2003 Annual Report
A Message from CELP Board President
Melissa Sparks Arias

2003 was a challenging year for many of us. Nationally, our economy continued to reel from staggering deficits, the continuing effects of September 11th, and the climbing costs of wars on two different fronts.

Locally our state’s economy was recovering more slowly than most other states. With this backdrop, the Legislature found itself focusing on plans to stimulate our state’s economy, but unable to make progress on any significant water resource protections. However, even through these tough social and economic times, CELP was able to meet and exceed its programmatic goals in 2003. We secured crucial protections for the Columbia River, promoted water conservation on several fronts, continued to protect instream flows in rivers across the state, and repeatedly served as the public’s voice for sustainable water management. CELP’s success was made possible by the incredible generosity of our donors and volunteers.

CELP was also presented with the opportunity to strengthen its board in 2003 by adding two new members, Barbara Floyd and Dianne D’Alessandro. Barb and Dianne have provided CELP with an extra dose of talent, intelligence and tenacity needed in order for it to continue as a driving force in water resource protection in Washington.

It is clear to me that CELP members place a high value on their quality of life and their commitment to keeping water flowing in rivers and streams. Unfortunately, our policy makers have not always shared these values, and as they proved in 2003, are all too willing to support short-term economic interests without considering the long-term impacts on the state’s environmental health.

We saw large, poorly mitigated water rights approved, tax cuts granted to some of Washington’s biggest environmental polluters, and an unprecedented judicial decision to allow the Port of Seattle to fill dozens of acres of wetlands and choke off the headwaters of three creeks in the name of progress. These decisions prioritized the state’s economic needs over protection of the environment and our quality of life.

We know that these are not mutually exclusive goals; a healthy environment leads to a healthy economy. Just ask any industry that depends on clean, flowing water for its livelihood. For example, the recreational fishing industry alone contributed nearly $1 billion to our economy in 2001. We can find a balance between creating economic growth and environmental protection without destroying rivers, streams, and aquifers. We know that it is up to us to remind our legislators to keep looking for a balance that works for all.

Your support has provided CELP with the resources to continue to meet its mission and ensure protection of Washington’s rivers, streams and aquifers for our children and grandchildren. Thank you for your commitment of time and resources to keep CELP strong. As much as we appreciate these contributions, it matters as much when you talk to your friends, your loved ones, and yes, even your legislators, about the value of water.

Our staff’s work is made much easier when their words are echoed by you—constituents who vote. It is in this way – neighbor by neighbor, house by house, town by town – that we will inspire our legislators and public agencies to protect water, rather than squandering it. I am honored by your continued commitment to protect and preserve Washington’s most precious resource—water!

Melissa Arias
CELP Board of Directors

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Craighton Goepele, Secretary
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Barbara Floyd*
Joan Foley
Kyle Kovalik
Nancy Rust
Tim Stearns
Roger van Gelder
Sims Weymuller
Francis C. Wood

* Joined CELP Board in 2003

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Shirley Waters Nixon, Staff Attorney
Jill Sheldon, Deputy Director
Aaron Keating, Outreach Director*
Mary Leake, Outreach Director**
Tom Vásquez, Director of Development and Outreach†

* January-July 2003
** August-December 2003
† Joined CELP Team in 2004

The environmental attorneys at
SMITH & LOWNEY PLLC
thank CELP for another fine year in the service of environmental law.
Richard Smith - Knoll Lowney
Rick Poulin - Paul Kampmeier
Davida Finger
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Environmental, Land Use, Consumer Protection, and Public Interest Law Since 1995

“I support CELP because it is an expert, serious watchdog on behalf of citizens to protect our state’s most valuable natural resource—our publicly owned fresh water resources.”

Karen Fraser—Washington State Senator

CELP: taking action to leave a legacy of clean, flowing water in Washington’s rivers and streams
♦ CELP was instrumental in compelling the state to embark upon an initiative to develop a better water management regime for the Columbia – the Columbia River Initiative. In order to provide scientific perspective about how future water withdrawals should be managed, the state commissioned a half-million dollar study by impartial scientists from the National Academy of Sciences’ National Research Council. These scientists invited CELP to provide oral and written testimony on the ecosystem needs of the Columbia River. CELP’s views on Columbia River instream needs are well-reflected in the final report, which concluded (among other things) that river conditions are already so degraded that further diversions during low-flow periods pose substantial additional risks to salmon survival. The scientists recommended that if additional permits are issued, they should include specific conditions that require withdrawals to be discontinued during critical periods. This report puts CELP in an excellent position to continue to advocate for sound science and sustainable water management as the Columbia River rule-making process continues into 2005.

