



WASHINGTON Water Watch

October 2022

Autumn Renewal

A LETTER FROM THE EXECUTIVE DIRECTOR

"Life starts all over again when it gets crisp in the fall," Fitzgerald wrote in *The Great Gatsby*. And it's true; autumn is nature's gentle reminder that it is time to renew. After Labor Day, we find ourselves settling back into the familiar rhythms and routines of daily life that are often paused in favor of chasing the summer sun. So what better time to acknowledge what we've accomplished and prepare for the work ahead.

We started our time of renewal in mid-September with our annual Celebrate Waters event. It was a lively evening filled with engaging conversation, catching up with friends and colleagues, an illuminating keynote presentation, and granted us all the honor of recognizing this year's Water Hero, Daryl Williams. To see photos from the evening and read more, you can [check out our recent blog post](#)

Moving forward, our work through the end of the year will largely be defined by preparation for the upcoming legislative session. With the results of the midterms yet to be realized, the political landscape we will be working within is still largely undefined. True to the autumnal spirit of renewal, now is an especially great time to reflect on past successes and missed opportunities as we identify priorities and build our strategy. The CLE we are hosting in December is similarly focused on clearly defining what exactly isn't working when it comes to



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On a more personal level, I want to empower each of you to think deeply about what you can do—at home, within your communities, as a concerned voter—to promote water conservation and protect our beautiful waterways. Keep scrolling to discover some fun and festive inspiration.

As always, we thank you for your continued support. Our mission is only possible because of our community, [please donate today!](#)

Warmly,



Executive Director
trolfe@celp.org



CELP Submits Comment Regarding Snohomish County's Draft Water Code

AMBIGUOUS INTENT AND RIDDLED WITH LOOPHOLES

Following the 'Hirst Decision' (2016) and RCW 90.94 (2018), Snohomish County found it's county code out of compliance. As a result, all rural development had to stop until a new way to move forward with issuing building permits, without allowing for too many permit-exempt wells, was established. As Washington State's top watchdog and defender of water rights and resources, as well as our involvement in the Watershed Planning Committees for WRIAs 7 and 8, CELP was invited by Snohomish County's Principal Planner to submit comments on the Draft Water Code.

Overall, the intent behind the changes outlined in the Snohomish County's Draft Water Code is to better promote conservation and stewardship of the county's water, and many sections are particularly well written to achieve this aim. However, this intent is never explicitly stated, and the draft code is riddled with loopholes and exceptions that significantly undermine that intent. In our comment, CELP outlined suggestions to close those loopholes, limit possible exceptions, and overall strengthen the draft water code.

[READ MORE IN OUR RECENT BLOG POST](#)

2022 ANNUAL CLE

Exploring the Inadequacy of Washington's Current Water Law in the Face of Climate Change and Changing Water Resources

— date —
Tue, 12/13

— time —
12:15 - 5:30 pm

— place —
Optimism Brewing · Seattle

This year, CELP is offering 5 total credits (4 General Credits + 1 Ethics Credit) through our 2022 CLE Workshop: *Inadequacy of Washington's Current Water Law in the face of Climate Change and Changing Water Resources*.

Please join us on Tuesday, December 13th beginning at 12:15pm at Optimism Brewing in Seattle's Capitol Hill neighborhood. Stops on the Light Rail, First Hill Streetcar, and Bus Routes 9, 10, 11, 12, 43, 49, 60, and 545 are all within 0.5 miles walking distance. There are also several parking options.



We would also like to extend a warm thank you to [Optimism Brewing](#) for hosting this event. Those of you who have been to the brewery already know how delicious the beer is and the fun, welcoming community they've fostered.

As stated on the brewery's website, "Optimism is the way to live, make beer and grow a company. Optimism drives everything we do—how we work, engage with our customers and treat our employees. We want to promote optimism and celebrate optimists, because they are the ones who improve the world. We can't cure cancer or fix homelessness, but we can make beer for those who are trying and use beer to do good. Plus optimists have more fun."

We couldn't agree more.

CLE Ticket Pricing:

Student and Non-Profit Staff: \$60

CELP Member: \$108

Full, Non-Discounted: \$120

Register Here Today!

