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**ENERGY FACILITY SITE EVALUATION COUNCIL
STATE OF WASHINGTON**

IN THE MATTER OF APPLICATION
NO. 96-1

OLYMPIC PIPE LINE COMPANY

CROSS CASCADE PIPE LINE
PROJECT

APPLICATION NO. 96-1

PREFILED TESTIMONY OF CLEVE
PINNIX

EXHIBIT _____ (CP-T)

ISSUE: OVERVIEW OF STATE
PARKS' CONCERNS
SPONSOR: WASHINGTON STATE
PARKS AND RECREATION
COMMISSION

- Q. Please provide your name and business address to the Council.**
- A. Cleve Pinnix. I am Director of the Washington State Parks and Recreation Commission. My mailing address is 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington 98504-2650.
- Q. Please summarize your employment and educational background.**
- A. I have been Director of the State Parks and Recreation Commission (State Parks) since December of 1991. From 1988 to 1991, I was Deputy Director of State Parks and was responsible for policy development, long range planning and the legislative program for the agency. From 1981 – 1987 I served as Deputy Supervisor and Associate Supervisor of the Washington State Department of Natural Resources (DNR). I was responsible for policy direction of such programs as statewide forest practices regulations, the state geological survey, statewide forest fire control programs, aquatic land management and

1 service forestry programs. During the years 1974 – 1981, I worked as staff consultant to
2 the Interior and Insular Affairs Committee – U.S. House of Representatives. In this
3 position, I served as lead staff member for national parks and recreation issues to the
4 House Committee. Prior to that (1966 – 1974), I held a variety of positions with the
5 National Park Service. I am a 1966 graduate of North Carolina State University, Raleigh,
6 North Carolina with a degree in English Literature.

7
8 **Q. Generally, what is the subject matter of your testimony?**

9 A. I will provide the Council with an overview of Washington State Parks. I will include
10 information on agency management, the purposes for which state park lands are managed,
11 an overview of the agency work to date on the Cross-Cascades Pipeline proposal, and a
12 current status of the Washington State Parks and Recreation Commission's direction to
13 me and my staff on the matter. I will also introduce and reference several other witnesses
14 who will provide specialized testimony on behalf of State Parks.

15
16 **Q. What is the mission of the Washington State Parks and Recreation Commission?**

17 A. The Commission has adopted the following mission statement for the agency: "The
18 Washington State Parks and Recreation Commission acquires, operates, enhances, and
19 protects a diverse system of recreational, cultural, historical, and natural sites. The
20 Commission fosters outdoor recreation and education statewide to provide enjoyment and
21 enrichment for all and a valued legacy for future generations."

22
23 **Q. Please provide an overview of Washington's state park system.**

24 A. The principal characteristic of the state park system is its diversity. State Parks currently
25 manages over 125 developed areas for recreation and enjoyment. These range from sites
26 that provide access to the waters of Puget Sound, to parks that protect important historic

1 and cultural features, to long distance trails that are used for a variety of recreation
2 purposes, to campgrounds located in old growth forests, and to the Pacific Ocean beaches
3 of southwestern Washington. The state park system protects important examples of the
4 state's natural, historic and cultural heritage. It is also one of the more heavily visited
5 state park systems in the nation, hosting over 51 million visits in the last calendar year.

6
7 Most units of the system are state parks in the traditional sense. They are rather compact
8 land areas, typically protecting some feature or features of significance, or providing
9 access to important recreational opportunities, such as bodies of water. These parks will
10 typically have a range of improvements to serve visitors, such as parking lots, restrooms,
11 camping and picnicking sites, trails, boat launches, and similar amenities. However, there
12 are also several unique classes of state parks. One such particular class of park is the
13 linear park, or long-distance trail corridor. Over the last fifteen years, State Parks has
14 acquired several former railroad corridors to manage for recreation purposes. These
15 corridors provide opportunities for extended travel by hikers, equestrians, cyclists, and, in
16 the winter months, cross-country skiers. Iron Horse State Park, located in King and
17 Kittitas counties, and potentially affected by the site certification application before you,
18 is such a linear park.

