on either bill number to bring up the text of the legislation, Congressional Actions log, the Congressional Research Summary, Congressional Budget Office reports, Committee Reports, etc. ■



Colchuck Lake from Aasgard Pass.

National Environmental Policy Act Review of Off-Road Vehicle Management

By Charlie Raymond

In March, the Okanogan-Wenatchee National Forest initiated environmental analysis required by the National Environmental Policy Act (NEPA) for implementing the National Forest Service Travel Management Rule. This Rule was issued in 2005 in recognition that unmanaged off-road vehicle (ORV) recreation is one of the largest threats to the National Forest System. The Rule mandates that unrestricted, cross-country, motorized travel be prohibited nationally on National Forest lands and requires that each National Forest publish a map defining the roads, trails and limited areas legally open for motorized vehicles of various types based on local circumstances and analysis. The original schedule would have completed the local analysis and published the use-map by the end of 2009, but that has now been extended to the fall of 2010 in the Okanogan-Wenatchee National Forest.

As pre-NEPA steps, the Okanogan-Wenatchee NF set up a web site and held a series of meetings during the summers of 2006 and 2007 to inform the public about the Rule and accumulate public input about routes that the ORV riders wanted to be included on the motor vehicle use map. A strong response from ORV interests requesting specific routes resulted in the FS recognizing the possibility of an additional 1000 miles of "mixed-use" on existing Forest Service roads on which non-street legal ORVs could be ridden. The addition of about 100 miles of new off-road routes was also proposed.

Altogether, the proposed additions would approximately double the length of ORV routes

that the Forest Service would need to monitor. Furthermore, the mixed-use of roads poses serious safety issues. Environmental groups including the Alpine Protection Society (ALPS) expressed grave concerns about such large increases in ORV presence. Even with the present extent of ORV access to trails and roads, Forest Service resources are inadequate to monitor and prevent serious impacts such as ground disturbance, sediment delivery to streams, wildlife habitat fragmentation, loss of quiet soundscape, and displacement of quiet recreation. Indeed, present ORV traffic levels are degrading many trails presently designated for motorized activity. ALPS and other groups argued that a long-term, sustainable solution to the expanding resource damage and recreational conflicts motivating the Travel Management Rule requires thorough consideration of the suitability of presently motorized trails for their motorized use.

In 2008, an interdisciplinary (ID) team composed of Forest Service specialists in resource protection and engineering was tasked to arrive at a "starting point" for a proposal to open NEPA review. The resulting designations for motorized uses were presented by the ID team in a Scoping Document on the web at (<http://www.fs.fed.us/r6/okawen/travel-management/>), and in a series of open houses in April. In comparison to the earlier compilation of potential ORV designations, this "starting point" proposed a smaller but still substantial addition of roughly 400 total miles of ORV routes, mostly as mixed-use roads. Within the existing trail system, proposed

demotorization is very limited, with about 15 miles of currently-motorized trails being closed and a net of 15 miles to be converted to non-motorized status. Most of that is in a single district, the Entiat. Around the Alpine Lakes Area, the proposed additional ORV opportunities are relatively small, the most notable being about 2 miles of road opened to non-street legal motorcycles in Jungle Creek, a tributary of the North Fork of the Teanaway River. The next step for the Forest Service is to refine their preferred proposal and develop alternatives in a DEIS to be released sometime during the winter of 2009/2010.