2022 ANNUAL Water Resources Conference



November 7 - 9



Hyatt Regency Lake Washington



Oct 14 - Hotel Room Block Expires

Oct 19 - Early Bird Registration Ends



AMERICAN
WATER RESOURCES
ASSOCIATION

On behalf of our friends at [The American Water Resources Association](https://www.americanwaterresources.org/), we invite you to register for their 2022 Annual Water Resources Conference, one of the most diverse and inclusive conferences in water resources management. AWRA provides you with innovative, practical, and applied water resource management solutions, management techniques, and current research. Attendees can expect to hear: 1) lessons learned from the implementation of multidisciplinary projects, 2) best practices discovered in the design and application of water resource management, 3) implications of water policy decisions, and 4) research into current and emerging issues.

[Learn More & Register Here](#)



This Monday—October 10th—Celebrate Indigenous Peoples, **Not** Columbus

"In 1492, Columbus sailed the ocean blue" is the catchy rhyme most American students learn alongside the accomplishments of Christopher Columbus. He is often credited with "discovering America", and as a result, the US has recognized Columbus Day since 1792 with it officially becoming a federal holiday in 1937. However, Washington state does not recognize Columbus Day. And in 2014, Seattle City Council unanimously voted to change Columbus Day to Indigenous Peoples' Day, to be celebrated the second Monday in October. So why the change?

Well, it turns out that the holiday is based on a few historical inaccuracies. As evidenced by the now-designated UNESCO National Historic Site, [L'Anse aux Meadows](#), Columbus was not the first European to "discover America". Located at the tip of the Great Northern Peninsula of the island of Newfoundland, the remains of an 11th-century Viking settlement were discovered, placing the Norse explorer [Lief Erikson](#) in North America several hundred years before Columbus. Secondly, Columbus never actually set foot in any part of North America, but rather several Caribbean Islands and later Central and South America. And thirdly, the prevailing narrative of any European explorer "discovering the Americas" is moot; neither Columbus or Erikson "discovered" America, because Indigenous Peoples have lived here since time immemorial, Indigenous Peoples have lived here since time immemorial, [thousands of years before](#) either of them even set sail.

More importantly, [Columbus was a violent tyrant](#) who brought slavery, torture, and rape to every part of the "New World" he touched. His gruesome dark side was well-documented by his contemporaries. Celebrating Columbus and other explorers like him dismisses the devastating losses experienced by Indigenous Peoples of the Western Hemisphere in the past and the ongoing effects of colonialism today. Indigenous Peoples' Day advocates say the recognition helps correct a "whitewashed" and harmful narrative of American history that has glorified Europeans like Italian explorer Columbus.

Indigenous Peoples are still here. Recognizing Indigenous Peoples' Day in lieu of Columbus Day honors renewal, resilience, the rich diversity of Native cultures, their enduring persistence and innumerable valuable contributions to our society—its a day *all* Americans can truly celebrate.

Looking for ways to celebrate Indigenous Peoples' Day this Monday? [Read our blog post](#) for a collection of events, resources, local Native-owned businesses, and initiatives you can support.






