



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for  
**Environmental Law & Policy**

2017 Annual Report

---

# CELP LEADERSHIP

---

## BOARD OF DIRECTORS

\*Board term ended 2017  
\*\*Board member as of 2017  
\*\*\*Board member as of 2018

**Brady Johnson**

SEATTLE

**Jill Johnson**

SEATTLE

**Eric Hirst\*\*\***

BELLINGHAM

**Jean Melious**

BELLINGHAM

**David Monthie**

OLYMPIA

**Bartlett Naylor\***

WASHINGTON, D.C.

**Sue Patnude\*\*\***

OLYMPIA

**Steve Robinson**

OLYMPIA

**John Roskelley**

SPOKANE

**Daryl Williams (President)**

TULALIP

**Patrick Williams\*\***

SEATTLE

## ADVISORY BOARD

**Tom Fox**, Seattle Public Utilities

**Dr. Barry Goldstein**, University of Puget Sound

**Rachael Paschal Osborn**, Attorney at Law

**Tom Ring**, Yakama Nation

**Larry Wasserman**, Swinomish Indian Tribal Community

**Prof. Mary Wood**, University of Oregon School of Law

## HONORARY BOARD

**John Osborn**, M.D.

**Prof. Charles Wilkinson**, University of Colorado Law School

**Dr. Estella Leopold**, Prof. Em. University of Washington

**Dr. Fran Wood**, Prof. Em. University of Washington School of Medicine

## STAFF

**Trish Rolfe**, Executive Director

**Dan Von Seggern**, Staff Attorney

**Bruce Wishart**, Government Affairs Specialist

**Nick Manning**, Water Policy Organizer (Jan. 2018-present)

**Elan Ebeling**, Development & Outreach Coordinator (Jan.-Oct. 2017)

**Emma Kilkelly**, Administrative & Development Assistant (Oct. 2017 -present)

**Julie Kageler**, Bookkeeper

**OUR MISSION** *The Center for Environmental Law & Policy is a statewide organization whose mission is to protect, preserve, and restore Washington's waters through education, policy reform, agency advocacy, and public interest litigation.*

**OUR VISION** *Washington State will have adequate and sustainable water supplies to support healthy ecosystems, thriving fish and wildlife, and robust communities.*

---

# LETTER FROM THE EXECUTIVE DIRECTOR

---

For over two decades, the Center for Environmental Law & Policy (CELP) has been Washington State's top watchdog and defender of water rights and resources. 2017 was an eventful year not just for CELP, but for environmental organizations throughout the country. The Trump Administration posed significant hurdles to overcome, rolling back regulations and gutting funding for environmental programs and agencies. What's more, Washington faced record highs and lows of precipitation in the same year, while continuing population growth stresses our existing water resources.

Yet CELP pushed on, working with the tribes, government agencies, partner organizations and community members to secure better, more sustainable water management practices for Washington. The work we do is increasingly urgent between climate change and increasing development, but 2017 was a success year for CELP thanks to our dedicated board, staff, partners and supporters, like you. Our victories during 2017 ranged from defending the *Hirst* decision, defeating legislation that would weaken watershed protections, challenging the Department of Ecology's instream flow rule on the Spokane River, protecting the Dungeness River's fish habitats, and ensuring pollution discharge into Icicle Creek is monitored and reported.

Our work did not end there: 2018 has presented us with new challenges and opportunities to fight for better water management. You'll find us collaborating with elected officials, Native American tribes and community members every single day. Our work takes us all over Washington State to defend senior water holder rights and to ensure healthy habitats for wildlife. Growing populations and increasing development will continue to further strain our water resources, and a vocal minority will continue putting pressure on the legislature to overturn rulings that protect the longevity of healthy rivers and streams. CELP's work is critical to our state's growth and future, and we are ready for the challenges ahead with your continued support.

In just the past few years, CELP has accomplished so much thanks to our network of dedicated volunteers and supporters, like you. Obstacles remain and will continue to arise in the era of the Trump Administration and the growing strain on Washington's water resources. CELP will anticipate and adapt to these challenges, and we hope you will join us on our mission! You can advocate for sustainable water use by attending public meetings or contacting your elected officials and can encourage friends and colleagues to help CELP raise funds to expand our reach.