ALPS is working to improve the Forest Service proposal within the Alpine Lakes Area. First, we recommend closure of several trails to motorized use, either because they can't sustain even minimal ORV traffic in their present state without experiencing severe damage, or because traffic has already caused severe damage rendering them unusable. These include the Elsnor Mine Trail in Boulder Creek, Three Brothers Trail in Negro Creek, and the Domerie Peak Trail west of Cle Elum Lake. Second, we recommend decommissioning the remote parts of gated roads ending on Forest Service land near the Wilderness boundary. These include the Coulter/Gill Creek Road, which ends very close to Lake Ethel in the Wilderness, and the Shaser/Negro Creek Road, which accesses upper Negro Creek close to the southeast boundary of the wilderness. These roads are open only to foot traffic and ORVs and pose a significant risk of motorized trespass into

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ALPS Seeks Money for Highway 2 Parcels

By Jim Chapman

After participating in the I-90 Land Exchange negotiations between Plum Creek Timber Company and the Forest Service and being part of the Cascades Conservation Partnership that raised some \$72,000,000 to buy more than 34,000 acres, most of which was along the I-90 corridor, ALPS is once again asking Congress to appropriate money from the Land & Water Conservation Fund to buy critical acres around the Alpine Lakes. ALPS did this to get funding for land on top of Icicle Ridge and the Silver Creek basin in the late 1980s and early 1990s.

This time ALPS is focusing on the Highway 2 corridor and has selected four parcels held by Longview Timber, formerly known as Longview Fibre. Longview Timber is now a subsidiary of a Canadian investment firm called Brookfield Asset Management.

The map on page 6 shows the parcels, called Grotto, Maloney Creek, Deception Creek and Windy Ridge. Together they total about 1,420 acres and are valued at about \$3.7 million according to a retired timber cruiser. If acquired, they would all be part of the Mt. Baker-Snoqualmie National Forest. ALPS will seek funding for other Highway 2 parcels in future years.

Grotto, surrounded on the north, south and west by the new Wild Sky Wilderness Area, is high, rugged, steep country. Elevations range from 3400 feet to just over 5000 feet. There are scattered patches of trees, rockfalls and open spaces throughout the parcel. If it were not privately owned, it would have been included in the Wild Sky. The only blemish is a 0.2-mile road extending into the northeast corner from an adjacent clearcut just to the northeast. The

Cascade Land Conservancy is also requesting funds for the Grotto purchase.

Maloney Creek is just south of Skykomish. It contains significant low elevation forest, mostly mature second growth with some old growth. The northwest corner of the parcel juts into spectacular areas of low elevation old. Except for one heavily overgrown road, undriveable for decades, the Maloney Creek valley is wild and roadless, with extensive spotted owl and marbled murrelet habitat, as well as ideal conditions for marten, fisher and wolverine.

Windy Ridge, stretching from 3400 feet to almost 5500 feet, borders on the Henry M. Jackson Wilderness Area and is the only one of four private parcels in the upper Martin Creek drainage left untouched. The eastern half drops down into the upper Tye River valley and the southeast corner almost reaches the old railroad town of Wellington, site of the 1910 avalanche that killed about 100 people. A logging road has been constructed almost to the southwest corner and the parcel to the northwest has been clearcut.

Deception Creek is actually located almost a half-mile east of the real Deception Creek, with most of the north property line bordering on the Burlington Northern Santa Fe right of way. This parcel is all old growth except for a power line right-of-way passing through the north part of it. The Iron Goat Trail is on the mountainside just across the Tye River Valley. The southwest quarter of the parcel touches on the Alpine Lakes Wilderness Area.

The chances that Congress will take any action on these parcels, except possibly Grotto, are virtually nil. Congress imposed a submittal deadline of February,

before ALPS had even begun formulating its request. But making this request now will start the ball rolling for 2010 so that there will be high likelihood of money being available in FY2011.

The appropriations would be considered first by the House Appropriations Subcommittee on Interior, Environment & Related Agencies, chaired by Rep. Norm Dicks. The parcels are all in the 2nd Congressional District, represented by Rep. Rick Larsen who was critical in getting the Wild Sky legislation passed. Sen. Patty Murray, member of the Senate Appropriations Committee and the other critical advocate for the Wild Sky, would be the point person in the Senate.