take shorter
showers

3 MIN SHOWERS =
7,500 GAL SAVED PER YEAR



use the
carwash



TUNNEL CARWASHES USE UP TO 75% LESS
WATER THAN DIY AT-HOME



find +
leak

fix leaks

THE AVERAGE HOUSEHOLD LOOSES
10,000 GAL PER YEAR TO LEAKS

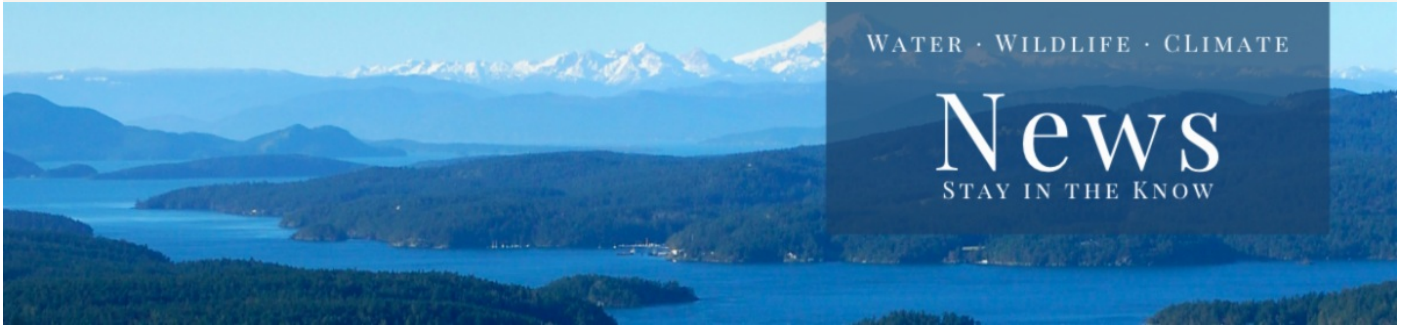
use
the dish-
washer

SKIP WASHING BY HAND TO SAVE
24 GAL PER DAY

install
a rain
barrel

SAVE OVER 1,300 GAL

WATERING OUTDOOR LANDSCAPING



A dam with no power production, no fish passage: Washington legislature could take steps to study removal of Enloe Dam

CBB | SEPTEMBER 29, 2022

If it funds a quarter-million-dollar study, the Washington state legislature could kick-start a long-awaited dam removal project that would free up some 348 miles of habitat for steelhead and salmon in northeastern Washington and British Columbia.

Generation of electricity ceased in 1958 at Enloe Dam. Located on the Similkameen River just two miles south of the British Columbia-Washington border, the dam continues to block potential cold-water spawning habitat for steelhead, salmon and lamprey upstream into B.C., where the river originates. In fact, some 79 percent of the potential spawning habitat is in B.C. The river is a tributary of the Okanogan River, which it meets at Oroville, WA just four miles downstream of the dam. The Okanogan eventually flows into the Columbia River near Brewster, WA.

The 54-foot high, 290-foot long concrete dam was built between 1919 and 1923, and has a two-mile long reservoir which, according to information from the Confederated Tribes of the Colville Reservation, is filling with silt. It is the 19th oldest dam in Washington State and the Tribes want the dam removed.

So, too, does NOAA Fisheries. A recent report released in July by the White House's Council on Environmental Quality—"Draft Rebuilding Interior Columbia Basin Salmon and Steelhead Report,"—identifies actions with the highest potential to achieve regional abundance goals, including reintroduction of salmon and steelhead upstream of Chief Joseph/Grand Coulee dams and removal of the Enloe Dam.

Removing the dam could give upper Columbia River spring Chinook, listed as endangered under the federal Endangered Species Act, and upper Columbia River steelhead, listed as threatened under the ESA, more spawning area to expand its numbers. In its most recent five-year status

review, NOAA Fisheries said the fish face a “high risk of extinction.”

For upper Columbia River steelhead, the 5-year review says dam removal would provide access to hundreds of miles of habitat for anadromous fish and restore riverine processes in a portion of the Similkameen River that would be more resilient to temperature increases caused by climate change.



“The benefits of dam removal to anadromous fish, including UCR steelhead and UCR spring-run Chinook, are expected to improve all viability parameters of both species including abundance, productivity, spatial structure, and diversity,” the five-year review says.

And, one of the recommendations in Washington’s State of Salmon in Watersheds Report, released by Washington Governor Jay Inslee’s Salmon Recovery Office in early 2021, is to improve fish passage by removing barriers to migration and re-introduce salmon to places above dams where they’ve been blocked.

The dam’s owner since 1940, the Okanogan Public Utility District, has long sought a solution for the dam, alternately seeking a new license from the Federal Energy Regulatory Agency to re-energize the dam or seeking partners that would take over the dam and pay for its removal.

The Washington Department of Fish and Wildlife is working towards that end. It has set-aside \$250,000 to do the research on dam removal, complete its report and present its analysis and recommendations to the Washington legislature by Dec. 1, 2022. The agency is asking the legislature to approve the use of this money for the report.

According to a budget proviso draft, the money from the state’s general fund is designated to be spent in fiscal year 2023 by WDFW, along with partners in the project: Washington Department of Ecology, Department of Natural Resources, the Colville Tribes and the PUD, along with what the proviso describes as “other interested entities.”