Thank you, again, for your continued support in our mission to protect, preserve and restore Washington's waters!

Sincerely,



Trish Rolfe  
Executive Director



# Our Reach



CELP's work spans the state, impacting all of our 62 watersheds.



## 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.*

## Agency Advocacy and Legislative Reform

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

## Public Education and Media

*CELP educates the public through seminars, stories in the media, newsletters and outreach events.*

## 100 Years of Water Law

June 6, 2017 marked 100 years of Washington's Water Code (RCW 90.03), setting the groundwork for present-day water law in our state. This new law established a prior appropriation standard to issue and determine water rights based on "first in time, first in right," rather than property ownership. This approach prioritizes earlier surface water rights and recognized our water as a resource commonly held by citizens. The 1917 Water Code also required individuals to obtain a water right to use state waters.



## Our Impact

### Climate Change and Water Scarcity

Between climate change and a growing population, the strain on our water resources will only intensify. We saw historic precipitation levels on the west side of the Cascades during spring of 2017, followed by a record-breaking stretch of dry days. The effects of this extreme weather cycling impact all types of water users, from junior rights holders to recreation users to wildlife, especially salmon. Lack of adequate river flows is a limiting factor in endangered salmon species' recovery, forces recreation businesses to cancel trips and impairs overall water quality. **To mitigate these effects and adapt to the changing climate, CELP works tirelessly in the courts, legislature and our communities to secure better management decisions, such as minimum flow rules.**

### Legislative & Agency Advocacy

CELP's work in the legislature is three pronged:

- 1) **Developing relationships** with legislators, tribal lobbyists, and environmental lobbyists prior to the session
- 2) **Supporting good water bills** or to fix regressive legislation by calling on these relationships during the session; and
- 3) **Working for real reform** of water policies.

CELP managed to defend Washington's waters from detrimental legislation as well as pass multiple bills to advance sustainable water management.

- ◆ **Response to *Hirst* ruling** — Much of 2017 was spent working to uphold the 2016 *Hirst* ruling in the legislature. *Hirst* reaffirmed existing law and required counties to ensure water is both physically and legally available before granting building permits. Both the House and the Senate introduced bills that would effectively overturn *Hirst*, but many died in on the floor. CELP made its voice heard in Olympia and worked with many partner environmental organizations to protect the ruling and our state's instream flows.
  - ◆ In early 2018, the legislature passed **SB 6091**, effectively overturning the *Hirst* decision and establishing watershed restoration and enhancement committees. CELP is currently working to address the implications of the bill.
- ◆ Throughout 2017, CELP also participated in Ecology Water Resource Advisory Committee meetings, and provided comments on Ecology's agency actions like new rulemaking and permits.

## Public Education & Outreach

◆ In May 2017, CELP helped organize the fourth conference in the “**One River, Ethics Matter**” series at **Revelstroke Mountain Resort** in British Columbia. The one-day conference featured speakers on topics regarding the past and future of the Columbia River and the ethical consequences of dam-building, with a focus on First Nations and Indian tribes.

◆ CELP hosted **two Continuing Legal Education workshops** with a total of **57 attendees** in 2017. The first CLE featured a presentation from the Swinomish Indian Tribal Community’s Environmental Services Director, Larry Wasserman, on evaluating mitigation plans for protection of instream flows. In December, CELP hosted its annual full-day workshop on scarce water and climate change in Washington, featuring lectures from 10 presenters.



*CELP’s 2017 Ralph W. Johnson Water Hero recipient Dr. John Osborn at Celebrate Water*

◆ In June 2017, CELP hosted its annual **Celebrate Water** fundraising event to raise additional funds for our programs and to raise awareness of the issues we address. The event **raised over \$20,000**, greatly supporting our work as a small nonprofit! We also awarded **Dr. John Osborn** the Ralph W. Johnson Water Hero Award for his work to further CELP’s mission and advocacy for the modernization of the Columbia River Treaty.,

◆ CELP staff and volunteers tabled at several community events throughout Seattle and the state, distributing educational materials and educating community members on Washington State’s water issues.