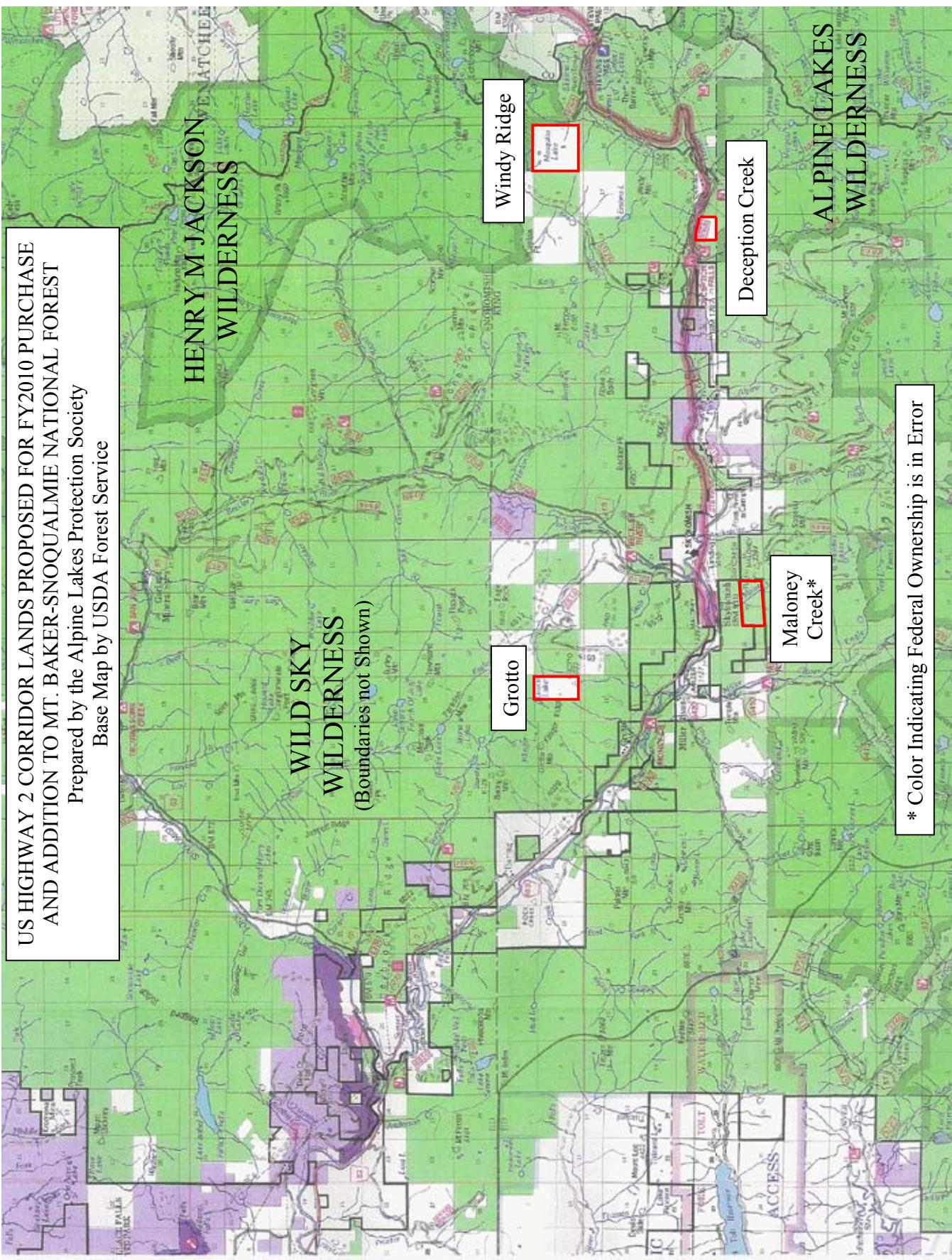
The Mt. Baker-Snoqualmie National Forest will accept these lands provided that they have a clean title that includes surface, mineral and oil and gas rights and there are no unresolved hazardous materials issues.

