



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

2011 Annual Report

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DIRECTOR'S NOTE

Suzanne Skinner, Executive Director

With this annual report, we celebrate CELP's sixteen years since leaving the University of Washington Law School to become an advocate for the people and the waters of Washington state. We have had many victories in those years, thanks to the people of CELP: our donors, volunteers, partners, board members, and staff. We cannot begin to thank you for your generosity and commitment. Ultimately, it is the importance of our mission: preserving and restoring our waters for fish, wildlife, and our children that has kept CELP on track.

This is CELP's first annual report since 2008. The economic downturn was hard on CELP, as it has been for many non-profits. We cut back on staff and all but the most essential expenses. We focused on getting the work done. Thanks to former Executive Director Rachael Osborn, and our board members through 2011 — Karen Allston, Kathy George, Anne Johnson, Sam Mace, Dave Monthie, Bart Naylor, Shirley Nixon, John Osborn, and Lauren Rasmusen— CELP not only survived the downturn but won significant victories for fresh water, including bringing waterfalls roaring back to the City of Spokane's Riverfront Park. With the focus on programs and organization building, we missed some annual reports. So this annual report is our imperfect but sincere attempt to thank all of our donors, partners, and volunteers from 2009-2011. We will inevitably miss a few supporters for which we apologize. We thank all of you who believe in CELP's work and stuck with us during the rough times.

So this is a moment to celebrate you: to express our gratitude and to remind you of your achievements in preserving Washington's waters. Thank you to the hundreds of donors who have parted with hard-earned dollars to support CELP's mission. Thank you to the innumerable volunteers who have given their time, talents, and elbow-grease to make CELP's work possible. Thank you to our partners who have collaborated with us to shape successful programs and to win victories in the courts, in the legislature, and with regulatory agencies. And thank you to CELP's former and current board members and staff who have shared so much of their time and energy to preserve our waters.

Since 2008 CELP has gone through many changes. More lie ahead. CELP's future is in anticipating and adapting to the challenges ahead, while remaining true to our core mission: protecting the public's interest in water. Water is essential to life. Water should not become a commodity sold to the highest bidder or awarded to the politically well-connected. The public's right to water to drinking water and clean, flowing rivers must remain inviolate. Yet, with climate change, water is scarcer than ever. Melting glaciers, diminished snowpack, reduced groundwater recharge and increased temperatures all threaten the vitality and very existence of our rivers and aquifers. CELP's mission to preserve and restore our irreplaceable freshwater resources for a healthy, sustainable future for our children, our state, and our planet is more imperative than ever. Only together can we grapple with the hard decisions and hard fights ahead of us.

Many thanks to you all,

Suzanne Skinner



Our Approach



CELP is Washington's Water Watchdog

The public trust doctrine protects the public's ownership interests in state waters, including the public interest in environmental quality. Washington's Water Code embraces the doctrine by not only recognizing that the waters of the state belong to the public but acknowledging that the state has the responsibility to act as the trustee for the public in protecting the use of those waters. CELP's job is ensure that the state fulfills its trust duties to the public, now and for future generations—especially as our water resources become scarcer due to climate change.

CELP uniquely has the water law expertise and the connections to bolster local efforts to preserve clean, flowing water in our rivers and plentiful healthy drinking water. From what we learn from people working on the front lines, river by river, aquifer by aquifer, CELP advocates for science-based, sustainable water management in the legislature, in the courts, and with government agencies.

THE PUBLIC TRUST

Subject to existing rights **all waters within the state belong to the public**, and any right thereto, or to the use thereof, shall be hereafter acquired only by appropriation for a beneficial use and in the manner provided and not otherwise; and, as between appropriations, the first in time shall be the first in right.

RCW 90.03.010.

How we work:



Hands-On Assistance to Citizen Activists

Through our *Water Rights 911* program, we provide citizens groups, tribes and activists with technical and legal assistance on legal, political and organizational issues.



Agency Advocacy and Legislative Reform

We work in Olympia with legislators, agency staff and regulators to advocate for science-based water management.