19
20 **Q. What is the agency management structure?**

21 A. The State Parks agency in Washington receives its policy direction from the seven-
22 member Washington State Parks and Recreation Commission. The Commission is
23 established by Chapter 43.51 RCW and charged with full power and duty to administer
24 the state's park system. The Commission consists of seven citizens of the state who are
25 appointed to six year overlapping terms as Commissioners, subject to Senate
26 confirmation. The Commission hires the agency director. I serve as the chief

1 administrative officer in carrying out the Commission's policy direction. The parks in the
2 system are administered through four regional offices that cover the state.

3
4 State Parks headquarters is organized into three divisions that provide policy direction,
5 program development, and support services to the parks and regions. The Administrative
6 Services Division houses the agency functions in accounting, budget and similar areas,
7 and also manages statewide programs such as boating safety and winter recreation. The
8 Operations Division staff includes the staff in uniforms you see managing the parks. In
9 addition, there are staff in Regional offices and in Olympia that provide administrative
10 and technical support. The Resources Development Division oversees activities
11 pertaining to land management (acquisition, obtaining and granting easements, etc.); site
12 planning; property development; environmental stewardship; and engineering design.
13 The staff working in the Operations and Resources Development divisions are
14 particularly involved in evaluating the Olympic Pipe Line Company's (OPL) Cross
15 Cascade Pipeline proposal and its application to State Parks for a right-of-way across
16 lands under the Commission's management and control. Their specific testimony in key
17 areas is part of the information provided to the Council.

18
19 **Q. Generally, for what values does State Parks manage lands under the Commission's**
20 **control?**

21 A. Management direction for the state park system begins with statutory direction from the
22 Legislature. In RCW 43.51.415 there is a legislative finding that "the lands owned and
23 managed by the state parks and recreation commission are a significant collection of
24 valuable natural, historical, and cultural resources for the citizens of Washington State."
25 The Legislature, in RCW 43.51.395, declared that "it is the continuing policy of the state
26 of Washington to set aside and manage certain lands within the state for public park

1 purposes." The statute goes on to direct that park lands shall be managed to maintain and
2 enhance ecological, aesthetic, and recreational purposes, preserve and maintain mature
3 and old growth forests, protect cultural and historic resources, provide a variety of
4 recreational opportunities to the public, preserve and maintain habitat and encourage
5 public participation in the formulation and implementation of park policies and programs.
6

7
8 The State Parks agency has an 85-year old tradition of stewardship and careful
9 management of lands set aside for park purposes. It is the very nature of parks that they
10 are lands of unusual values which are managed with great care for the enjoyment of
11 current visitors, but with their values transmitted intact to future generations. State Parks
12 as an agency has a lasting stewardship responsibility for these lands. Our thinking about
13 allowed uses and management actions on these lands is and must always be guided by
14 this longer and larger view. The nature of park land management presents an interesting
15 challenge. Park lands are set aside to be managed for their intrinsic values. Yet the
16 managing agency is also charged with providing public access to these same precious
17 resources. Park managers, therefore, are faced with reconciling both values. We strive to
18 provide public use facilities, access for recreation purposes for large numbers of people,
19 and yet manage these resources in such a way as to leave them unimpaired for
20 appreciation and enjoyment by future generations. Of necessity, park land management is
21 conservative in nature.

22 **Q. Are you familiar with the proposal by the Applicant in this proceeding, Olympic**
23 **Pipe Line Company, to construct a petroleum pipeline through lands under the**
24 **Commission's control?**
25
26

1 A. Yes. In 1995, OPL first identified to state parks that it was examining alternative routes
2 for a pipeline across the Cascade Mountains. Routing would potentially affect three State
3 Parks: Olallie State Park, Twin Falls Natural Area; Iron Horse State Park with its John
4 Wayne Pioneer Trail; and Ginkgo Petrified Forest State Park. When OPL first filed an
5 easement application with State Parks in 1996, staff began the process of evaluating the
6 potential impact to park assets, and assessing the numerous implications of allowing
7 installation of the pipeline on parks property.