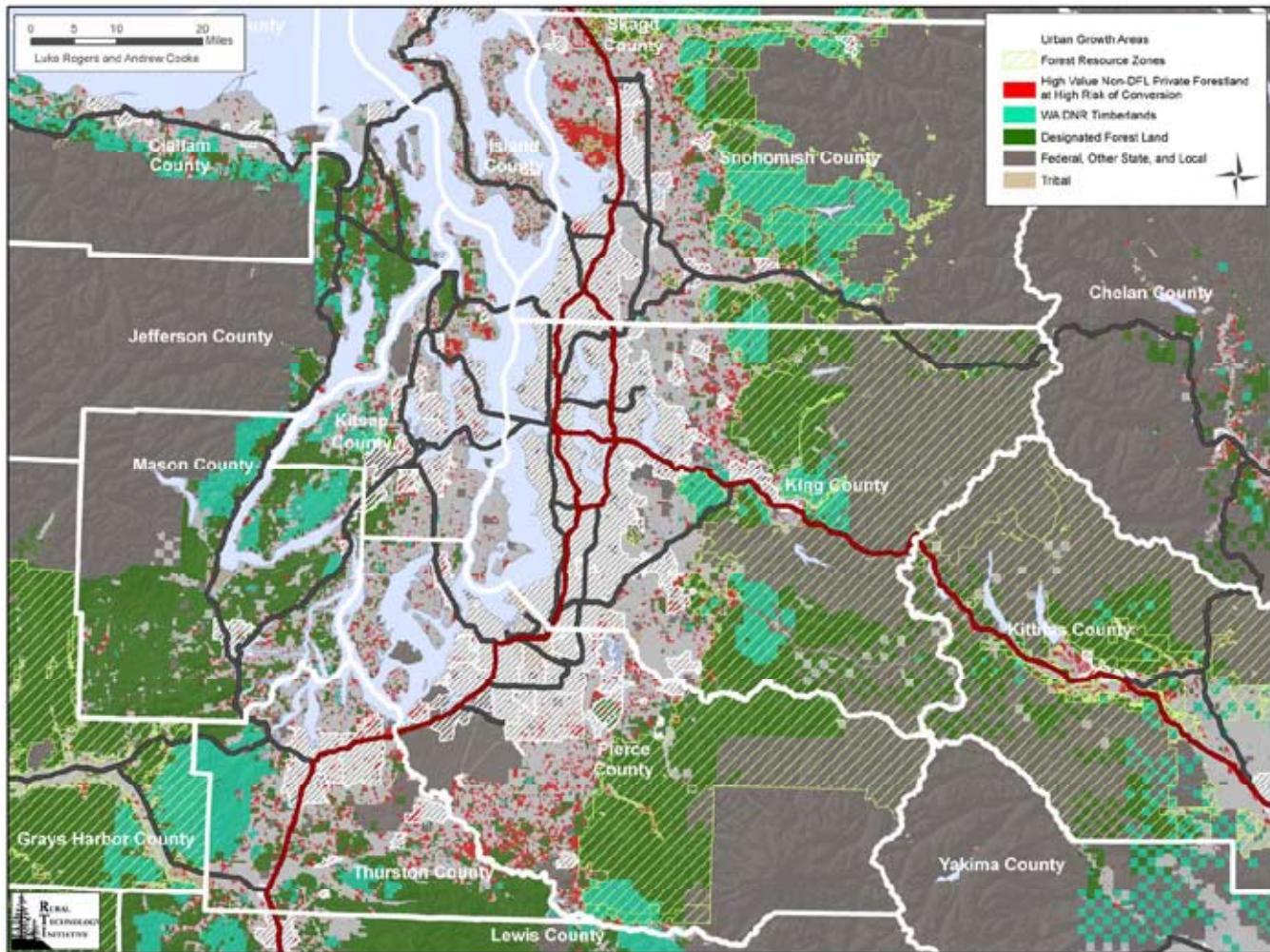
Longview Timber has no operating plans for any of the parcels this year and is willing to sell them to willing buyers who have the funding. It does own the mineral rights, which removes a potential obstacle to the federal government's acceptance of the deeds. Oil and gas rights are held by ConocoPhillips.