♦ CELP established the right of environmental groups to challenge both procedural and substantive irregularities in agency decision-making on water resource issues. When the Quad Cities of Kennewick, Pasco, Richland, and West Richland pressured the state for a huge new water right from the Columbia River, Ecology bent over backwards to issue the permit. CELP appealed the permit, and won a significant decision from the Pollution Control Hearings Board affirming CELP’s standing to appeal procedural, as well as substantive irregularities.

♦ In the same case, CELP established important pro-river protections for the Columbia River via a negotiated settlement of the appeal. As a result of our settlement agreement, these cities must develop plans to “pay back” the river during low flow periods and show direct environmental benefits to fish. They will also have to follow strict conservation requirements, including definite timelines for implementing programs. In addition, CELP successfully required the Department of Ecology to postpone rule-making under the Columbia River Initiative until the National Academies of Science released a scientific analysis of the effects of additional water withdrawals. And, we obtained Ecology’s agreement that it would not issue new water permits from the Columbia until January 1, 2005, or the effective date of the new rules—whichever comes first. The net effect of this latter provision is that, due to CELP’s appeal and settlement of the Quad Cities case, no new water rights have been issued from the Columbia River since January 15, 2003.

♦ CELP’s water law and policy expertise continued in 2003 to positively impact water-related problems and controversies throughout the state. Among CELP’s on-going collaborations: CELP supported the Yakama, Umatilla, and Nez Perce Tribes’ appeals of water right permits that contained inadequate mitigation provisions to safeguard endangered Columbia-Snake River fish. The appeals resulted in a summary judgment revocation of the permits.

♦ CELP’s intervention in a federal lawsuit helped establish a precedent affirming the US Forest Service’s authority to protect river flows. When the National Marine Fisheries Service (now NOAA Fisheries) determined that water diversions would reduce flows in the Methow basin in a way that jeopardized salmon survival, the Forest Service refused to re-issue unconditional permits for irrigation canals across forest lands. When the irrigators filed suit, CELP intervened on behalf of the agencies, and in October, the Ninth Circuit Court of Appeals affirmed that the Forest Service had acted correctly when it limited the use of irrigation canals.
2003 Financial Information*

**Income**

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<tr>
<th>Category</th>
<th>Expenses</th>
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<td>Corporate Gifts</td>
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<td>Foundation Grants</td>
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**Expenses**

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<td><strong>TOTAL:</strong></td>
<td>$248,438</td>
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*Unaudited

**CELP’s Accomplishments (continued)**

* When the Port of Seattle’s proposal to build a third runway at SeaTac airport was challenged by citizen groups, the Pollution Control Hearings Board (PCHB) imposed certain requirements to assure that the project complied with the Clean Water Act. The Port objected and appealed directly to the Washington Supreme Court – asking it to overturn these requirements. The Supreme Court, recognizing CELP’s special expertise in water law and advocacy for the public interest, granted CELP *Amicus Curiae* (“friend of the court”) status in the case. CELP’s legal briefing to the Court outlined why the Court should uphold the requirement that the Port obtain a water right in connection with its low stream-flow mitigation plan. Although the Court ultimately chose to analyze the Port’s plan under a “stormwater management” framework, CELP’s *Amicus* brief helped to illustrate crucial water law principles associated with beneficial uses and instream flows.

* CELP was instrumental in creating a new nonprofit organization, the Partnership for Water Conservation, which will bring the environmental, utility, and business communities together to promote water conservation in Central Puget Sound. Because conservation efforts in this rapidly growing urban area are haphazard at best, this new organization will provide a central forum for sharing technical resources, sharing and developing water efficiency programs and practices, coordinating regional conservation efforts, and advocating for a strong conservation ethic in this region.

* Using our 2002 report, *Wasted Water: How lax water efficiency laws waste millions of gallons and millions of dollars*, CELP effectively advocated for legislation that requires water conservation by public water suppliers. Due in part to our advocacy, the Legislature directed the Department of Health to adopt rules by the end of 2005 that require water suppliers to set and achieve conservation goals. Beginning in 2006, water suppliers will have to integrate many new water efficiency requirements into their water system operations.
Thank you for supporting CELP!

We would like to sincerely thank all of our members and donors for your support. With your help, we will continue our fight to leave a legacy of clean, flowing water in Washington’s rivers and streams for use and enjoyment by all. This list acknowledges individuals, businesses, groups, and foundations who provided financial support during the calendar year 2003.