8
9 As OPL's proposal continued to evolve, as reflected in its revised easement application
10 submitted to State Parks in November 1998, staff continued to work to understand the
11 details and policy implications of OPL's right-of-way request. Staff reviewed, and in
12 December 1998, commented on the Draft Environmental Impact Statement prepared by
13 EFSEC on the Cross Cascade Pipeline.

14
15 During the process of working through these issues, my staff kept me apprised of the
16 nature and scope of their work. Under my supervision, summary information was
17 prepared and presented to the State Parks and Recreation Commission throughout 1997,
18 1998 and 1999 to date. The purpose of the briefings was to bring to me and the
19 Commission information needed to carry out our duties in granting or denying access to
20 use state parks, and to ensure protection of significant parks resources. Javier Figueroa,
21 State Parks' Lands Program Manager, will detail State Parks' work on OPL's easement
22 request to date.

23
24 **Q. What is the significance of these three parks to the State Parks system?**

25 A. Every park in our state parks system is of special value in one or more respects.
26 Sometimes it is for intrinsically special, even unique, resource characteristics. Sometimes

1 it is to assure park recreational opportunities are accessible to all the citizens of
2 Washington, wherever they may live. Each of the following state parks meets both tests
3 in several dimensions.

4
5 **Olallie State Park, Twin Falls Natural Area**

6
7 Olallie State Park contains 539 acres with 21,588 feet of waterfront along the South Fork
8 of the Snoqualmie River. The Twin Falls Natural Area of the park encompasses
9 approximately 160 acres. It was acquired to protect and provide access to the Twin Falls
10 of the South Fork. From several points in Olallie State Park, visitors can access Iron
11 Horse State Park. Olallie also provides a greenspace adjacent to Interstate 90, protects the
12 river from development, and provides an opportunity for high quality fishing. As a part
13 of the Mountains to Sound Greenway, a private and public partnership designed to help
14 maintain the visual integrity of the I-90 corridor, it maintains the visual integrity of the
15 eastern entrance to the Snoqualmie River Valley. Randy Person, Assistant Manager of
16 State Parks' Planning Program, will present testimony on potential visual and other
17 impacts to the Twin Falls Natural Area of construction of the proposed pipeline within
18 this park.

19
20 **Iron Horse State Park**

21
22 Javier Figueroa, Lands Program Manager, will detail the stages of acquisition of property
23 now constituting Iron Horse State Park. I want to give you a sense of the purpose of our
24 acquiring this park.

1 The March 11, 1988 meeting of the Commission specifically ascribed motives to
2 acquisition of an additional portion of the former Milwaukee Corridor, beyond that which
3 the State acquired in 1981. The minutes from that meeting state:

4
5 “The 1970 Washington State Trails System Act (RCW 67.32 enacted by the
6 Washington State Legislature) established the Washington State Trails Program.
7 A major component of this program is an east-west trail connecting the major
8 population centers of the Puget Sound Basin with the eastern part of the state. A
9 significant portion of this trail was established across most of eastern Washington
10 when the state acquired the abandoned Milwaukee Railroad right of way from
11 Easton to the Idaho border.

12
13 Acquisition of this Burlington Northern corridor is essential to complete this east-
14 west cross-state trail system. If established, this Washington State cross-state trail
15 could easily become part of a national cross-country trail, connecting the east and
16 west coasts of America. Acquisition of this corridor will also provide the
17 potential for connecting to King County trails and the popular Pacific Crest Trail.