Please put asking Rep. Norm Dicks, Rep. Rick Larsen, Sen. Patty Murray and Sen. Maria Cantwell to seek the LWCF appropriations for these lands on your 2010 calendar. ■

Please see map on next page.

**US HIGHWAY 2 CORRIDOR LANDS PROPOSED FOR FY2010 PURCHASE
AND ADDITION TO MT. BAKER-SNOQUALMIE NATIONAL FOREST**
Prepared by the Alpine Lakes Protection Society
Base Map by USDA Forest Service





Forests at Risk of Conversion to Non-Forest Use

By Bill Beyers

A new report issued by the UW's College of Forest Resources (which is about to be subsumed into a new College of the Environment) paints a troubling picture of likely changes in timber production on forest lands in Washington State. This report, entitled "Retention of High-Valued Forest Lands at Risk of Conversion to Non-Forest Uses in Washington State," was requested by the Washington State Legislature and the Department of Natural Resources (DNR). This study was headed by Professor Gordon Bradley. It was managed through the Northwest Environmental

Forum, an organization that is supported by dozens of environmental organizations and timber interests and is led by Brian Boyle, former Commissioner of Public Lands. The report can be accessed at: <http://www.nwenvironmentalforum.org/documents/RetentionReport/RetentionReport.pdf>

This project began five years ago. It was directed to assess recent changes in classification of commercial forestland in Washington State to non-forest use, and to assess likely changes in the coming decades. The report focuses on the likely implications of these future changes on the

supply of timber for mills located in Washington State. As many ALPS members know, private lands in Washington State devoted to commercial timber production can be granted preferential property tax rates designed to encourage long-run commitment to timber production. Property owners can enroll their lands in this program, and are assessed property taxes based on the timber production potential of their land. These property tax rates are well below the tax rates that would be applied if the land were being zoned for non-timber uses, such as housing or commercial

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Forests at Risk of Conversion

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development. It is also well known that major timberland owners such as Weyerhaeuser are considering conversion of their timberlands into securitized assets, such as real estate investment trusts (REITs).

The accompanying map shows the result of this analysis for the Alpine Lakes region. The red cells show a strong potential for land conversion in Kittitas County and in eastern King County. Applications for conversions of forestland in Kittitas County have skyrocketed in recent years, paralleling the report's predictions.

The upshot of these land conversions is a reduction of timber supplies to forest products mills, which will increase pressures on alternative ownerships—including the National Forests. While the Clinton Forest Plan dramatically reduced timber harvests on National Forest lands in the Alpine Lakes region, the conversions of private forest will likely increase demands for National Forest timber from the region to help supply the remaining mills in the state. As the existing National Forest Plans are revised, ALPS will need to be

vigilant regarding the impacts of trends reported in this document on the demands for timber from public lands. ALPS will also need to carefully monitor the impacts of land conversions to non-forest uses on wildlife, water, and ecosystems in the Alpine Lakes region. The piecemeal nature of these land-use conversions make it difficult to visualize their cumulative effect, but this is another dimension that needs to be assessed, to make sure that visions of land-use embodied in the Alpine Lakes Management Act are achieved. While the Alpine Lakes Management Act applies only to federal land in the Alpine Lakes region, ALPS' original intent was to have a framework that would apply to both private and public land in the Alpine Lakes region. This new report from the UW touches upon the complexities of achieving these goals, identifies policy options for maintaining working non-public forest lands in Washington State, and suggests next steps to be undertaken to address these issues. ALPS members may wish to spend some time with this very interesting report. ■



River
pool.

ART DAY

Review of Off-Road Vehicle Management

Continued from page 4

the Wilderness via the remote trailheads.