◆ CELP published **eight issues of Washington Water Watch**, a newsletter featuring articles on our state’s watersheds, water law news, and legislative and advocacy updates.

## Litigation to Restore Rivers

Led by Staff Attorney Dan Von Seggern, CELP had an eventful 2017 keeping up with ongoing litigation and filing several amicus briefs.

### ◆ ***CELP and Wild Fish Conservancy vs. US Fish & Wildlife Service***

Leavenworth National Fish Hatchery (LNFH) had been discharging waste without a permit into Icicle Creek since 1979. In 2015, CELP filed suit for violations of the CWA, and in 2016, US District Court Judge Salvador Mendoza Jr. ruled that LNFH did not have a valid permit and was in violation of CWA. In January 2017, Judge Mendoza ruled that LNFH was unlawfully discharging pollutants into Icicle Creek without a Clean Water Act (CWA) permit. In May 2017, Judge Mendoza issued an injunction against LNFH, requiring the Hatchery to monitor, report and reduce its pollutant discharges in 2018.

### ◆ ***CELP, American Whitewater, and North Cascades Conservation Council vs. Ecology and Public Utility District No. 1 of Okanogan County***

For over a decade, CELP has been involved in efforts to restore and protect the Similkameen River by advocating for the removal of Enloe Dam, which blocks over 100 miles of anadromous fish habitat. In 2017, CELP participated in a challenge to the Federal Energy Regulatory Council’s granting Okanogan PUD a time extension before the termination of its license for re-electrifying Enloe Dam. This issue is still pending before the court.

### 🔥 *Basset et al. vs. WA Department of Ecology*

In 2014, CELP intervened in a lawsuit against the Department of Ecology to overturn Dungeness River in-stream flow ruling adopted in 2013. The instream flow rule was established to protect existing water resources and lay the groundwork for future mitigation efforts. Thurston County Superior Court Judge Gary Tabor denied the challenge in October 2016, and the plaintiffs (a group of developers and landowners) appealed the ruling. The challenge is currently still on appeal, and the case is set for oral argument in October 2018. CELP plans to continue working to ensure the instream rule remains in place for the Dungeness River.

### 🔥 *Sierra Club and CELP vs. US Environmental Protection Agency and WA Department of Ecology*

The Spokane River's instream flow rule has been in effect since 2015, yet that rule fails to account for recreational users, businesses and the wildlife that depend on the river. Ecology established an 850 cubic feet per second flow rule, which is considered a near-drought level for the river. In 2016, alongside a coalition of environmental organizations, CELP filed an appeal of the Spokane River instream flow rule. Thurston County Superior Court Judge James Dixon denied CELP's challenge to the rule. CELP has appealed this decision and we will continue to fight for an instream flow rule that protects the Spokane River and its users.

### 🔥 **CELP also filed several amicus briefs during 2017, including on the following litigation:**

- Chelan Basin Conservancy vs. GBI Holding Company — *arguing for the application of the Public Trust Doctrine to the State's Public waters*
- Aji P. et al. vs. State of Washington — *arguing that the Public Trust Doctrine must extend to protection of the atmosphere and preservation of a healthful climate by reducing greenhouse gas emission*
- Crown West Realty, LLC vs. WA Department of Ecology and Pollution Control Hearings Board — *arguing that a plan to resurrect water rights that were relinquished due to non-use and to apply them to mitigation for future out-of-stream uses was abuse of the Municipal Water Law*
- City of Mukilteo and Save Our Communities vs. Snohomish County and Propeller Airports, LLC — *arguing for the need to conduct environmental review under State Environmental Policy Act before making a decision to lease public property for commercial use*



## Volunteer Spotlight



### **Steve Farquhar, CELP Volunteer & Supporter**

Steve Farquhar is an attorney at the Washington State Department of Revenue and previously worked in private practice for 5 years. He currently lives in Olympia with his wife, Desiree. Steve learned about CELP when he moved to Washington four years ago and began fly fishing. He quickly fell in love with our state's rivers and the trout living in them, and wanted to help protect them. Steve volunteered frequently for CELP over the past couple years as a volunteer attorney and taking beautiful photos of the Dungeness River (like the one above). **Thank you, Steve, for your work in furthering CELP's mission to preserve and protect Washington's waters!**