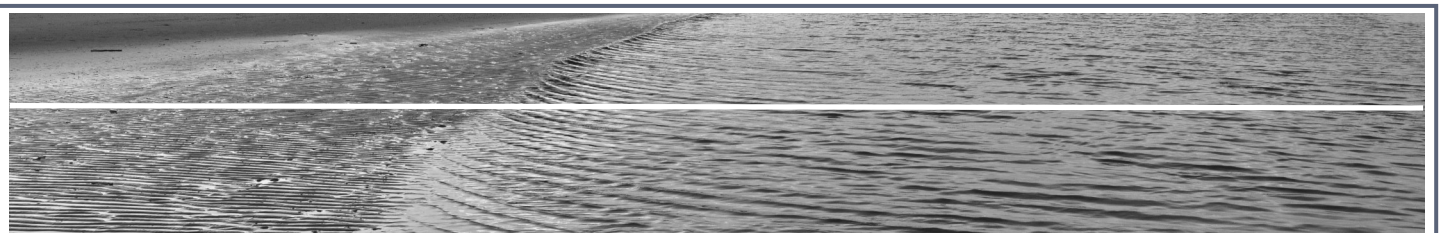
Litigation to Protect the Public's Interest in Water

CELP is the principal organization in Washington litigating to protect the public's interest in our rivers and aquifers.



Public Education and Media

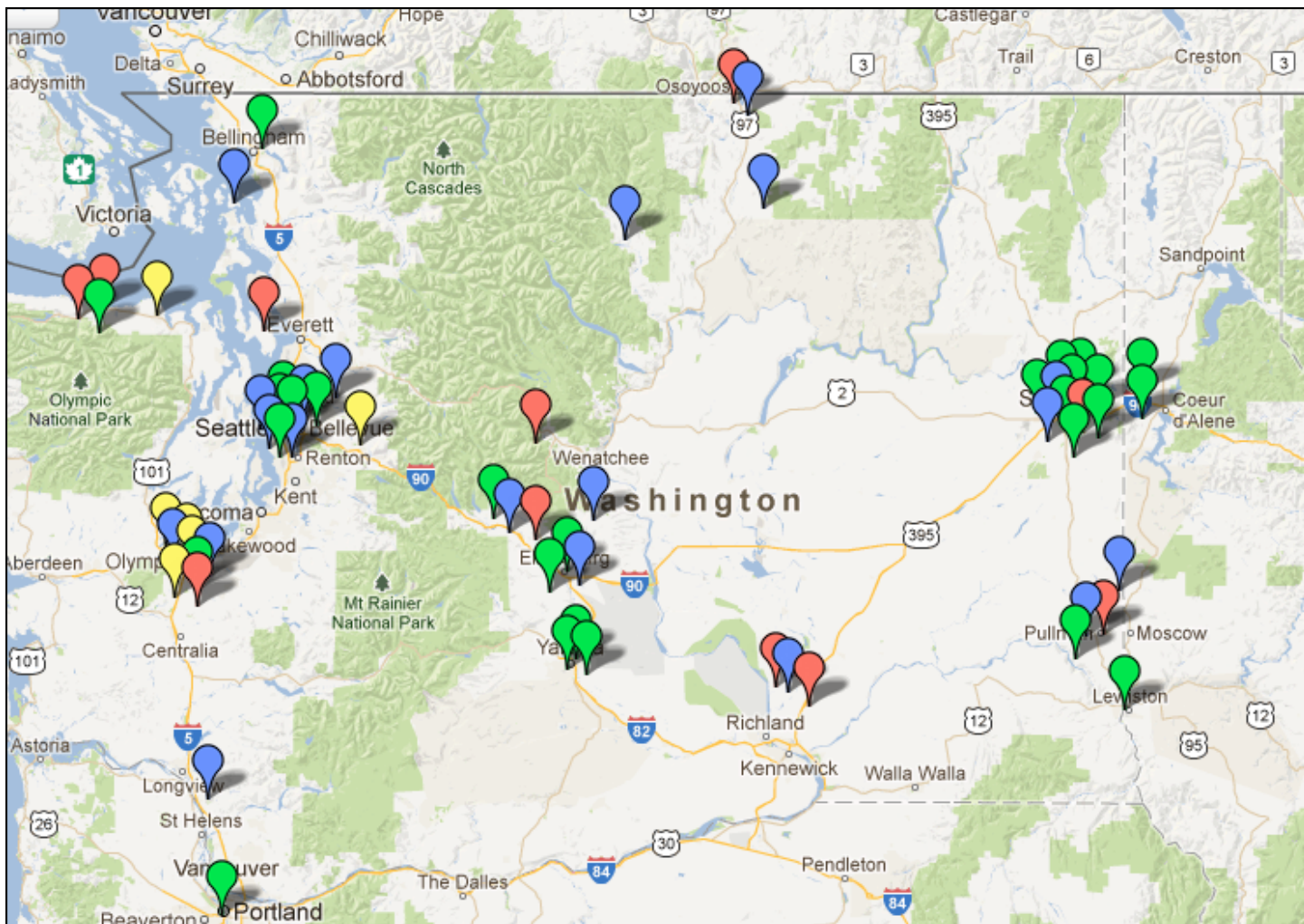
CELP educates the public through seminars, stories in the media and our *Voices for Water* program. We issue law review articles and white papers on critical water issues.





