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*Please contact CELP with any questions you may have at [info@celp.org](mailto:info@celp.org) or 206.223.8454 x10*



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The Center for Environmental Law & Policy

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The Center for Environmental Law & Policy

# Washington WATERWATCH

Washington WaterWatch

The official newsletter of the Center for Environmental Law & Policy

Summer 2005 Number 24

[www.celp.org](http://www.celp.org)

## Washington's Drought Situation

*For those of you who snowboard or ski, you probably noticed many of the lifts were not running throughout the past winter. The low snow pack has a broader impact than decreased recreational opportunity for snowboarders and skiers and a loss of revenue for the resorts. It has a negative impact on wildlife, industry and citizens to utilize that water in the future, specifically the following summer when wells and rivers will likely run dry.*

*The lack of precipitation and resulting low snow pack in the Cascades means our main water "storage" for future use will be lower than normal and our rivers and streams will suffer.*

*On March 10<sup>th</sup>, Governor Christine Gregoire authorized the Department of Ecology to declare a drought emergency in Washington based on the lack of rainfall, extremely low snow pack in the mountains and record low flows in many rivers across the state.*



Photo Courtesy of Department of Ecology

**Cow Lake spillway in Adams County**

**Drought (drou): noun**

1. A long period of abnormally low rainfall, especially one that adversely affects growing or living conditions.
2. A period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils (Hall and Salas, 1977)

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*Inside this newsletter - see what the summer drought means for Washington State!* ☞

## Notes from CELP Executive Director Karen Allston



Are we really in a drought? Although the year started off with a severely low snowpack, it hasn't stopped raining since Governor Gregoire authorized the drought declaration. I've heard many argue, "There is no drought—she should revoke the declaration of a drought emergency!" As you'll read in this issue of *WaterWatch*, many considerations go into calling a drought emergency. Legally speaking, our current conditions (including the rain) still qualify as a "drought."

In a sense, it doesn't really matter if the state declares a drought. The reality is we experience drought-like conditions nearly *every* summer. Particularly on the East side of the Cascade Mountains, we receive very little rain in late-July, August and September. Our rivers and streams naturally run low during these dry summer months. This is also the time of year when there is maximum competition for water—people use more water to water crops, plants and lawns. It's also the time when many salmon need water to return from saltwater to spawn in their home rivers and streams. Some years we feel the pinch of dry conditions more than others.

This year's drought really highlights the vulnerability of our water supplies. We are living on the edge of water availability because we have historically overtapped our rivers and streams. Washington's 100-year legacy of giving away more water rights than for which water exists is catching

up to us. Now, we're bumping against the limits of our supplies.

Unfortunately, our precarious position is only going to become more precarious. As our population grows, there will be more water taken out of our rivers and streams. As you can read on page 5, global warming predictions indicate we are more likely to trend toward drier summer conditions (meaning lower flows) and warmer, wetter winters. Our winter snowpacks may all but disappear over the next century, leaving our rivers and streams dryer during spring and summer months when they would normally be recharged by snowmelt.

We need to get ahead of this curve. We need to take a step back, spend the money it will take to fully understand how much water is currently being used where, and how much do we really need, and what's really available to serve those needs. We will then be in a position to make sound water decisions. We will be better able to deal with low water conditions and droughts. We can't make more water, and we can't control the weather. But we can be more efficient with what we have. We can, we must, move toward a more sustainable approach to using water so that we protect our heritage of flowing rivers.

A handwritten signature in black ink that reads "Allston".

## CELP/UW GreenLaw collaboration benefits the Columbia

CELP's multi-year efforts to influence sound water management in the Columbia River Basin was enhanced this year by a collaborative relationship between CELP and law student members of the University of Washington School of Law Environmental Law Society. The law school's GreenLaw Advocacy group is comprised of law students who volunteer their time to address legal aspects of important environmental issues. Starting in January, 2005 GreenLaw chose as their primary advocacy project to work alongside CELP for the remainder of the year to critique the state's proposed Columbia River management program.