Watershed Level ($1000+)
Benella Caminiti
Betsy Dennis and Jane Eiseman
Ellen Ferguson
Julie Gerrard
Peter Goldman
Nancy Rust
Neal E. Sheldon
Roger van Gelder
Dr. Fran and Thelma Wood

Aquifer Level ($500-$999)
Mr. Stanley A. Carlson
Barbara Doxt and Barbara Floyd
Dwight L. Holbaugh
Anne Johnson
Roderick Malcolm
Bob and Shirley Nixon
Dana Roberts and Carol Anne Modena
Joan Thomas
Beth Fries Van Pelt and Darren Van Pelt
Anonymous

River Level ($250-$499)
Karen Allison
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Dianne D’Alessandro
Leslie R. and Christopher M. David
Joan Foley
Tom Fox
Craighton Goepple
Jocelyn Horder
Gail Johnson
Charles Kimbrough
David and Frances Korten
Carl Laufer
Susan Quigley and Delia McGinnis
Stephen and Jill Rae
Tim Stearns and Linda Clark
Julian and Pauline Weidler
Alice and Ernie Weymuller

Stream Level ($100-$249)
Melissa Sparks Arias
Pete Baird
Dale Baker and Judith Fillips
Fam Bayless
Judith K. Bush
Carla Carlson and Fred Hiron
Lanny and Linda Carpenter
Don Carrow
Dr. Hugh Clark
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Michael Weaner
Sims Weymuller and Stacy Connole
Margaret Yeoman
Anonymous (3)

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Ginny Alleman and Jerry Howe
Alan and Sarah Black
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Emory Bundy and Noel Angell
Representative Maralyn Chase
Dede Chinlund
Colby Chester
Barbara Christensen and Jeff Meyer
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Mary Helen Clarke
Greg Cotter and Janet Eary
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Gordon H. and Elizabeth Orians
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Karen Quinn
Esther Rousso
David Rudo
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Hazel and David Russell
Karen Russell
Martha Rast
Jennifer Sansclairne
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Julie Schickling
Barbara Shelton
Robert and Rachel Smith
James Sokol
Elise Sorgenfrei
Jane and Alexander Stevens
Reed and Tina Waite
Audrey Watson
Helen Welborn
Anonymous (3)

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Sara Amies
Mary Ann and David J. Anderson
Charles Ballard
Perry L. Barth
Robert J Bendzak
Dale Bennett
Sara Berman
Janine Blaecho
L. Beth Blattenberger
Barbara Brock
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Leroy Dearoff
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Paul Kampmeier
John and Diane Karpinski
Ruth Kee
Richard Kennon
Kevin Koga

CELP: taking action to leave a legacy of clean, flowing water in Washington’s rivers and streams
We want to extend a special note of thanks to the following individuals and businesses, for their tremendous gifts of professional services and resources!

Kevin Almeida, Netkal.net
Gardner Brown, Professor Emeritus, University of Washington
Tom Fox
Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, PLLC
Julie Ann Gustanski, Resource Dimensions
Dwight Holobaugh, Consultares
Johnson Flora, PLLC
Paul Kampmeier, Smith & Lowney, PLLC
Kevin Klingbeil, Attorney at Law
Roderick Malcom, Ecocline Fisheries Habitat Consulting, Ltd.
Odwalla
Rachael Paschal Osborn, Attorney at Law
Pacific Natural Sales
Patty Pearson, Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, PLLC.

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**CELP:** taking action to leave a legacy of clean, flowing water in Washington’s rivers and streams

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**Foundations**
- Bullitt Foundation
- Burning Foundation
- Overton & Katharine Dennis Fund
- Environmental Support Center
- Hugh and Jane Ferguson Foundation
- Flintridge Foundation
- General Service Foundation
- Harder Foundation
- The Leslie Fund, Inc.
- Mountaineers Foundation
- Norcross Wildlife Foundation
- Northwest Fund for the Environment
- The Russell Family Foundation
- The Seattle Foundation
- Sidney Fund
- Washington Foundation for the Environment

**Groups**
- Clark-Skamania Flyfishers
- EcoEncore
- Fidalgo Fly Fishers
- Friends of the Cedar River Watershed
- Methow Valley Flyfishers

**Businesses**
- Bank of America Matching Gift Program
- Blue Skies Fly Fishing Guide Services
- Boley Law Library
- The Evening Hatch Guide Service
- Gendler & Mann
- Gordon, Thomas, Honeywell, Malanca, Peterson and Daheim, PLLC
- Life is But A Dream Guided Flyfishing
- Microsoft Corporation Matching Gift Program
- Morisset, Schlosser, Ayer & Jozwiak
- Patagonia
- Puget Sound Energy Matching Gift Program
- Starbucks Matching Gift Program
- Red’s Fly Shop
- Tight Lines Angling
CELP’s Mission

Because fresh water is vital to our quality of life, CELP takes action to leave a legacy of clean, flowing water in Washington’s rivers and streams for use and enjoyment by all. We defend, develop and advocate for ecologically and socially responsible water laws and policies through collaboration, education, government oversight, research and litigation.

“There is no other single issue in the state more important than the management and care of our water resources. There is one organization that recognizes the importance of our water resources and is doing something about it - the Center for Environmental Law and Policy (CELP).”

Tom Deschner, Kayaker, Founder of Washington Water Trails Association (WWTA)