Our Reach

CELP's work spans the state, impacting all of our sixty-two watersheds.



Our Vision for the Future

Fish and wildlife will thrive in Washington's rivers and streams. Our rivers and aquifers will provide safe, sustainable drinking water for all.

Cities, counties, agriculture, industries, and businesses will become stewards of this essential but increasingly scarce resource for future generations.

Understanding that water is limited, and a sentinel of climate change, we will use it sustainably in full recognition that there are no substitutes for freshwater.

Our Impact



CELP has a track record of success

CELP was founded at the University of Washington School of Law to promote the public trust in water resources. Rooted in the public trust doctrine—the legal principal that water belongs to the public--CELP has worked since 1993 to empower the public to protect this precious resource for the citizens of our state. We bring high impact litigation in the courts, advocate for science-based water management policy in the legislature and with government agencies, and simultaneously build citizen support through assistance to local groups and public education.

In 1996, CELP established standing for citizen challenges to state water rights decisions, allowing members of the public to speak up for water. We continue in that tradition. Here are some examples of our work from this year.

Assistance to Local Citizens Groups

The Sequelitchew Creek Watershed Council is a citizen's group fighting to protect DuPont's treasured Sequelitchew Creek, Edmond Marsh and the Central Pierce Sole Source Aquifer, which is the only source of drinking water for nearby Joint Base Lewis McCord. **Laurie Fait** is the secretary and communications point person for the Council. Laurie and the Council are working to keep CalPortland Sand & Gravel from expanding its existing mine, which would require pumping approximately 6.5 million gallons of water each day out of this critical aquifer to extract the aggregate. Sucking that enormous volume of water would dry up adjacent Sequelitchew Creek, home to endangered salmon and Edmond Marsh, an extension of the critical Nisqually Delta habitat.

CELP assisted the Council in preparing a legal analysis that convinced Ecology to require CalPortland to apply for a water right—which will subject the proposal to agency review and a public process. According to Laurie, "The impact of CELP stepping forward on our behalf has been immense. **We could not be in this fight without CELP!** Their presence has secured credence and respect from everyone watching these events unfold." There is still more work to be done, and CELP will be there to advocate for wise water use that is in the public's interest.

Satterberg Foundation Supports Water Rights 911

The Satterberg Foundation, based in Seattle, strengthens our communities by promoting a just society and a sustainable environment. The Foundation awarded CELP a generous grant to fund CELP's Water Rights 911 program over several years. That program provides "hands on" technical assistance to individuals, community activists like the Sequelitchew Creek Watershed Council and Tribes that are working to protect local rivers and aquifers.

The Foundation supported CELP's Water Rights 911 program because it "promotes positive engagement by citizens in their communities through educated and effective environmental stewardship. CELP's alliances with local activists and Indian tribes, developed through the 911 Program will be invaluable in pursuing water reform at the county level."