Regular meetings and work sessions between CELP and GreenLaw produced important legal analyses of the state's proposed policies and the associated environmental assessment

process. Four GreenLaw members testified individually at Ecology's formal rule-making hearings, and pointed-out legal pitfalls and inadequacies of the state's proposed rule and draft environmental impact statement. They also submitted extensive and detailed written testimony, including a well-researched independent legal critique of the state's proposal.

GreenLaw's insightful and dedicated input has not only helped CELP in its Columbia River work, it has supplemented the state's record with important legal perspectives that will significantly impact the state's management of the Columbia River for years to come. As of this writing, the state has suspended its rule-making and withdrawn its draft environmental impact statement (DEIS) in favor of renewed study and policy reform in the months to come.



## CELP aids Swan Society in fighting illegal water use on the Long Beach Peninsula

In 2003, rare migrating swans returned to Washington's Pacific Coast for the first time in 40 years – thanks to the painstaking restoration of critical marsh habitat on the Long Beach Peninsula at Leadbetter Point. But when water levels in the replenished Hines Marsh began to show an alarming decline, the Trumpeter Swan Society turned to CELP for help in pressuring Ecology to investigate illegal water use by a neighboring landowner. Among other things, the neighbor - without ever obtaining a water right - had created and filled a fourteen acre-foot man-made lake, and was irrigating many acres of lawn and horse pasture. Because CELP interceded, state investigation and enforcement is currently underway regarding these unauthorized water uses.

However, CELP recently learned that the same neighbor is preparing to build another water-using project without the benefit of a corresponding state water right application. According to the May 11, 2005 published notice, Pacific County issued a DNS (a State Environmental Policy Act Determination of Non-Significance) for the neighbor to construct a 124-foot-high "8000-gallon water tank within a 40' x 40' footprint" for a "gravity feed fire protection system" and associated 3000 lineal feet of water lines and hydrants to serve the "westerly 220 acres" of his property. To CELP, this project description just didn't seem to add up (8000 gallons of water would fit inside an average-sized bedroom); so we requested a copy of the county's

entire application file.

Our review revealed many obvious inconsistencies. According to the development application and environmental checklist, the proposed 8000-gallon "fire suppression water tower" will also feature three bedrooms and a two-car garage to "serve the needs of water tower maintenance personnel." An accompanying sketch of the "water tower" resembles a coastal lighthouse. Its notation "not to scale" is indeed appropriate — because most lighthouses are not nearly as tall as planned here. For example, the New Dungeness Lighthouse is 63' high; the Alki Point Light is 77'.

This 124' high structure "will be visible westward by oceanic vessels ... where it will serve as a landmark to navigation" but "because of existing vegetation screening, the structure will not be visible off-site to the north, south or east." CELP's conclusion after reading the county's file: Given the applicant's apparent lack of material disclosure as to the true intentions for the "water tower", the history of unauthorized water use on this site, the indications that such uses are contributing to the decline of critical wetland habitat, and the potential for this proposed development (whatever it may be) to use large quantities of the public's water without a proper permit, a DNS cannot be justified. On May 26, 2005, CELP wrote a detailed letter to Pacific County asking that the DNS be withdrawn pending further investigation and appropriate environmental review.

## What is a DROUGHT?

*According to Washington laws and agency rules:*

◆ "Drought conditions" are water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, less than 75% of normal water supply.

◆ This is the result of natural conditions and the deficiency causes, or is expected to cause, undue hardship to water users within that area.

A drought, as defined by the National Drought Mitigation Center, is a weather-related water shortage caused by the sinking motion of air that results in high pressure, which inhibits cloud formation and results in lower humidity and less precipitation.

Studies over the past century have shown that drought is never the result of a single cause. Monitoring two fundamental parameters helps predict drought: *precipitation* and *temperature*.

