

Philip Bayley

These proposed changes are nefarious, unconstitutional, and a clear attempt to engage in racketeering against "targeted" individuals, entities, and industries certain individuals personally do not like.

This proposal is a TAKINGS of private property land use rights without due process or just compensation.

It also lacks the required Constitutional amendments to make this proposal lawful.

This proposal appears to be presented by a RICO Association that can infiltrated the people's government to illegally deploy Washingtonians' public recourses to extort and fully control Washingtonians. See attachment.

In 2004 and 2012, WA Fish and Wildlife produced a whitepaper sourced with environmentalists' papers which states they want to return Washington State to its "Pre-European-Settlement-Development-Condition" and that will require "full control of all human and economic activities in the affected watersheds." As admitted in Sackett v. EPA, the watershed is all areas with water below the ground or where water from the ground may eventually get into waterways.

This proposal can only be defined as an unlawful and illegal attempt to eviscerate our State and U.S. Constitutions along with our property rights.

This proposal is sourced in unamerican Marxism ideology.

This proposal also facilitates racketeering and extortion against arbitrarily "Targeted" persons. Philosopher Eric Hoffer said, "Every great cause begins as a movement, becomes a business, and eventually degenerates into a racket."

This proposal will be another arbitrary tool of a weaponized government against the people. Aleksandr Solzhenitsyn said, "A Communist system can be recognized by the fact that it spares the criminals and criminalizes the political opponent."

Herein, WA Dept. of Natural Resources in 2016 caused 20,000 cubic yards of CWA defined pollutants to be discharged into a river adjoining to Hood Canal. It filed the river 6' deep, killing all salmon spawning areas and buried thousands of salmon laying eggs, destroyed spawning areas for endangered species, and irreparably harmed the environment.

Bob Ferguson, as Attorney General, did not prosecute DNR to clean up its environmental catastrophe, but defending them from having to clean it up! He lost in court! The state (taxpayers) paid millions and DNR agreed to clean up its catastrophe. Still to-date, WA DNR has not remediated its destruction of valuable aquatic habitat for ESA listed species and our salmon! See attachment.

The fact, WA government is corrupted in arbitrarily using the law against the people it dislikes but

refuses to hold itself to the same standard as it does the most destruction to our environment, giving more power to government will only result in more abuses against Washingtonians and their public resources.

As shown in the attached image, WA State cannot be trusted to be fair and equal with its current powers. It should not be entrusted with any more power.

WA Ecology wrote in an internal memo that the 2017-729 bulkhead was relocated waterward 1 foot while the 2020-542 bulkhead was relocated landward 2.5 feet.

Ecology is required by statute to ensure State programs are consistent with the CWA yet it and the AG's Office refused to defend the State's program that resulted in \$323 million in CWA penalties.

Then Ecology covered up the violation of the 2020-542 bulkhead that was only relocated 2' landward, violating its permits with failed all inspections. No enforcement?

Now WA wants to change its Nonpoint plan so it can deploy identical arbitrary enforcement now that the EPA is getting reigned in from the U.S. Supreme Court.



Stream Habitat Restoration Guidelines (April 2012 Draft)

Categories:

[Habitat](#)

[Habitat -- Guidelines](#)

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Published: April 2012

Pages: 844

1.6 Restoration or Rehabilitation

Veterans of resource management and historical efforts at ecological restoration have long been aware that restoring ecosystems and habitats that existed prior to Euro- American settlement is supremely difficult, and rarely if ever achieved. Achieving aquatic ecosystem restoration is a worthy goal, yet it implies a clear understanding of what ecological conditions were before Euro- American settlement, and current and future circumstances which will allow full restoration, including full control of all human and economic activities in the affected watersheds. These conditions are approximated only in certain park and wilderness areas, not in the region's working landscape.

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\$323+ million in CWA penalties against the Bayley's for following the Federal and State laws and agreements.