Litigation to Restore Rivers

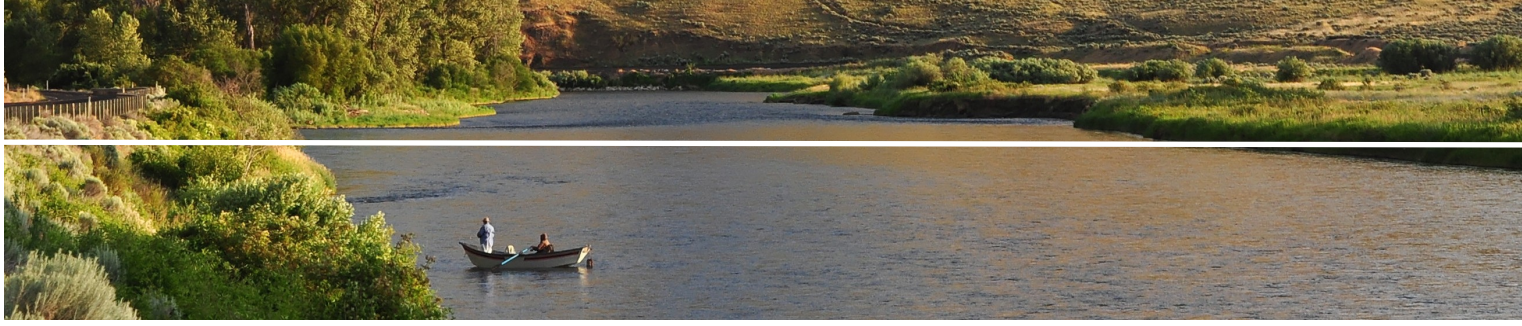
This summer, CELP, American Whitewater, the Columbia Bioregional Education Project, North Cascades Conservation Council and the Sierra Club filed a lawsuit to compel the Department of Ecology to comply with state water quality standards that protect aesthetics. The Department's 401 certification for relicensing Enloe dam would allow the project to all but dry up Similkameen Falls on the Similkameen River in Okanogan County. Only by effectively drying up the river does the project's shaky economics pencil out. CELP and its allies will not let Ecology selectively ignore water quality standards to subsidize an ill-devised project.

Legislative Advocacy

In Olympia, CELP works to solve pressing problems in water management. In 2011, Senator Sharon Nelson sponsored SB 5757, drafted by CELP, to add a nominal fee to new well construction to fund Department of Ecology's much-needed groundwater mapping project to properly assess our aquifer resources. In 2012, after learning that certain property owners in the Skagit basin had received building permits when no water was available for exempt wells, CELP drafted a real estate disclosure bill to protect consumers. Representatives Stanford, Tharinger and Uptegrove sponsored the bill. While neither bill has passed yet, we have not given up. CELP will be back in the legislature in 2013 advocating for progressive water legislation.

Public Education and Media

In December 2011, CELP sponsored its first *Water Law and the Public Trust* continuing legal education program in Seattle. The program was designed to examine issues in water management and law from the perspective of sustainability and protecting the common interest in this most essential resource. These seminars raise public awareness and bring together a wide range of people— including policy makers, agency staff, citizen activists, tribal representatives and environmental groups. Based on the success of the 2011 seminar, CELP will sponsor this event annually.



Rachael Paschal Osborn, Staff Attorney

Rachael Paschal Osborn needs no introduction to most members of CELP. She has played several critical roles for the organization: serving as its cofounder with Prof. Ralph W. Johnson, executive director, and now as staff attorney. Rachael has written extensively on water resources and environmental issues: most recently, "Climate Change and the Columbia River Treaty" published in University of Washington's *Journal of Environmental Law and Policy* (June, 2012). She teaches environmental law and water law at Gonzaga Law School in Spokane, in addition to speaking at conferences throughout the Pacific Northwest, and in Australia.

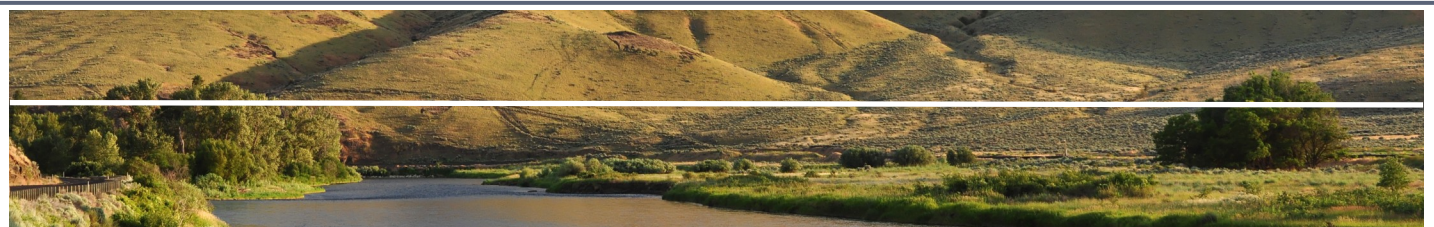
Distinguished Professor of Law, **Charles Wilkinson** of the University of Colorado sums up Rachael's professional career in a sentence: "**She is simply one of the best water lawyers in the West.**"

