

June 26, 2015

Center for Environmental Law & Policy's responses to three questions (in italics) posed by Lisa Dally Wilson, facilitator to the Icicle Work Group.

*1. What are CELP's specific objections and what is the rationale for those objections?*

CELP's objections to the metrics are both procedural and substantive. First, by designating the Alpine Lakes water projects as metrics, rather than designating the quantitative goals of providing water for agricultural reliability and municipal supply, the projects become foregone conclusions and the base package fails if the projects are not done. This is an improper way to describe metrics, is inconsistent with most of the other adopted metrics, pre-ordains the outcome of the IWG efforts, and forces CELP - as an opponent of the Alpine Lakes projects - into having to bring this dispute.

Substantively, CELP objects to the expansion of Wilderness water projects over and above actual existing use because of the impact on wilderness values of the Alpine Lakes. Our objections are based in the purposes and requirements of the Wilderness Act, which is intended to limit and minimize human encroachment. The Alpine Lakes Wilderness, including the Enchantment Lakes region that would be affected by these projects, is one of the most beloved and important wilderness areas in the Pacific Northwest, in no small part because of its proximity to the large population centers in Central Puget Sound.

While we respect IPID's rights in the Alpine Lakes, the inclusion of the Alpine Lakes projects is not intended to help IPID, and represents an expansion over current uses. Indeed, we have heard at almost every meeting since December 2012 that IPID is at the table not because it needs more water, but because it wants to "help out" other water users. This is, per se, an expansion of IPID's rights. To the extent IPID may need an additional 225 acre-feet for "drought risk reduction," this goal can be met through other means. Likewise, City of Leavenworth demand can be reduced through adoption of a reasonable water conservation program.

To date, IWG has received letters from the Alpine Lakes Protection Society and the Western Lands Project describing the Wilderness Act, the importance of the Alpine Lakes Wilderness, and concerns about the IWG projects. These letters are attached. CELP concurs in these letters and encourages IWG members to read and integrate them into their thinking about the propriety and viability of the Alpine Lakes water projects.

*2. Does CELP have a suggestion on how the metric can be modified and meet the guiding principle to improve agricultural reliability? (Note that providing other solutions to meet the specific guiding principle is a condition in the operating procedures).*

As an initial matter, the parenthetical statement describing CELP's responsibility is incorrect. The operating procedures do not require an IWG member to "provide other solutions." Rather, the operating procedures state that "those objecting *must help to offer other solutions* that will meet the guiding principles."

To that end, CELP will circulate an abbreviated water conservation alternative prior to the July 9 IWG meeting to address both agricultural reliability and municipal demand. Aspect Consulting (Dan Haller) conducted a high-level conservation survey that provides a starting point to evaluate demand

management as a source of water supply for both out-of-stream and in-stream uses. CELP will build on that information. To this end, we would like to point out that in January 2015 we requested additional information about conservation efforts, to which no response (beyond acknowledgment of receipt) has been provided. See attached.

CELP, of course, has no control over IWG members who refuse to participate in or outright veto reasonable alternatives. However, if we offer reasonable alternatives, we have met our obligation under the operating procedures.

3. *If the majority opinion is retained without modification, can CELP continue participating on the work group in a collaborative process?*

CELP awaits the outcome of the proposed amendments to the operating procedures that will implement the new conditions for IWG participation before deciding next steps. The question of CELP's participation in view of the proposal to limit IWG members' abilities to communicate with third parties is under consideration by CELP's board of directors, which will meet on July 16.