18
19 Acquisition of this corridor would also meet one of the major recommendations of
20 the President’s Commission on Americans Outdoors, the establishment of A
21 Living Network of Greenways ‘ . . . to link together rural and urban spaces in the
22 American landscapes.’ Use of abandoned rail lines is cited as one of the ways for
23 establishing these greenways. The Commission’s report states in part ‘They
24 (greenways) have the potential to be this country’s most important land-based
25 effort for conservation and recreation in the next several decades.’ ”
26

1 In many ways the Iron Horse State Park meets the expectations stated 11 years ago.
2 Visitation exceeds 100,000 per year and will increase as former breaks in the trail are
3 closed, an on-going process that is achieving major successes such as completing the
4 trestles at Hall Creek and FF16 (across the Yakima River) in 1999. The trail is accessible
5 at seventeen designated locations in Iron Horse State Park, at the cities of Ellensburg and
6 Kittitas, at Ginkgo Petrified Forest State Park, and at a number of ad hoc locations.

7
8 In the past decade, the state investment in Iron Horse State Park has exceeded \$11.6
9 million, excluding the initial cost of acquisition. This includes additional land
10 acquisition; safety improvements; trailhead and trail development; trestle, tunnel and
11 snowshed repairs; and campsite development.

12
13 Park Ranger Tim Schmidt is directly responsible for management of portions of Iron
14 Horse State Park affected by the proposed pipeline route. Ranger Schmidt will present
15 detailed testimony concerning management and public use of the trail, and agency
16 concerns about potential impacts of the pipeline proposal on this critical linear park.
17 Additionally, Thomas Boyer, Manager of State Parks' Facility Policy and Capital
18 Program, will testify about trail surface, drainage, and engineering concerns of the
19 agency. Mr. James Thompson, a consultant with the firm of Zipper Zeman Associates,
20 will testify about the special engineering concerns arising from OPL's proposed
21 construction within the Snoqualmie Tunnel. The tunnel is one of the most unique and
22 significant components of the trail. Finally, Mr. Charles Luttrell, an archeologist with
23 Archeological and Historical Services at Eastern Washington University, will testify to
24 the cultural resources within Iron Horse State Park.

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26 **Ginkgo Petrified Forest State Park**

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At nearly 7,500 acres and with five miles of waterfront, Ginkgo is one of the park system’s largest and most complex parks. It contains fossilized remains of prehistoric trees, particularly the ginkgo, now found only in gardens, as street trees, or in reintroduced stands. There are no known natural populations left anywhere in the world.

The park contains much evidence of use by Native Americans in the form of arrowheads and pottery shards. Native Americans currently value the property for the presence of native plants used for medicinal and cultural purposes. The placement or displacement of specific rocks in the area is significant to their culture.

Botanically and geologically, the site is significant. The park has been designated by the Secretary of the Interior as a National Natural Landmark. Steve Gibbons of the National Park Service will speak more completely on the significance of that designation.

Ranger Brian Carter, Park Manager, will testify on the resources of this park and their importance to the public. David Wilderman, Natural Resource Scientist with DNR, will testify to the very sensitive shrub-steppe plant community within the park and how the pipeline would impact it. DNR Geologist Jack Powell will provide technical information on the geology and landslide history of the park. Finally, Dr. Edward Klucking will testify concerning the petrified wood resources and their scientific significance.

Q. What factors will the Commission consider as it makes a decision regarding whether to allow the construction of the pipeline on State Parks land?

A. The Commission has broad authority and discretion in determining what actions and resource uses further or threaten the mission of the agency and the charge of the people

1 through its legislature to the Commission for management of the state park system. In
2 making its decisions, the Commission relies on statutory mandates and guidance,
3 previously adopted policy, State Parks' Strategic Plan, adopted individual park master
4 plans and land classifications, and other commitments, such as existing easements, leases
5 and franchises, and guidance directly from the Commission's public clientele.

6
7 **Statutory Authority and Mandates**

8
9 A number of statutes direct and guide the Commission. Most are codified in RCW 43.51.
10 They provide direction to the agency in the areas of the management of its forests and the
11 general purpose of parks as a location where preservation of resources supersedes use of
12 resources. Other provisions of this Chapter of the Code apply to retaining and
13 interpreting environmental resources, managing the former Milwaukee Road property,
14 and establishing the winter recreation program. Specific provisions grant the Commission
15 authority to grant leases, concessions, easements and to enter into other agreements.