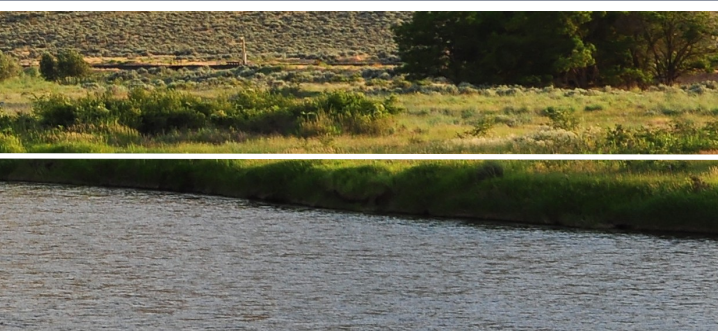


Kristen J. Larson, Volunteer Attorney

CELP's small staff relies on committed, talented *pro bono* attorneys and scientists to restore Washington's rivers and aquifers. With their invaluable help, CELP's reach and impact is magnified many times over. One of the many wonderful professionals volunteering for CELP is **Kristen J. Larson**. Kristen, an experienced attorney and biologist by training, is helping CELP and our coalition of conservation organizations to challenge Okanagan PUD's latest effort to re-energize Enloe Dam.

"I'm pleased to assist CELP in its effort to hold Ecology and the PUD accountable for complying with state law that protects our waterways, for the benefit of this generation and generations to come."





Our People



Professor Bob Anderson, CELP Supporter

Bob Anderson is a Professor of Law and Director of the Native American Law Center at the University of Washington, and the Oneida Indian Nation Visiting Professor of Law at Harvard Law School. His scholarship is renown in Indian Law, Public Land Law and Water Law.

Professor Anderson supports CELP because: **"CELP is the rare organization that is effective as a tenacious grass-roots advocate, as well as a respected educator of the public and of government officials."**

Kevin Lyon, Director of Legal Affairs, Squaxin Island Tribe

Kevin Lyon often is involved with the Tribe's work to protect its treaty rights to water and fish in the courts and the legislature. The Tribe and CELP have worked together on numerous issues- most recently on the Tribe's lawsuit to compel the Department of Ecology to close water-starved John's Creek in Mason County to new permit exempt wells, which would protect the Creek and its fishery. **"After working with CELP over the years, I am proud to support the organization as a contributor. CELP does excellent work and is an effective voice for sound water management in Washington. CELP's legal expertise and work throughout the state make CELP an important ally in the Tribe's fight to save John's Creek."**



Amy Peterson, Development Officer

CELP relies on an active and informed membership base to achieve wins for Washington's water. **Amy Peterson** coordinates CELP's member communications and helps orchestrate our educational and fundraising events.

Amy brings to CELP a background in nonprofit fundraising and outreach with organizations such as the NW Energy Coalition and WashPIRG. She also brings a passion for smart environmental policy. **"It's so important for citizens to be engaged in environmental issues— especially something as critical as water. It's great to be able to connect people with such an effective organization."**

CELP SUPPORTERS

Our work is possible because of your support — Thank you!

Donors

\$40,000 and above

Satterberg Foundation

\$20,000 and above

Horizons Foundation; Anonymous.

\$10,000 and above

Bullitt Foundation; Lower Elwha Klallam Tribe, Northwest Fund for the Environment.

\$5,000 and above

Anne Johnson; Kenney Brothers Foundation; Mountaineers Foundation; Norcross Wildlife Foundation.