ALPS is also working toward a DEIS alternative with a significant reduction in motorized trails within the large, contiguous roadless area around the West and Middle Forks of the Teanaway River. The still-wild character of the area provides habitat and dispersal opportunities for species requiring seclusion. These rivers run in the only two long and unroaded low-elevation valleys in the region. There are sensitive riparian areas with fish rearing and spawning areas along their main stems. Both the West Fork and Middle Fork trails have many river crossings without bridges, and many crossings of small tributaries, where wheels climbing in and out of gorges can directly impact these riverine resources. Near valley bottoms, the terrain is rugged with steep slopes and a high proportion of easily mobilized soils that challenge stability of trails at numerous steep locations. In fact, many segments of the trails have already been battered with ORV activity, and the damage is spreading as traffic increases. To date, there has never been an open process with broad public input and environmental analysis to assess the suitability of these trails, either individually or collectively, for motorized use. The Travel Management Rule is the opportunity to carry that process through to make sure that resources are protected and a balance of quality recreation opportunities is achieved. ■

Trustees Election Ballot

It's time for another ALPS Trustees election. This one will be for the 2009-2012 term. All four candidates – Bill Beyers, Jim Chapman, Kevin Geraghty and Charlie Raymond – are running for re-election.

We still have some vacancies on the board, and so are providing space for you to suggest someone for us to appoint. If you are interested yourself or would just like to attend one of our meetings, contact President Don Parks at 425-883-0646 or dlparks@verizon.net.

Bill Beyers, Seattle, Professor of Geography at University of Washington. Bill was an ALPS Trustee/Officer from ca. 1972-1983, and ALPS President from 1974-76. He was quite active in the campaign to pass the legislation enacted by Congress in 1976 that established the Alpine Lakes Wilderness and Management Unit. Bill left the ALPS Board in the early 1980s, feeling that membership on it should rotate. In 2000, he helped do a fiscal impact analysis that was a critical part of getting the Kittitas County Commissioners' support for The Cascades Checkerboard Partnership's project. Bill also led the team that brought the 4th edition of the Alpine Lakes map to production, with the goal of having this product bring a revenue stream to ALPS, and to stimulate new memberships.

Jim Chapman, Edmonds, retired engineer, and an ALPS Trustee/officer since 1973. Jim was President in the

years 1978-80 and 1989-92, and is currently the secretary. Jim worked on several land exchanges, including two with Longview Fibre and the I-90 exchange with Plum Creek. He lobbied Congress for money to buy parcels on Icicle Ridge, along Icicle River and in Silver Creek watershed. Jim was the ALPS representative to The Cascades Conservation Partnership.

Kevin Geraghty, Seattle, replaced the late Henry Steinhardt in 2002. Kevin has recently been developing a new website for ALPS. He has taken the lead on a variety of forestry issues for ALPS including Lowe Creek, Natapoc Mountain, and the Roaring Thin timber sale.

Charlie Raymond, Seattle, Professor Emeritus of Geophysics at University of Washington studying snow, ice and climate change. Charlie is a long-time member of ALPS. He joined the ALPS board in 2004 to become more active in local

environmental advocacy. His main interest is in preserving wilderness and protecting surrounding areas. Charlie's present emphasis is on ORV and snowmobile issues, especially in the Cle Elum Ranger District. He and his wife own a cabin in the Cle Elum area.

Please mark the ballot below for four trustees.

- Bill Beyers
- Jim Chapman
- Kevin Geraghty
- Charlie Raymond
-

(Suggested New Trustee)

Mail to:

**Don Parks, President
Alpine Lakes Protection
Society
P.O. Box 27646
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Tye Valley Tunnel

By Jim Chapman

There has been a tremendous change in Alpine Lakes land ownership patterns over the past 30 years. Most have resulted from federal acquisitions of timber company lands through land exchanges and purchases. In many acquisitions, ALPS has negotiated with the parties involved and asked Congress to fund them. Once the parties have agreed to the lands involved and Congress has appropriated the money, the property transfers usually go fairly quickly.