16
17 **Commission Direction to Staff**

18
19 In recent years, the Commission has made a series of decisions which singly and in
20 concert provide staff with management direction regarding land use decisions and the
21 decision process. Recent policy direction from the Commission in the areas of trail uses;
22 authorization for and placement of utilities; and lands uses and facilities allowed in
23 specific land classifications, to cite specific examples, point to a common underlying
24 philosophy. The Commission direction to staff is to manage park assets in a way that
25 protects natural, cultural and historic resources so that future visitors will see parks that
26 emphasize the natural beauty and qualities for which the land was originally acquired.

1 Historically, the Commission has placed the good of the public above benefits that might
2 accrue to individuals or to a commercial use. The Commission has placed a priority on
3 providing benefits in the long term, rather than emphasizing contemporary needs. Their
4 decisions lead me to conclude they believe that parks and recreation benefits to the
5 statewide population should receive the highest consideration.

6
7 The Commission reserves to itself many significant decisions. For example, decisions
8 regarding easements, almost regardless of size, are made by the Commission. Any lease
9 term longer than 20 years requires unanimous Commission approval. That standard,
10 imposed by statute, reflects the burden of proof an applicant bears in gaining access to
11 parks for secondary or other non-parks and recreation uses.

12 13 **Policies**

14
15 The Commission has an adopted agency policy on granting major utility facilities access
16 across park land. It also has an adopted policy governing granting of leases, permits or
17 easements for linear park crossings as a special category. These policies give direction
18 regarding the standards that applicants must achieve and who bears the burden of proof of
19 any impacts. Though allowing Commission discretion, they clearly established a
20 standard: "Protection of park values and the provision of public recreation needs are
21 paramount to any other use."

22
23 The agency policy on granting easements to those who wish to cross-linear parks offers
24 additional direction. Those who demonstrate a reasonable and feasible need for access
25 for private purposes, such as access for residential or small-scale agriculture, may receive
26 access more easily than those who wish access for commercial purposes.

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The agency is currently preparing a trail use policy; in April 1998 the Commission reviewed and provided comment on the draft policy. In relevant part, the Commission directed staff to consider rail-trail property as property better suited to simultaneously serving pedestrian, equestrian and cycling users than other parks. Because of rail-trail physical characteristics (broad trail bed, good sight distance and ability of users to avoid potentially conflicting interactions), and the chance to provide day-long recreation experiences, the Commission preferred to encourage such shared uses on these facilities more than it generally does in conventional parks. The rationale the Commissioners stated in explaining their preferences was based on two factors. First, they wanted park visitors to enjoy a specific type of experience, one that emphasized the pastoral and pedestrian-paced qualities of the site, rather than the built environment or higher-speed mechanized encroachments. Second, they did not want to adversely affect the physical setting by eroding sensitive soils or widening existing trails.

Strategic Plan

In 1996 the Commission revised and updated its Strategic Plan. The Strategic Plan contains a Vision Statement, as previously noted. Several elements in the Strategic Plan apply in considering the OPL application. Among them are statements pertaining to the role of stewardship of natural, cultural and historical resources; managing programs that accommodate recreation needs while protecting natural, cultural and historical resources; offering a wide range of recreation experiences to the public and being recognized as among the best in the nation. This document, like other policy statements, provides policy guidance with discretion in its application.

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Master Plan and Land Classification

Also potentially affecting the Commission decisions are the parameters in the Land Classification Management Guidelines as adopted in December 1995. These describe the management philosophy associated with six alternative land classifications that can be applied to state parks land. The Guidelines also contain a listing of facilities and activities appropriate for each land classification. As with other documents, they guide and provide discretion to the Commission in its decision. It also clearly reserves for the Commission decisions it deems key to the agency.

State Parks is preparing a Master Plan and Land Classification for Iron Horse State Park. The current schedule will bring a decision document to the Commission on June 11, 1999.