\$1,000 and above

Bob Anderson & Marilyn Heiman; Don Barbieri & Sharon Smith; Dianne D'Alessandro; Delaney & Justin Dechant; Cynthia Ferrucci; Jamestown S'Klallam Tribe; Art & Anita Johnson; Brady Johnson; Kanji & Katzen; Martha Kongsgaard & Peter Goldman; Kate & Noel Lloyd; Northwest Indian Fisheries Commission; Calvin Osborn; John & Rachael Osborn; Zachary Paschal; Denise Pritzl; Port Gamble S'Klallam Tribe; Squaxin Island Tribe; Swinomish Tribe; Judith Thornton & Jerry Gettel.

\$500 and above

Emory Bundy; Tom Fox; Harrang Foundation; Buell & Donna Hollister; Norma Oliason; Bruce & Denise Smith; Janet Thomas & Bill Smith; Margaret Yeoman.

Under \$500

Anne & Knut Aagaard; William & Mary Ann Andersen; Dennis, Carol & Arielle Anderson; Carol Anderson & David Moore; Anonymous (3); Melissa & Clyde Arias; William & Helen Aron; Wayne & Joy Attwood; Peter Baird; Lynn Bahrych; Dennis & Theresa Baumgarten; Bonne Beavers; Ellie Belew & Doug Kilgore; Mary Lou Bennington; Gerard & JoAnn Bentryn; Andy Billig; Beth Blattenberger; Dee Boersma; Art & Julie Bookstrom; Elizabeth Boyle; Gardner & Victoria Brown; Carol Bryan; Anne Buck; Edwin & Nancy Bump; Galen & Glenda Buterbaugh; David & Carol Canterbury; Carla Carlson & Fred Hirons; Lanny & Linda Carpenter; Betsy Case; Vic & Robbi Castleberry; Ed Chadd; Louise Chadez; Virginia & Welden Clark; Jeannie & Scott Collin Sr.; Carolyn Connelly; Cordy Cooke; Betty Corker; Scotty & Diane Cornelius; Mary Sue Corrado; Arthur & Joan Craig; Jackie Cuddy; Clydia Cuykendall; Donna & Jim Dehart-Ray; Gene & Marilyn Derig; Bruce & Terri Didesch; Gina DiLabio; Brenda Dimond; Earl & Tena Doan; Dudley Doss; Blaine Dougherty; Dave Draper; Wick & Sheila Dufford; Deborah Dwyer; David Edwards & Elsa Bruton; D. Ellsworth; Eric Feigl; Fred Felleman; Paul Fish; Charles Fisk; Elvin "Speed" Fitzhugh; Pat Ford; Alix Foster; Derek & Cyndi Freeman; Bruce Gage; Alden Garrett; Dennis Gathard; Barry Goldstein; Virginia Gunby; Bart & Lindell Haggin; Jacqueline Halvorson; Don Hamilton & Lorna St. John; Amy Harrington; Zena Hartung; Jamie Hatten; Steve & Claudia Hirschey; Eric & Virginia Hoyte; Betty Hunt; Claudette Hunt; Cleveland Ives; Bob & Bonnie Jacobs; Eve Johnson; Mary & Brian Jokela; Anna Kath; Charles & Nancy Kimbrough; King County Employee Giving Program; Dave & Hanna Kliegman; Walter Kloefkorn; Derrick & Shallan Knowles; Amber Knox; Brian Knutsen & Kelly Connor; John Konovsky & Don Martin; David & Fran Korten; Kim & Maria Kovalik; Andrew Krawczyk; April Kulp; Bea Lackaff; Jeff Lambert; Michael Laurie; William Layman & Susan Evans; Carolyn Leon; Estella Leopold; Jay Letto & Dawn Stover; Dick & Carol Levinthal; Daniel Lichtenwald; Francis Lill; Wayne & Frances Limber; Dean Lynch; Kevin Lyon & Lisa Veneroso; Sam Mace; Bonnie & John Mager; Emily Mansfield; Kerry Masters; William & Judith Matchett; Tom May; Doyle McClure;

(Under \$500, continued)