Monitoring these two parameters may seem simple enough to predict when a drought is going to happen. However, there are multiple factors that influence these two parameters:

- air/sea interactions,
- soil moisture and land surface processes,
- topography
- the effects of global warming

These factors make it difficult for drought prediction, but monitoring them allows for some anticipation of a drought before it becomes too severe.

## Washington State Drought Facts

*Due to low snow pack in the mountains and record-low flows in Washington Rivers on March 10<sup>th</sup>, Governor Christine Gregoire authorized the Department of Ecology to declare the third statewide drought emergency in history.*

◆ This year, the state Legislature allocated \$8.2 million to help Washingtonians "deal with" the drought emergency. Of this money, \$3.5 million will aid farmers, \$2.5 million will assist public utilities that supply drinking water, and \$2.5 million will be used to buy water to offset effects on fish. The money can fund a variety of drought-related projects, such as acquiring water rights, modifying existing water sources, deepening wells, developing alternative or emergency water sources, making emergency connections to other public water supplies, installing new water pipelines and pumps, and detecting and repairing leaky delivery systems.

◆ A state-wide drought emergency was declared in the years 1977 (worst recorded) and 2001

◆ The statewide drought emergency is in effect until December 31, 2005

# Drought Planning:

## *How Washington State Prepares for Dry Times*



Photo Courtesy of Department of Ecology

*Lake Roosevelt, mouth of the Colville River: During normal flow, much of this land would be under water.*

Planning for a drought seems a daunting task. In order to plan, one must consider the variability in temperature and precipitation. Many stakeholders have input in the drought process: agriculture, industry, individual consumers and those who advocate to protect the plants and animals in our environment that depend on a fresh and abundant water supply to survive.

We also must consider the societal factors of population growth, increases in urbanization, demographics, technology, water use trends, government policy, social behavior and environmental awareness. Because these factors are continually changing, society's vulnerability to drought is also continually changing.

Declaration of a drought emergency in Washington State involves a four-step process. First, when drought conditions seem evident, a Water Supply Availability Committee is the first to assess whether the

state or a region is likely to receive 75% or less of its normal water supply. The WSAC is composed of a panel of experts from federal agencies tasked to monitor, forecast and manage the state's water supplies.

Second, if it is the case that a state or region is likely to receive 75% or less of normal water supply, the Governor's Executive Water Emergency Committee and affected Indian tribes are notified. Third, if it is determined that undue hardships are likely to occur, the Executive Water Emergency Committee notifies the Governor who then finally gives Ecology the order to declare a drought emergency.

**When the well is dry, we know  
the worth of water.**

- Benjamin Franklin

At this time, Ecology determines whether emergency drought permits and/or temporary transfers of water rights between willing parties may be issued and funding assistance for different industry sectors may be allocated.

The process for declaring a drought emergency is no small task for the committees involved. The process is quite a bit different for local utilities.

### **Regional Information**

*Look on page 7 for information on how your local utilities are preparing for the drought*

# Global Warming

*Global Warming continued from pg 5*

and summer is what keeps Washington's streams and rivers flowing during these otherwise relatively dry months. A study by the Center of Water Resources Management and Drought Planning at the University of Washington suggests that the direct result of even a small increase in temperature warming will be a decrease in snowpack. Even though it predicts a slight increase in precipitation, the snowpack will decrease due to an increased percentage of the precipitation falling as rain, a lower snowline and snow melting earlier in the year. As a result, our snowpack could drop by 59% in the next 50 years under even the most conservative warming scenarios. Because of these snowpack changes, the peak flow levels in our streams and rivers will tend to come earlier, shifting from May to as early as March.

This trend toward an early peak in water levels poses a serious threat to Washington's rivers, and is the largest effect that global warming will have on the Pacific Northwest. Because of these earlier flows, there will be substantially less (35-50%) water during the summer months to meet the needs of people, farms, fish, and energy production. Salmon, whose lifecycles are linked closely with seasonal changes in rivers and streams, could be seriously affected by a shift in seasonal flow patterns.

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*Washington WaterWatch* is published by CELP (the Center for Environmental Law & Policy).