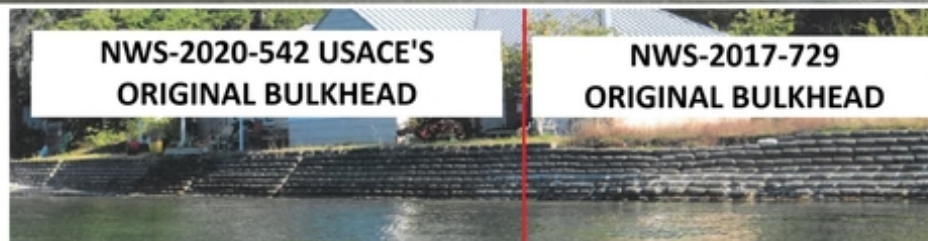
USACE's NWS-2020-542 has refused inspections

Bayley's NWS-2017-729 passed all inspections!

Final Pass 11-10-2020 JTE All permitted work complete

DOJ's ENRD, for the EPA, make a stunning admission!

Plaintiff argues the maximum penalty is \$323,134,524.





- Gravel/Fill that is blocking navigable waters in fact!
- Forced river East 75'
- Salmon Spawning 100% blocked!
- Critical Smelt habitat destroyed
- Navigation 100% blocked!
- Gravel/fill will continue filling in the river from upstream fill!

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

BRAD CAREY, PAMELA ROGERS, and
LIBERTY MANAGEMENT LLC, a
Washington State limited liability company,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT
OF NATURAL RESOURCES, a public
agency,

Defendant.

NO. 19-2-00737-23

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I. INTRODUCTION AND RELIEF REQUESTED

Wood Lake ("Lake") is an 11.4-acre lake in Mason County entirely situated on Defendant's, Washington State Department of Natural Resources' ("DNR's"), property. On December 1, 2016, DNR, without obtaining any of the required permits, negligently and recklessly caused the sudden release of tens of millions of gallons of impounded water from Wood Lake into Caldervin Creek ("the Creek"). The unmitigated release of water flooded Plaintiffs' downstream residential lots, caused damage, and significantly and detrimentally altered the Creek's streambed and hydrology so as to subject Plaintiffs' properties to subsequent and recurrent flooding and continued elevated flood risk. The continued unnatural erosion continues to date. This release of water also destroyed productive salmon spawning

Plaintiffs' Motion for Summary Judgment

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habitat, extinguished an entire year-class of salmon, and resulted in ecological, cultural, and economic impacts to the surrounding region.

The outflow of Wood Lake is a 4-foot-diameter culvert on the Lake's southern bank. The culvert had become blocked with debris causing 6 feet of water to be impounded above the Lake's usual overflow level (the bottom of the culvert). Rather than slowly release this impounded water, DNR employees cavalierly removed the obstruction with heavy equipment and allowed the impounded water to drain through the entire culvert without restriction. It has since been calculated that DNR's unplugging of the culvert resulted in a flow of water that not only surpassed the modeled 100-year flood event, but was "nearly twice the flow" of a 500-year event. Simply, DNR, in violation of its many duties, did not take any effort to modulate the flow of water and released the entire 6 feet of head (the amount of water above the bottom of the culvert) as fast as the 4-foot-wide culvert could flow.

It is negligent to release impounded water without due regard to the foreseeable effects of the release. Indeed, in addition to common sense, the State's own manuals and guidance require the controlled release of water in these exact situations.

The torrent of water immediately flooded portions of Plaintiffs' properties and caused physical damage to improvements, loss of usable area, and required Plaintiffs to install "ugly" concrete walls to mitigate the immediate impacts and prevent further flooding. Even more detrimental than the immediate effect of the flood was the resultant hydrological alteration of the Creek and its streambed caused by

DNR's sudden release of water. Sediment, scoured by the torrent of water rushing along the higher reaches of the Creek, was deposited and continues to this day to migrate downstream, resulting in the heightened elevation of the Creek's streambed and restricts its outflow into Hood Canal. In addition to causing direct damage to Plaintiffs' properties, such a consequence has also destroyed productive salmon spawning habitat, impeded fish migration, and decimated formerly productive oyster beds.

Plaintiffs have attempted to mitigate the consequences and have collectively built approximately 400 feet of reinforced concrete flood walls to protect their property and have undertaken stop-gap measures to contain the water in the Creek. Given the scope of the problem, however, such has only