---

# THANK YOU TO OUR 2017 SUPPORTERS

---

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

## Donors

---

### **\$1,000 and above**

Delaney & Justin Dechant  
Robert & Judith Fisher  
Victor Martino & Karen James  
Brady Johnson  
Jill Johnson  
John & Rachael Osborn  
Marie Osborn  
Gail Rolfe  
Nancy & Jim Soriano  
Fran & Bunny Wood

### **\$500-\$999**

Ross & Donna Allen  
Dave Monthie & Janet Ball  
Scotty & Diane Cornelius  
Pete Rainey & Lora Cox  
Tom Fox  
Victoria Hansen  
Stephen Lecuyer  
Jean Melious  
Bruce & Denise Smith  
Thomas Soeldner  
Julie Titone

### **\$100-\$499**

Anonymous  
Melissa & Clyde Arias  
Patricia Bailey  
Peter Baird  
Allan Bakalian  
Mary Lou Bennington  
Gerard & JoAnn Bentrin  
Chelsea Berman  
Beth Blattenberger  
Joseph Bogaard  
Rich & Stephanie Bowers  
Katherine Brennan  
Thomas & Mary Brucker  
Emory Bundy  
Robert Burdick  
John Carley  
Carrie Carlquist

Stanley & Susan Carlson  
Jingyang Chen  
Fred Christ  
Tim Stearns & Linda Clark  
Cordy Cooke  
Holly D'Annunzio  
Candice Davidoff  
Kathleen Dixon  
Earl & Tena Doan  
Deborah Dwyer  
Gerald Eller  
Eric Feigl  
Harry Fix  
Glen & Merrita Ford  
Jeffrey Fryer  
Jena Gilman  
Lila & George Girvin  
Marcy & Helmut Golde  
Paul Gould  
Dave Govedare  
Melinda Hadzor  
Joan Hansen  
Zena Hartung  
Steve & Claudia Hirschey  
Buell Hollister  
Thomas & Lynne Holz  
Arthur Johnson  
Jerry & Julie Jose  
Douglas Kelly  
Steve & Yael Klein  
Dave & Hanna Kliegman  
Chris Kopczynski  
Monte & Dawna Kramer  
Robert Landis  
Liz & Robert Lathrop  
Estella Leopold  
Daniel Lichtenwald  
Doug MacDonald  
Jason Malinowski  
Christine Erica Marbet  
George Martin  
James McRoberts

Stan Moffett  
Lloyd & Lone Moody  
Jay Naylor  
Art Nicklaus  
Shirley & Bob Nixon  
Jessi Brown & Daniel Noose  
Lois North  
Allan Bakalian & Kimberly Ordon  
Gordon & Betty Orians  
Rachael Paschal Osborn  
Lydia Osborn  
Calvin Osborn  
Elaine Packard  
Robert & Linda Pool  
Ann Prezyna  
Milt & Jan Priggee  
Denise Pritzl  
Lucy Reid  
Kurt Reidinger  
Sue Billings & Tom Ring  
Leslie & Henry Romer  
Sandra and Fred Romero  
John & Joyce Roskelley  
JoAnne Rudo  
Nancy & Richard Rust  
Martha Rust  
Doug & Judy Schaad  
Tim Sherer  
William Skylstad  
Terry Smith  
Stafford Smith  
Mary Stamp  
Toby Thaler & Becky Sukovaty  
Colette Kostelec & Richard Talbot  
Martha Taylor  
Heather Trim  
Mary Verner  
Dawn Vyvyan  
James & Gloria Waggoner  
Jim & Heidi Weber  
Norman & Cynthia Whittlesey  
Todd Wildermuth