Our mission is 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 responsible water laws and policies through collaboration, education government oversight, research and litigation.

To become a member or to make a tax-deductible contribution, please go to our website at [www.celp.org](http://www.celp.org) or contact us at:

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The Central Puget Sound Region is known for its water. Water surrounds us. Water makes this region one of the most desirable places to live and work.

Our water is a precious resource. It is not unlimited. We need to conserve and protect it now so that future generations can use and enjoy it.

The Partnership for Water Conservation is committed to increasing the efficient use of our water so that there is plenty to meet the needs of our environment, our economy and you.

## What is the Partnership for Water Conservation?

The Partnership for Water Conservation is a nonprofit organization formed through a unique public-private collaboration between concerned citizens, water utilities, businesses, and environmental interests. Our mission is to increase water use efficiency in the Central Puget Sound Region and to ensure a healthy community, economy and environment.

Water use efficiency means assuring water supplies meet the needs for regional economic vitality. Water supplies must also protect fish habitat and support the other natural environmental values that make Central Puget Sound such a great place to live and work.

Check out our new website at [www.partners4water.org](http://www.partners4water.org)

## How You Can Promote

## H<sub>2</sub>O Conservation

◆ Limit watering your lawn to no more than one inch per week. Water lawns in the early morning or late at night.

◆ Be a conscientious water user: remember that water from the tap came from a river or aquifer. Use water indoors as efficiently as possible, for example turn the water off when brushing teeth or shaving

◆ Convert to water-efficient toilets, faucets and showerheads. Check with your local utility; some offer rebates toward the purchase of water-efficient shower heads and faucet aerators.

### Typical Indoor Household Water Use

26.7%	Toilet
21.7%	Clothes Washer
16.8%	Shower
15.7%	Faucet
13.7%	Leaks
2.2%	Other Domestic Uses
1.7%	Bath
1.4%	Dishwasher

Source: American Water Works Association

### Helpful Websites and Additional Information:

[www.wateruseitwisely.com](http://www.wateruseitwisely.com)  
[www.pacinst.org](http://www.pacinst.org)  
[www.awwa.org/waterwiser](http://www.awwa.org/waterwiser)  
[www.h2ouse.org](http://www.h2ouse.org)  
[www.savingwater.org](http://www.savingwater.org)

## Global Warming and Drought What's the Difference?

*The conclusion that most scientists have come to regarding the effects of global warming on Washington State might not be a surprise based on this winter's weather patterns. In January 2005, our snowpack was the lowest it has been in 28 years, resulting in closed ski resorts and extremely low river flows. Although by most expectations this year's weather will remain a rare occurrence, the consensus is that our region will experience gradually increasing temperatures over the coming decades.*

Various climate modeling systems predict an average increase of 3.36° (Fahrenheit) within the next 70 years. This warming is not unprecedented: already as a result of a rise in global temperatures, 75% of the western United States has seen a reduction in mountain snow. Although the ultimate effects that these climate changes

will have on the environment are still unknown, current research is beginning to paint a picture of the problems Washington State will likely face in coming decades.

The snowpack in the Cascade Mountains is a primary source of water storage in Washington State, and snowmelt during the spring

*story continued on pg 9, see "Global Warming"*

## Effects of Global Warming: The South Cascade Glacier Then and Now



Left: South Cascade Glacier in 1928

Below: South Cascade Glacier in 2000



**Global Warming:** an increase of the surface temperature of the Earth. Term "global warming" refers to the predicted warming due to increased emissions of greenhouse gases.

Photos Courtesy of the USGS Glacier Group

# What CELP is Doing

*Water Conservation In These Drier Months; Working to Keep Rivers Flowing*

CELP takes action to leave a legacy of clean, flowing water in Washington's rivers and streams for use and enjoyment by all. We act as Washington's "water watchdog" for sustainable water management. In February 2005, CELP released a report titled "*Water Is Worth It: Making the Case for a Water Management Fee*" in Washington. The report is based on the fundamental idea that water is a public good and is currently not being managed properly.