If approved by the legislature, the study would “analyze the steps required, including coordination and ownership, associated with the possible removal of Enloe Dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids,” the proviso reads.



So far, “based on stakeholder and the tribes’ input, we may request an extension for the report’s due date,” said Michael Garrity, Energy, Water and Major Projects Division Manager at WDFW. “Stakeholder/tribes’ input will also help determine the finer points of the report to the legislature.”

The Okanogan PUD is supportive of this effort, with conditions. The PUD’s Board of Commissioners on July 25 passed a resolution that supports a process to evaluate the potential for removing Enloe Dam, said Teri Timm, Director of Regulatory and Environmental Affairs at the utility.

The District has been engaged in Enloe Dam removal conversations as far back as the 1960s, according to the [PUD’s website](#). In 2015, the Board continued its direction to staff to work with proponents of dam removal. That offer has remained open as there is clearly a desire by stakeholders to remove the dam. “For seven years the District entertained the same discussions with the same dam removal proponents, with no new data and no comprehensive removal plan,” it says.

In the July 25 resolution, the utility reiterated that past efforts by dam removal proponents have been fragmented, non-comprehensive and advocacy-based, “as it is imperative that the District’s decision-making is informed by independent analysis that satisfy the District’s criteria and meet a true public interest test...”

A [June 13 memo](#) by consultant Richard Roos-Collins of the Water and Power Law Group PC described a feasible pathway to removing the dam.

That memo analyzes potential liabilities arising from dam removal, along with strategies to avoid and manage such liabilities. It led to Resolution No. 1775 supporting a process to evaluate the potential Enloe Dam removal.

The resolution outlines those criteria under which the utility would consider dam removal, including that any dam removal proposal would need to:

- 1) provide a lead agency that would take all responsibility and liability for removal of the dam; 2) a firm source of funding that would pay all costs of removal; and 3) a comprehensive and independent feasibility assessment that evaluates scientific data

for removal, including a sediment analysis by the Washington's Ecology, a determination of whether anadromous fish can pass above the dam (there may be some question whether the reservoir and silt are covering one or two falls), a plan for managing the new fish populations, delineation of suitable habitat upstream of the dam, approval from the Canadian government to allow new fish populations and a scoping process for the public.

The Board also acknowledged that the [resolution](#) could be used in the future to gain additional funding for the project.

The utility has a long history of efforts to re-energize the dam, but on November 19, 2018, it decided to no longer pursue electrification and to permit the Federal Energy Regulatory Commission license to terminate. FERC terminated its license in August, 2019, but did not require the PUD to remove the dam.

“This decision was based on the complexity, risk, and considerable cost involved in restoring power generation,” the PUD says. “The Board of Commissioners made this decision in the best interests of the ratepayers, considering the current availability of cheaper sources of power.”

The PUD also attempted to re-energize the dam in proposals to FERC in 1981 and in 1991. Both applications were unsuccessful due to the high cost of fish passage facilities and the high cost of what it would require to restore power generation at the dam.

However, it was successful in obtaining a license in the early 2000s. The utility received a license from FERC to build a new 9 MW hydropower facility at the dam and on July 13, 2012, after an environmental impact analysis had been completed, the Washington Department of Ecology issued a 401 Water Quality permit. That, according to an [article](#) by the PUD's Timm in August 2021, set off seven years of continuous litigation by dam removal proponents.

In the article, Timm said that the dam was built upstream of Similkameen Falls, but that the record is uncertain if Enloe Dam and its reservoir actually sits on a second set of a falls, or even a run of small falls. “A well-established tribal legend exists stating that salmon did not pass the falls,” she said. Flow over the dam varies, from the spring freshet of as much as 20,000 cubic feet per second to fall flows of as low as 300 cfs.

“However, based upon all known records, there is no documentation of a sustainable salmonid population prior to the construction of Enloe Dam,” she continued. “There are no historical accounts of any salmon passing upstream of the dam at all. Only in the past few years have agency staff stated that Chinook salmon may have ascended the falls. However, the falls have been manipulated by a century of erosion and human-caused rock removals due to three different hydro projects at the site. Determining the natural condition of the falls pre-construction is almost impossible.”

