

# Skykomish Update



Cate Riley

## WSDOE Sellout!

The Washington State Department of Ecology (WSDOE) held a meeting at the Skykomish Community Centre on June 13th to present their draft Cleanup Action Plan for Skykomish.

Their presentation didn't have much to do with the facts as contained in the Plan, but the audience appeared content to eat cookies and listen as usual, for none had actually read the document themselves.

### The Devil is in the Details

In this particular case, the devil was buried deep within the documents.

Unfortunately for WSDOE, even though we had just received this voluminous packet the day before, we stayed up late that night pouring over it with a fine toothed comb. As we continued to read, one thing became abundantly clear:



**Skykomish is being setup for one awesome hosing.**

**September 4, 2007**

*A Day that Shall Live in Skykomish History*

On this date WSDOE will present the final Cleanup Action Plan to the court for ratification. Once the judge signs off, this document will carry the 'force of law'.

WSDOE would have us believe this is a 'tightly' written document that will hold BNSF's feet to the fire... requiring them to perform the cleanup as mandated... or else!

Nothing could be further from the truth.

### A Concept, Not a Contract

Have you ever been involved in a real contractual dispute? Those who have, know one thing: The tighter the contract, the more likely you are to prevail. Verbal agreements, conceptual frameworks and loosely or poorly written documents are DEATH in court.

I'm not a lawyer, but I do know how to read and I have enough common sense to see that WSDOE is placing before us an essentially worthless Plan that will never be enforceable or enforced in a court of law.

It's so loose that there will be many differences of opinion, interpretation, disagreements and disputes. Teams of lawyers would be required to argue before

the courts until the cows come home.

Who amongst us believes WSDOE will have or maintain the will to challenge BNSF in court each time this loosely worded document must be enforced?

Who amongst us believes BNSF will, on its own, choose to interpret loose wording in WSDOE's favour, let alone individual property owner's favour?

Should we as a Town or as individual property owners choose to enforce our rights, BNSF will drag us endlessly before the courts where we would have the pleasure of knocking heads with one of the most powerful corporations on earth. Good luck!

### The Institutional Imperative

by Dieter Benz

How could such a situation have come about after 15 years of studies, drilling, the SEC, endless meetings, plans, cookies and Kool-Aid?

Years ago as a student of Political Science and Economics I came across 'The Institutional Imperative'... a large book with a simple message:

**Government institutions charged with oversight, compliance and regulation often morph into spokespersons and champions for those they are charged with monitoring and regulating.**

It doesn't happen because there's some sinister or secret plot afoot.