Steve Robinson & Gigi Williams  
Scott & Fiona Wolf

### **Up to \$99**

Laura Ackerman  
Louis Richard & Sally Adams  
Kim Thorburn & Terry Allen  
Melody Allen  
Matthew & Eleanor Andersen  
Eleanor Baird  
Julie Dalaso & Pat Behm  
Lee Bernheisel  
Amanda Bielawski  
Mariza Costa-Cabral  
Thomas & Ann Campbell  
David & Carol Canterbury  
Joel Carlson  
Betsy Case  
Robert & Carol Christianson  
Carolyn Cilek  
Holly Coccoli  
Dr. Arthur & Joan Craig  
Jane Cunningham  
Ian Cunningham  
Sue Denver  
Galen Denio  
Liz DeNiro  
Gena DiLabio  
Llyn Doremus  
John Douglas  
S. Eldridge  
Len & Linda Elliott  
Jeffrey Eustis  
Rose Fanger  
Phyllis Farrell  
Karl Forsgaard  
Sara Foster  
Maradel Gale  
Richard & Judith Gammon  
Lydia Garvey  
Amy Georgeson  
Susan Glass  
Raelene Gold  
Timothy Gould  
Jacqueline Halvorson  
Paige Hamack  
Wendy Harris  
John & Anne Hollowed  
Betty Hunt

Sego Jackson  
Elizabeth Jackson  
Keith & Janet Johnson  
David Kappler  
Ellie Belew & Doug Kilgore  
Margaret Korab  
Kim & Maria Kovalik  
Evita Krislock  
Bea Lackaff  
Jim Lazar  
Roger & Jean Leed  
Paul & Karen Lindholdt  
Ken & Randi Lustig  
Suzanne & Paul Markham  
Michael Martinez  
William & Judith Matchett  
Jim Mathieu  
Andrea Matzke  
J.E. McHugh  
Deborah Merrill  
Marion Moos  
Nancy Morrison  
Ann & Megan Murphy  
Joan O'Connell  
Harley Oien  
Cristy Pemberton  
Ryan Petersen  
Paul & Autumn Pickett  
Barbara Pinney  
Clark & Linda Richards  
Andrea Rodgers  
Bill Rodgers  
David Rudo  
Stephen & Lynn Schott  
Jeff Schuster  
Richard Smith  
Christine Stein  
Robert Stramp  
Fred Struck  
Patricia Sumption  
Pauline Terbasket  
Donna Nickerson & Uwe Tietze  
Peggy Townley  
Kevin Tusler  
Jolene Unsoeld  
Shirley & Wade Vaughn  
Lois & Stephen Ward  
Lawrence & Mary Weathers  
Seth Weaver

Martin Wells  
Gary Wilburn  
Rik Nelson & Nance Van Winckel

### **Foundations**

The Burning Foundation  
Horizons Foundation  
Patagonia  
Satterberg Foundation  
Satterberg Foundation Fund of  
the Liberty Hill Foundation

### **Tribes**

Okanagan Nation Alliance  
Squaxin Island Tribe  
Swinomish Tribe  
Upper Columbia United Tribes

### **Businesses**

Enviroscience Inc.  
Kampmeier & Knutsen PLLC  
Kanji & Katzen  
Smith & Lowney PLLC  
Law Firm of M. Patrick Williams  
Wright Yachts

### **Organizations**

Columbia Institute for Water  
Policy  
Deschutes Estuary Restoration  
Team  
Eastern Washington & Idaho  
Synod  
Save A Valuable Environment  
Sierra Club: Upper Columbia Riv-  
er Group  
South Sound Group Sierra Club

# In Kind

Melissa Bates; Copperworks Distillery; Grand Central Bakery; Ivar’s; Kavu; Seattle Mariners.

# Volunteers and Interns

Sophia Ahn; Brianna Brown; Maggie Franquemont; Natalie Murphy; Mara Page; Joy Palisbo; Gwyn Perry.

# Pro Bono Counsel, Volunteer Professionals

Steve Farquhar; Kai Hiatt; Renee Pierson; Ashley Short; Ted Over; Gus Moulton; Lindsey Schromen-Wawrin.

## By the Numbers

<u>INCOME</u>	<u>Amount</u>
Earned Income	\$18,551
Foundations	\$153,979.00
Memberships	\$15,817.00
Special Events	\$24,127.00
Tribal Support	\$8,115.00
Miscellaneous	\$200,000.00
<b>TOTAL</b>	<b>\$420,589.00</b>
<u>EXPENSES</u>	<u>Amount</u>
Fundraising	\$25,461.00
Administration	\$14,088.00
Program—Legislative	\$161,062.00
<b>TOTAL</b>	<b>\$200,611.00</b>