What could be an additional barrier is a sediment analysis that was conducted by the United States Geological Survey last year. Initial results show high levels of arsenic, chromium, copper, and nickel due to mining upstream in Canada.

“This data only further reinforces the logistical challenges and tremendous cost that would be involved with dam removal,” Timm said.

“The long-term future of Enloe Dam remains uncertain,” said Steve Taylor, general manager of Okanogan PUD. “However, Okanogan PUD continues to work in the best interest of our ratepayers and follow the least-cost option for the future of Enloe Dam.”

When it comes to water rights, collaboration beats litigation

OPINION SPECIAL TO THE SEATTLE TIMES | SEPTEMBER 19, 2022



“ Just as in most of the West, there will never be enough water for everyone's desires ... We tried many paths out of this problem ... We fought in court and waged our politics. These efforts resulted in temporary inequitable victories that merely set up the next fight. Climate change makes the need for a new approach obvious.

As Washington State's top watchdog and defender of water rights and resources, we often enter litigation on behalf of the public interest. *Litigation will always play an important role in resolving these issues, as it undoubtedly did here.* But this op-ed presents an interesting perspective, especially in light of the Colorado River supply cuts and the accelerating pace of climate change.

Washington has learned a lot from the 40+ year-long adjudication process in the Yakima Basin. The last decade especially has been marked by substantial progress, not from litigation directly, but from historically opposing sides finding common ground and realistic, workable solutions. The Yakima Basin Integrated Plan, and the collaborative process it was born from, is something to be celebrated and modeled around the state. We still have time to avoid the worst case scenarios and build toward a beautiful future for us all, but we have to start working together and working quickly. Solutions born from collaboration among a broad coalition are often the most comprehensive, effective, and timely.

[READ THE FULL OP-ED HERE](#)



Our friends at [Columbia Riverkeeper](#) co-wrote a powerful op-ed published in the Seattle Times: *Stop sacrificing indigenous sacred sites in the name of climate change.*

[READ HERE](#)

Living Planet brings you environment stories from around the world, digging deeper into topics that touch our lives every day. Check it out—CELP was featured on the latest episode!

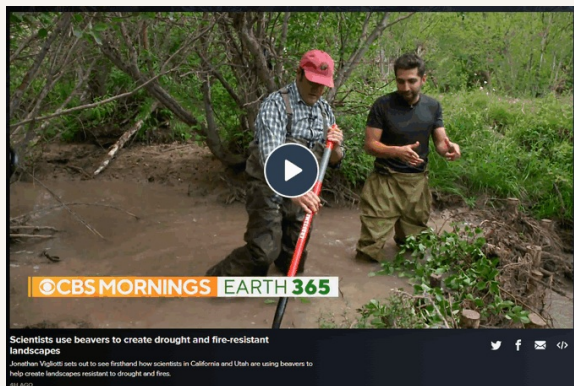
[LISTEN HERE](#)

EPA creates new Office of Environmental Justice and External Civil Rights after \$3 billion in block grants dedicated to communities hit hard by pollution.

[READ HERE](#)

Did beavers hire a new publicist?!

RECENT FLOOD OF PRO-BEAVER MEDIA



CBS | August 31, 2022 — In the drought-stricken canyons of the west, beavers, long considered pests, are now in demand. Johnathan Vigliotti sets out to see firsthand how scientists in California and Utah are using beavers to help create landscapes resistant to drought and fires.

[WATCH THE FULL STORY](#)



Vox | September 1, 2022 — During an intense heat wave, humans have a number of tools to stay cool, such as air conditioning, swimming pools, and ice cream. Wild animals, meanwhile, have beavers. Yes, beavers. These web-footed, fat-tailed amphibious rodents help countless other critters survive a heat wave.

[WATCH HERE](#)

Relocated beavers help mitigate the effects of climate change

“

Millions of highly skilled environmental engineers stand ready to make our continent more resilient to climate change. They restore wetlands that absorb carbon, store water, filter pollution and clean and cool waters for salmon and trout. They are recognized around the world for helping to reduce wildfire risk. Scientists have valued their environmental services at close to \$179,000 per square mile annually.

And they work for free.

Our ally in mitigating and adapting to climate change across the West could be a paddle-tailed rodent: the North American beaver.