McRoberts Family Foundation; Julia McHugh; Dennis McInteer; Ari Michelsen & Miriam Cook; Brian Miller; Gary & Marie-France Minton; Mary Moltke; Dave Monthie & Janet Ball; Morisset, Schlosser & Jozwiak; Ann Morton; Char Naylor; Dave & Sam Nazy; David Nelson; Sharon L. Nelson; Claire Newman & Chris Wall; Donna Nickerson & Uwe Tietze; Bailey Nieder; David Niemi; Christi Norman; Kimberly Ordon & Allan Bakalian; Betty & Gordon Orians; David Ortman; Marie Osborn; Elaine Packard; Jerry Parker; Carla Pentecost; Dr. Kurt & Dr. Holly Peterson; June Piggott & Walter Share; Doug Pineo; Barbara Pinney; Chris Pitre & Cheryl Wilhelm; Caryn Potenza; Julian Powers & Jane Cunningham; Alan & Ronda Prentiss; Gary & Geri Proctor; Curt Puddicombe; Paul Quinnett; Doug Raff; Frederick Rasmussen; Lauren Rasmussen & Ken Linnau; Evelyn Reingold; Ed & Janet Reynolds; Doug & Bree Reynolds; Clark & Linda Richards; Carole Richmond; Tom Ring & Sue Billings; Bill Rodgers; Charles Roe; Brooke Rogers; Barry & Cathy Rosenberg; John & Joyce Roskelley; Gayle Rothrock; Debbie & Hal Rowe; Tom & Anna Rudd; David Rudo; Martha Rust; William & Mary Lou Safranek; Gail Sandlin; Anne Savery; Seattle Combined Fund Drive; Mark Schillios & Colleen Miller; Doug Siddoway; Donna & John Simanton; Sierra Club: Upper Columbia River Group; Bruce & Jean Soliz-Conklin; Bob & Linda Stephan; Virginia Stern; David & Molly Stock; Fred Struck; Frank Swinkey; Richard Talbot & Colette Kostelec; Doris & Mike Taylor; Toby Thaler & Becky Sukovaty; Dick Thiel & Patricia Berg; Charlotte Thielhorn & Sallie Jacobsen; Don Tilton; Bill & Marjorie Tracy; Fran Troje; Upper Skagit Indian Tribe; Wade & Shirley Vaughn; Cyrus & Janet Vaughn; David Vogel; Carole Wahlers; Walt & Jean Walkinshaw; Elmer Ward; Claudia Ware; Washington Combined Fund Drive; Larry & Barbara Wasserman; Lawrence & Mary Weathers; Alice & Ernie Weymuller; Norman & Cynthia Whittlesey; Gary Wilburn; Fran & Bunny Wood; Tina Wynecoop.

In Kind

Anthony's at Spokane Falls; Melissa & Clyde Arias; Atlantis Aquatics; Auntie's Book Store; Bainbridge Island Vineyards & Winery; BalMar; Melissa Bates; Beth Blattenberger; Jamie Borgan; Brooklyn Deli; Gabriel Brown; Emory Bundy; Bryan Burke; Cabela's; Chihuly Studios; Clean Right Company; Clinkerdaggers; Cris Currie; Josh Davis; Frank Delaney; Easy; EcoDepot; Enviroscience Inc; Evergreen State College; Eymann, Allison, Hunter and Jones, P.S; Fery's Catering; Greg Finger; Fraiche Bistro; Fred Christ Painting; Jeanie Garvey; Brooks Goode; Cliff Goodman; Bart & Lindell Haggin; Michael Hamilton; Zena Hartung; Heron Pond; Buell & Donna Hollister; Italia Trattoria; Derrick Jensen; JM Cellars; John Kiley Glass Sculpture; Eve Johnson; Sherry Jones; KYRS Thin Air Radio; Bea Lackaff; Jeff Lambert; Lantern Tavern; Rich Leon; Luna Restaurant; Main Market; Main Street Yoga; Mazama Country Inn; Steve Moran; Mountain Gear; Naches Heights Vineyards; Neato Burrito; Nota Bene Cellars; John & Rachael Osborn; Osprey; Jerry Parker; People for Puget Sound; Quinault Nation Enterprise Board; Paul Quinnett; Red Lion Hotels; REI; Marilyn Reimann; Tom Ring; Rocket Bakery & Market; Rosauers Corporate Offices; John & Joyce Roskelley; Roslyn Brewery; Sante; Seattle Shakespeare Company; See's Candy; Sleeping Lady; Spokane Indians; SR Productions; Em Syrewicze; Taste Café; Mary Verner; VINO! Wine Shop; Vintage Vines; Washington Women's Foundation; Waverly Coffee; Yarrow Hot Yoga & Wellness Studio; ZEN Hair Studio.