Other Commitments

Two commercial users currently hold rights to use the Iron Horse State Park rail bed for buried fiber optics cable. Javier Figueroa, Tim Schmidt, Tom Boyer, and Jim Thompson will all address implications of those present uses for the proposed pipeline.

Public Input

A notable aspect of the decision making process for the State Parks Commission is that it

1 functions as a public body. The seven member Commission has a strong history of
2 seeking out public comment and carefully considering the advice and input of park users
3 and other interested parties as it makes its decision. In the case of the OPL application,
4 State Parks staff is scheduling three public meetings in late February to explain the
5 specifics of the OPL proposal as it relates to State Parks. Public comments received at
6 these meetings will be summarized by staff for Parks Commission review. Finally, the
7 State Parks Commission will consider recommendations on this issue in a public setting
8 that includes opportunity for commentary. In my experience, the State Parks Commission
9 places great weight on the advice and commentary provided by park users.

10 **Q. Has the Commission made a policy decision with respect to Olympic Pipeline**
11 **Company's easement application?**

12 A. As of the date of filing of this testimony, the Commission has not made a policy decision
13 with respect to the easement application. However, the application has been the subject
14 of substantial review and deliberation by members of the Commission. Individual
15 Commissioners have been provided with the Draft Environmental Impact Statement
16 (DEIS) on this proposal. Commissioners were also provided copies of the applicant's
17 proposal as it affects State Parks lands, and more recently (January 19, 1999), the
18 Commission held a special meeting for the purpose of reviewing portions of the proposed
19 routing on the sites that are the subject of the application. In addition to reviewing these
20 field locations, the Commission, in its special meeting, had a substantial discussion of the
21 possible impacts of the pipeline proposal on state park properties. The Commission also
22 heard a further report from staff at its regularly scheduled meeting of January 29, 1999.

23
24
25 I would characterize the Commissioners' views on this application as ones of increasing
26 concern. Commissioners' early direction to staff leads me to believe that they originally

1 viewed OPL's proposal to be somewhat similar in nature to their previous experience
2 dealing with fiber optic cable uses along Iron Horse State Park only. However, now that
3 they have reviewed OPL's easement application and Cross Cascade Pipeline proposal in
4 more detail, Commissioners have expressed increasing concern about potential impacts to
5 State Parks lands, particularly with respect to the proposed crossing of both Ginkgo
6 Petrified Forest State Park and the Twin Falls Natural Area of Olallie State Park. I
7 understand their increased concern to stem partly from the especially sensitive nature of
8 these lands and the difference in character of these more traditional parks as contrasted
9 with the former railroad grade now known as Iron Horse State Park.

10
11 Recent developments with regard to the Commission and EFSEC's differing views of the
12 authority to decide whether or not the pipeline should be placed on State Park lands have
13 greatly heightened their concerns. The Commission's view of OPL's application for an
14 easement over state parks lands has been, and continues to be, that it is a discretionary
15 decision to be made by the State Parks Commission. At its January 19 meeting, the
16 Commission discussed with staff its interest in bringing forward a possible decision
17 package for consideration by the Commission at its regularly scheduled meeting on
18 March 19, 1999. The Commission and staff discussed possible policy options for the
19 Commission to consider at that time. Although substantial additional work will be
20 necessary before the Commission would be in a position to formally consider granting
21 OPL's easement request, among the possible options for consideration at the March 19
22 meeting would be a formal statement of Commission opposition, and the elimination
23 from further Commission and staff consideration of OPL's easement application with
24 respect to some or all of the state parks properties within the proposed pipeline route.
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The Commission also expressed an interest in understanding what additional protective measures might be considered if it were willing to continue consideration of pipeline use on any of these state parks properties. Commissioners expressed substantial concern that other public land managers, as noted in the DEIS and OPL's easement application to State Parks, have already indicated reluctance to allow the pipeline route to cross their properties. The Commissioners are most concerned that State Parks not be seen as a "path of least resistance" in considering pipeline siting. I will expect to supplement this testimony to bring EFSEC additional information as may come from the Commission's further consideration.

DATED this _____ day of February, 1999.

CLEVE PINNIX