This report proposes the state collect a nominal, annual fee from all water right holders to be used to pay the state's cost of managing the public's water. We propose this money be used to strengthen the state's existing data by verifying the estimated 219,000 water claims, permits and certificates to determine how much water is actually being used compared to what can legally be used. We will use it to advocate for a reliable funding system that is not subject to political whims (like the current funding of the state's water program), and that allows Washington to be better able to address future droughts. See our website for the full report.

In order to promote water conservation, CELP worked with representatives from various utilities to form a new nonprofit organization: the Partnership for Water

Conservation. The Partnership brings together businesses, water suppliers, and the environmental community to share diverse perspectives and promote a common vision for water conservation in Central Puget Sound.

As always, CELP receives and reviews copies of all water decisions made by the state Department of Ecology, including all emergency drought permits. We will be keeping our ear closer to the ground than usual and working to prevent dewatering of streams during this summer's low-flow period. We will take every opportunity to promote efficient water use and advocate for stream-flow protection.

### What can You do to HELP?

- *Email.* Write to the Governor, your state representatives, and the mayor of your city to let them know you are concerned about the drought situation and expect them to protect rivers during dry times.
- *Conserve.* Be considerate of the water you use. Check out Page 7 for conservation tips!
- *Educate.* Visit [www.ecy.wa.gov](http://www.ecy.wa.gov) to find out more about the drought situation in our state and what you can do to help. Visit your local city website to learn more about what is happening in your area.
- *Give.* If you are a current member and can give more during this time of need for increased watchdog activities while the drought emergency is declared, please do. Visit our website [www.celp.org](http://www.celp.org) and donate or *become a member today.*

# Local Drought Planning: What is Your Public Utility Doing?

**Tacoma:** Although the snow pack in the Green River watershed melted by the first week of May (a month earlier than normal), with typical precipitation this June, Tacoma Public Utilities believes that its customers will avoid severe water restrictions. Ground water that supplies Tacoma's wells is at normal levels. However, because it is difficult to predict precipitation levels, Tacoma Water is asking its customers to conserve water.

**Everett:** Everett's reservoir is currently at 101% of normal storage at this time of year. Everett is encouraging wise use of water and implementing its water conservation plan as normal. This includes giving away free indoor kits (showerheads and faucet aerators) and outdoor kits (hose nozzles and timers), participating in the regional summer ad campaign by the Partnership for Water Conservation, audits of school irrigation systems, and a commercial/industrial audit and rebate program.

### *Phases of the Water Shortage Contingency Plan for Washington State Public Utilities*

**Phase I:** Advisory Stage – the public is informed as early meaningful data are available that a possible shortage may occur.

**Phase II:** Voluntary Stage – if conditions worsen, voluntary cooperation to meet target consumption goals are asked of consumers.

**Phase III:** Mandatory Stage – if voluntary cooperation is not meeting the established targets, prohibition of certain actions are implemented and enforced.

**Phase IV:** Emergency Curtailment – a combination of mandatory actions and rate surcharges may be applied.

## River Flow Update:

Rivers	June 1, 2005 Average ft <sup>3</sup> /second	June 1 <sup>st</sup> Historical Average ft <sup>3</sup> /second	May 2005 Daily Average ft <sup>3</sup> /second	May Daily Historical Average ft <sup>3</sup> /second
<b>Columbia at Dalles, OR</b> <small>Historical data based on 127 years on record</small>	281,000	432,300	232,700	336,000
<b>Yakima River at Kiona, WA</b> <small>Historical data based on 80 years on record</small>	901	6,640	1,589	5,725
<b>Spokane River at Spokane, WA</b> <small>Historical data based on 113 years on record</small>	5,430	16,380	17,575	17,810
<b>Green River at Auburn, WA</b> <small>Historical data based on 68 years on record</small>	804	1,408	973	1,719

Source: USGS

All measurements are in cubic feet per second (ft<sup>3</sup>/second)