



CLEAN, FLOWING WATERS FOR THE WEST

The Center for  
**Environmental Law & Policy**

September 12, 2011

Mike Gallagher, Water Resources Program and  
Rick Mraz, Shorelands and Environmental Assistant Program  
Washington Department of Ecology  
Southwest Regional Office  
Olympia, WA 98504

Via e-mail to: [mgal461@ecy.wa.gov](mailto:mgal461@ecy.wa.gov) and [rmra461@ecy.wa.gov](mailto:rmra461@ecy.wa.gov)

Dear Mr. Gallagher and Mr. Mraz,

This letter is sent on behalf of the Center for Environmental Law & Policy and the Dry Creek Coalition. Both organizations are dedicated to protecting instream flows in Dry Creek, near Port Angeles, and its associated wetlands. Dry Creek provides habitat for salmon during winter-spring months, and for trout during the drier time of year. We write to ask that you take action to protect these public resources.

On August 28, 2011 we wrote Mr. Gallagher asking for an investigation of the proposed water supply for a "sprint boat" racetrack pond located on Edgewood Drive, near Fairchild International Airport in Port Angeles. Although an old water right is associated with the property, Ecology has questioned its continuing validity, as do we. Mr. Gallagher informed me last week that his offices contacted the owner of the sports park, Dn Morrison of A2Z Enterprises, who asserted that water supply for the one million gallon racetrack pond would be obtained by purchase and truck transport of water from the City of Port Angeles.

Members of Dry Creek Coalition subsequently photographed and documented A2Z filling the racetrack pond by use of a pump and pipe illegally diverting water from a wetland pond on airport property north of the A2Z property. Upon delivery of this information to Mr. Gallagher, Ecology last week issued an enforcement order directing A2Z to stop using public water resources without a permit.

We appreciate the issuance of this order. However, the order does not address the adverse impacts caused by A2Z's illegal diversion of a large quantity of water from a functional wetland. In addition, it appears that A2Z has constructed its sprint boat racetrack in wetlands, and that it is preparing to construct an overland all-terrain vehicle course or racetrack on its property.

CELP and DCC are extremely concerned about the impact of these activities on local water resources and wetlands. We ask that you take action to remedy the impacts and prevent further degradation of public resources.

- (1) First, we ask that either or both of your programs order A2Z Enterprises to pump the illegally diverted water back into the wetland pond from which it was taken – and that you monitor this pump-back to ensure that it is done properly and without further damage to wetlands and the stream. If this does not occur soon, it seems possible that the water will become contaminated by fuel from sprint boat use.
- (2) Second, we ask that Ecology Water Resources levy monetary penalties against A2Z for its illegal use of public water resources, including a penalty for each day A2Z uses the water for its racetrack pond.
- (3) Finally, we ask that Ecology Shorelands investigate the construction of the “extreme sport” park and its intended uses, to determine whether it infringes on wetlands or may do so in the future.

Dry Creek Coalition has attempted on numerous occasions to inform various regulatory agencies, including Ecology, about the threat to wetlands and water resources presented by A2Z Enterprises’ sprint boat racetrack and extreme sport park. Your files contain multiple documents, including a powerpoint presentation prepared for Ted Sturdevant. We again ask that you take action to protect public resources in the Dry Creek watershed.

We look forward to your response. Please reply to us at [rosborn@celp.org](mailto:rosborn@celp.org) and [h\\_oien@yahoo.com](mailto:h_oien@yahoo.com). You may also contact me at 509-209-2899.

Sincerely,



Rachael Paschal Osborn on behalf of  
Center for Environmental Law & Policy and  
Dry Creek Coalition

Cc: Harley Oien, Dry Creek Coalition