Volunteers, Interns and Pro Bono Counsel

John Allison; Melissa Arias; Melissa Bates; Maude Barlow; Sue Billings; Jim Briggs; India Briggs-Bates; Janette Brimmer; Jamie Borgan; Sean Carr; Fred Christ; Wendy Crocker; Bruce Conklin; Carolyn Connelly; Julie Dalsaso; Elvin "Speed" Fitzhugh; Lauren Goldberg; Amanda Goodin; Lydell Gorski; Sharon Haensly; Zena Hartung; Jan Hasselman; Eric Hill; Suzi Hokonson; John Hollowed; Eve Johnson; Shallan Knowles; Brian Knutsen; John Konovsky; Andrew Krawczyk; Bea Lackaff; Jeff Lambert; Rich Landers; Carolyn Leon; Rich Leon; Bob Lynette; Sean Malone; Sharon Nelson; Bob Nixon; Cassandra Noble; Patsy O'Connor; Elaine Packard; Jerry Parker; Sue Patnude; Denise Pritzl; Anne Powell; Paul Quinnett; Katherine Ransel; Beth Remy; Tom Ring; Carole Richmond; Steve Robinson; Matt Runkel; Darlene Schanfald; Marc Schillios; Denise Smith; Richard Smith; Ted Smith; Jean Soliz; Em Syrewicz; Eric Teegarden; Aura Weinbaum; Paula Whitson; Patrick Williams; Kathy Wilson; Chris Winter; Rollin Wood; Marc Zemel. **Former CELP Staff:** Arielle Anderson; Seth Ballhorn; Connor Briggs; Liz Heyliger; Shallan Knowles; Emma Margraf; Kelly O'Connor; Jenifer Priest; Steve Robinson; Heather Teegarden; Patrick Williams.

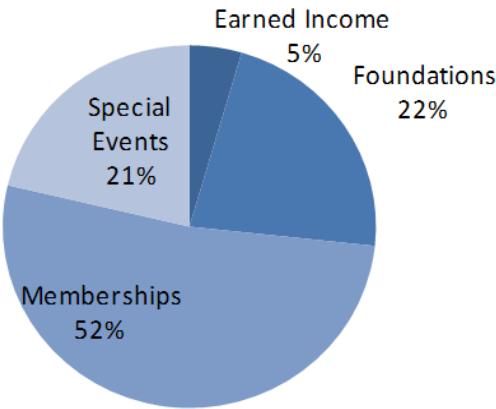
We have endeavored to thank the many individuals and organizations who have supported CELP financially and donated their time and talent. Our memories and our records will inevitably prove incomplete. We sincerely apologize for any omissions or errors we have made in acknowledging all CELP's supporters and friends. Your contributions to CELP make our work possible. Thank you.



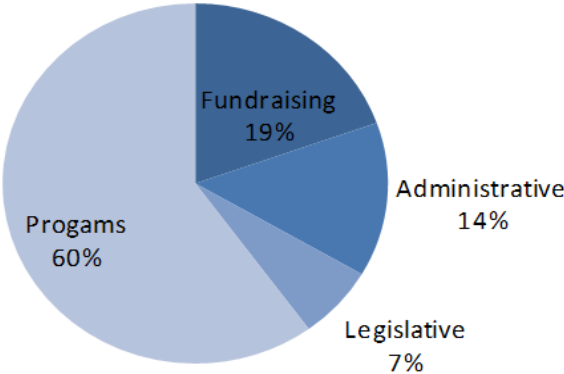
By the Numbers

Financial Report for 2011	
Income	
Earned Income	6,152
Foundations	30,163
Memberships	70,700
Special Events	29,011
Total	\$136,026
Expenses	
Fundraising	27,492
Administrative	19,503
Legislative	9,249
Programs	84,453
Total	\$140,697
Net assets- beginning of year	\$101,354
Net assets- end of year	\$96,569
Change in net assets	(\$4,785)

Income



Expenses



In 2011:

34 news stories quoted CELP experts.

CELP's work impacted all **62** watersheds in Washington.

27 citizens groups received assistance through CELP's Water Rights 911 Program.

9 lawsuits filed, pending, researched.

CELP sponsored or presented at **13** conferences.