— Dr. Emily Fairfax (CalState) and Chris Jordan (NOAA)

Science News | August 9, 2022 — In the upper reaches of the Skykomish River in Washington state, a pioneering team of civil engineers is keeping things cool. Relocated beavers boosted water storage and lowered stream temperatures, indicating such schemes could be an effective tool to mitigate some of the effects of climate change.

In just one year after their arrival, the new recruits [brought average water temperatures down by about 2 degrees Celsius](#) and raised water tables as much as about 30 centimeters, researchers report in July's *Ecosphere*.

While researchers have discussed [beaver dams as a means to restore streams and bulk up groundwater](#), the effects following a large, targeted relocation had been relatively unknown (SN: 3/26/21).

“That water storage is so critical during the drier periods, because that’s what can keep the ecosystem resilient to droughts and fires,” says Emily Fairfax, an ecohydrologist at California State University Channel Islands in Camarillo who was not involved with the study.

The Skykomish River flows down the west side of Washington’s Cascade Mountains. Climate change is already transforming the region’s hydrology: The snowpack is shrinking, and snowfall is turning to rain, which drains quickly. Waters are also warming, which is bad news for salmon populations that struggle to survive in hot water.

[KEEP READING](#)



This is the perfect plan to rewild the American west. There's just

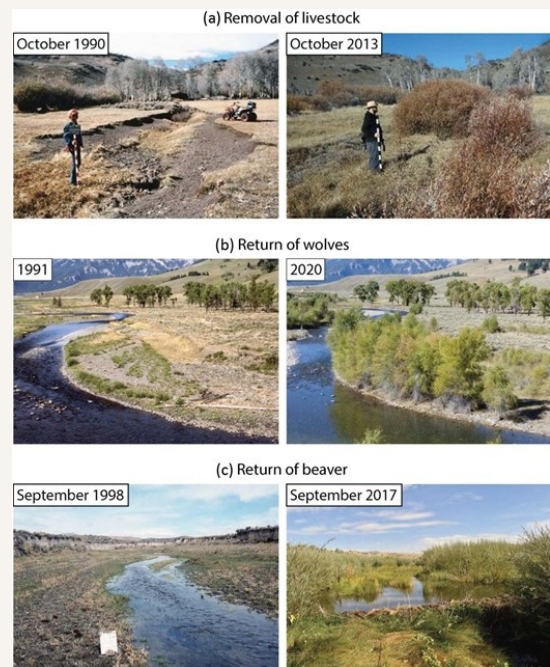
Outside Magazine | August 16, 2022 —

A new paper written by 20 wildlife biologists and ecologists and [published in the journal BioScience](#) this month offers a simple, cost-effective solution to many of the problems plaguing the West: climate change, a loss of biodiversity, and even mega-fires. The authors suggest we replace livestock grazing across large swaths of federal public lands with protected habitat for two controversial and seemingly unrelated species—wolves and beavers.

Dubbed the Western Rewilding Network, the plan is remarkable in both its simplicity and the studied effectiveness of its proposed solution. Cows produce greenhouse gases and harm ecosystems. Grazing them on public lands doesn't offer much economic benefit to anyone outside of a handful of ranchers. Wolves and beavers restore those ecosystems to health from top to bottom, altering the presence, behavior, and overall well-being of plants and animals—without much input from or cost to humans.

The authors put the Rewilding Network proposal together in response to President Biden's call to conserve [30 percent of American lands and waters by 2030](#). "This is the best possible science on how to do that," says the study's lead author, William J. Ripple, a professor of ecology at Oregon State University.

[KEEP READING](#)



Paired photo examples of recovering riparian or aquatic habitats. The removal of livestock in 1991, Hart Mountain National Antelope Refuge, south-central Oregon (a). The reintroduction of wolves in 1995–1996, northern range of Yellowstone National Park, north-western Wyoming (b). Altered livestock grazing management that allowed sufficient riparian plant community recovery for beavers to return, north-central Nevada (c). Photographs: (a) Removal of Livestock, left photo from US Fish and Wildlife Service, right from photo Jonathan Batchelor; (b) Return of Wolves, left photo from National Park Service, right photo from Robert L. Beschta; (c) Return of Beaver, left and right photos from US Bureau of Land Management.

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