This is not necessarily the case with smaller ownerships and I thought I'd give you an example – the "middle mile" of the Old Cascade Tunnel across Stevens Pass. Three miles long, the tunnel was in service from 1900 to 1929. The Iron Goat Trail, built along the former Great Northern Railway route, ends at the tunnel's southwest entrance.

When that trail section was completed in 2000, there were thoughts of continuing it through the tunnel to the Pacific Crest Trail on the other end. A late 2002 walk-through of the tunnel indicated that about \$1.5 million in improvements would be needed to make the tunnel safe.

Feasibility research uncovered a private inholding in the middle of the tunnel. About a mile long by 200 feet wide, it includes both the tunnel itself and the ground above it. Almost all is in Chelan County with a tiny segment crossing the ridgeline into King County. The property was owned by a family corporation called Tye Valley Tunnel Company (TVTC), founded in 1968 by a Lynnwood attorney, his wife and a third party. The attorney's law firm did the paperwork.

Since the Volunteers for Outdoor Washington (VOW) was instrumental in planning and building the trail, the Wenatchee National Forest's Steve Johnson asked VOW's trail coordinator Ruth Ittner to determine the company's interest in selling the property.

I've been a trail volunteer since 1991. Ruth asked me in February 2003 to handle this because of my involvement with past acquisitions on behalf of ALPS. But VOW could not do land transactions. So Del Fadden, another VOW volunteer and then a board member of The Mountaineers Foundation, also became involved. I essentially became an intermediary between the Foundation and the owner.

By calling the attorney's law firm, I discovered that he had passed away but his wife was still living and was the company owner. A couple of weeks after sending her a letter in September 2003, I received a call from the owner's son. It turned out that the attorney had once owned property around the Wellington townsite since the 1940s and had acquired more, including the tunnel as a throw-in, from what was then Burlington Northern Railway in 1984.

About six weeks later, the son said his mother had agreed to donate the property in return for the family name being added to the tunnel's. At the time, nobody expressed any concerns with that request.

The first roadblock was the discovery that the railroad had retained the property's mineral rights. The government would not accept the property without these rights, so the Foundation had to acquire the mineral rights, combine its deed with the family's donation and present the full

package to the government. To minimize risks, it would not accept either deed until both were ready.

We wrote a letter to the railroad, now Burlington Northern Santa Fe, about acquiring those rights. BNSF sent back a form letter that its minimum asking price was \$500 per acre. Seeking a lower price, we sent back a second letter with more information about the property and the benefits of making it public. BNSF sent back the same form letter.

Fortunately, VOW member Kim Forman had once worked in public affairs for BNSF, so he personally convinced the Vice President of the public relations benefits that it would receive by offering the mineral rights at a lower price. The Foundation finally received them in October 2005.

The next major activity was a November 2004 Hazardous Materials (HAZMAT) inspection of the tunnel by Forest Service personnel and Foundation and VOW representatives. Nothing significant was found except for some materials left over from late 1960's scientific experiments and they were in the federally owned northeast end of the tunnel. Some water samples were later collected but nothing hazardous was found.

By June 2005, necessary approvals to accept the donation had been received.

By March 2005, powers-that-be reconsidered the adding of the family's name to the tunnel. That August, Steve Johnson, Ruth Ittner, Tom Davis from the Skykomish Ranger District and I finalized a suitable alternative — a panel on the trailhead kiosk describing the ownership history of the tunnel, ending with the family's donation of its property.

The next major roadblock occurred in January 2006 when the

deed was ready for signature. The wife wanted to sign on behalf of herself and not the company. So an effort was made to build a paper trail showing how ownership passed from TVTC to the wife.

Starting from the beginning, I located the company's incorporation papers at the Snohomish County courthouse, which showed it had been incorporated in September 1968 for the purpose of using the tunnel as a storage vault.

Soon afterwards, I found a 1987 Community Property Survivorship Agreement between the couple in which the survivor would receive everything that the deceased owned. So the wife received the husband's share of the company when he died December 31, 1993.

But I'd previously paid little attention to the "third party" who'd also signed on as a director, officer and investor in the incorporation papers. With the need for a paper trail, she took on new importance.

In April 2006, with the help of the husband's law firm, I learned that she'd been the husband's secretary and located her in Arlington, Wash. I went to see her personally and she said she had no interest in the company. Being told we needed some specifics from her, I wrote her a letter in June asking for that information. Within two weeks I received a letter from her son's attorney stating that she now claimed she never gave up her interest in the company.

In December 2006, I finally received something people had been seeking for months — the annual reports that every corporation is required to file with the Secretary of State each year. They weren't in the secretary's office but in the state archives. The company had filed its annual reports from 1970 through 1975, each time listing the three founders as officers. Then it stopped. In

1979, the state declared that, as far as it was concerned, the company "ceased to exist".

But TVTC kept its name and claim to being a "Washington corporation", both in the 1984 deed transferring ownership to it and in the 1987 deed transferring some of the ownership to the City of Tacoma. This last time, however, only the husband and wife were listed, representing themselves as well as the company.

Finally, the decision was made to ask both the wife and the third party to sign notarized affidavits stating that the wife was sole owner of the company. The affidavit to the third party was mailed in April 2007.

The next month, another bombshell hit — in the form of a letter from the third party's son stating that she had passed away the previous October and that he and his sister were willing to sell her shares in the company.

Two other events that year complicated matters even further.

First, the Wellington entrance to the tunnel collapsed early in the spring. This created a dam of rock and dirt several hundred feet inside the tunnel. Water pouring in created a pond deep enough for the hydraulic pressure to blow the dam out the tunnel entrance. The puncheon bridges that had been built in front of the tunnel were either turned topsy-turvy, buried or washed downstream. Public access has naturally been closed. That incident surely put to rest any thoughts of having a trail through the tunnel.

The second event was the EPA's release of new HAZMAT study requirements. The study would have to be redone under stricter guidelines by what is called an "Environmental Professional" with the conclusions and recommendations approved by the Forest Service's regional office. Results would only be valid for

six months at a time, and then the study would have to be updated.

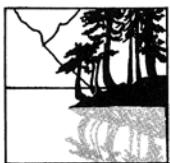
The ownership controversy was resolved when the third party's son and daughter agreed that they would not contest the ownership in return for being compensated for expenses in settling their mother's estate. They and the Foundation completed signing a notarized agreement in early June 2008.

Then the Forest Service said it had no money to fund the new HAZMAT study. The Foundation agreed to solicit funds for the first phase that would determine whether or not more detailed studies or possibly clean up would be needed.

The next step, signing a donation agreement between the owner and the Foundation, turned out to be a deal breaker. She wanted a clause in it that would give her the mineral rights in case the HAZMAT results showed prohibitively expensive clean up would be necessary. The Foundation was prohibited by law from doing that. As a 501(c)3 organization, it could not give to a private entity something it had been given for a public benefit.

At this point, the wife lost interest in donating the property. The Foundation felt the same way. On September 19, I wrote a letter to her son that the Foundation was pulling out. The Foundation waited six months just in case the owner changed her mind, then notified the heirs of the third party that the deal was off.

The Foundation, which intended to have the mineral rights for only a few days, still has them three and a half years later. What we thought would be a relatively simple process turned out to be a quagmire. ■



alps

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Bill Beyers
James Chapman
Kevin Geraghty
Charlie Raymond

2007-2010

Natalie Williams
Mike Pierson
Karyl Winn

2008-2011

Art Day
Thom Peters
Karl Forsgaard



ALPINE

The newsletter of the Alpine Lakes Protection Society (ALPS). ALPS is dedicated to protection of the Alpine Lakes area in Washington's Cascades.

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Looking up at Aasgard Pass, Enchantment Lakes area.