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The WRIA 1 Planning Unit documents included in Appendix A were downloaded from the WRIA 1 Project website (www.wria1project.wsu.edu) for purposes of adding it to the WRIA 1 Watershed Management Plan.

WRIA 1 WATERSHED MANAGEMENT PROJECT STRUCTURE AND FUNCTION

INTRODUCTION:

Within the next few months and years, decisions will be made and plans implemented regarding the water resources of the Nooksack River watershed and certain adjacent streams (Water Resource Inventory Area 1 or WRIA 1). These decisions and plans, along with the Growth Management Act and projects in response to the Endangered Species Act listing for Chinook salmon, will determine the landscape, the environmental health, and the economic future of Whatcom County and surrounding areas. Agencies of federal, tribal, and state governments are authorized to make these decisions, and many of these decisions are being formulated now. The state legislature, with agreements from federal agencies, has provided an opportunity for watershed management decisions to be made locally. The local opportunity was provided by the Watershed Management Act (ESHB 2514, RCW 90.82) of April 1998. This law provides that if local representatives in WRIA 1 can work together; make scientifically sound assessments of the problems; collaborate to form a Planning Unit; forge agreements among the affected parties; adhere to federal, tribal, state, and local laws; and create a comprehensive watershed management plan and implementation strategy, then the state agencies will accept the locally determined decisions. Federal agencies participating or represented in the planning project may also accept the applicable obligations included in the plan. The local Watershed Management Project began with a grant from the Department of Ecology in June 1998. In accordance with the intergovernmental Memorandum Of Agreement signed in October 1998, the first task of the Initiating Governments (described below) is to fully define the Planning Unit. An initial attempt to describe the structure and function of the Watershed Management Project was released on December 29, 1998. In response to comments received about the initial document, the structure has been refined and additional

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information provided on the Public Involvement and Education plan and caucus formation and function. A new schedule for formation of the Planning Unit is also being developed. This report presents the refined structure and function of the Planning Unit and the other elements of the Watershed Management Project. This document does not, however, change or waive any rights of the Initiating Governments under ESHB 2514.

If local elected and appointed decision-makers can succeed at working together, they will determine how water resources in WRIA 1 are managed. If local decision-makers cannot cooperate and plan together, the state, tribal, and federal governments will make the necessary water resource management decisions. The stakes are enormous. Everyone's pocketbook and quality of life will be affected. The decisions will affect water quality, salmon habitat, jobs, farms, cities, and households. Here is a partial list of questions to be addressed:

- Will there be reliable supplies of safe drinking water in Whatcom County?
- What actions are necessary to achieve water quality standards throughout WRIA 1?
- What new rules will apply to the operation of dairies, other farms, industry, municipal waste treatment systems, and septic systems? What storm water management systems will be needed and how will they be built?
- Will water be available for future growth of agriculture, industry, small cities, housing, and water districts? Will we build reservoirs and water storage facilities?
- Will there be enough water for our existing farms?
- How much water is needed for fish and other instream resources? How much money will be needed to pay for new systems and how will it be raised?
- If local Watershed Management Act planning does not succeed, how much money will be consumed by legal battles?

The Initiating Governments are committed to addressing these and other long-standing water resource management issues. These governments have assembled a capable Staff Team that is action oriented and has learned the lessons of past water resource planning efforts. The Watershed Management Act may provide the last opportunity for local decision-makers to

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plan and implement necessary water resource solutions. Now is the time to trust, cooperate, and work together.

THE WATERSHED MANAGEMENT ACT PLANNING PROCESS:

The attached diagram labeled “WRIA 1 Watershed Management Project” shows how the planning process will proceed. This structure and process was negotiated and defined with public comments and over the course of several meetings by the Initiating Governments (i.e., the City of Bellingham, the Lummi Nation, the Nooksack Tribe, Whatcom County, and PUD No.1 of Whatcom County). The Initiating Governments designed this process to achieve several important agreed-upon goals:

- The working process will be practical, orderly, and action oriented. The tribal principle of negotiating government-to-government must be honored and preserved.
- The interests of all affected governments (local, state, federal, and tribal) will be considered.
- Other water resource interests will be represented.
- The number of people at the table will be limited to a manageable size.
Representatives on the Planning Unit must be working members, responsible for the needs of those they represent and for the tasks and work of the Planning Unit.
- Extensive public involvement will be encouraged, with ample opportunity for education, input, and obtaining information about the process.

In designing this planning process, the Initiating Governments were guided by the Watershed Management Act, instructional seminars and written guides to implementing the law, by public comments, and by the Memorandum Of Agreement between the City of Bellingham, the Lummi Nation, Whatcom County, and PUD No.1. They were also guided by the practical experience of those who have been involved in previous watershed planning efforts in Whatcom County. As the planning process proceeds, this previous experience will help the participants avoid the problems and capitalize on the strengths of past efforts.

The Indian tribes in WRIA 1, the Lummi Nation and the Nooksack Tribe, have taken a leadership role in this project, with a commitment to cooperation and collaboration. This tribal

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dedication and professionalism increases the probability of the project's success, and separates this effort from previous watershed planning efforts. The tribes have treaty rights that cannot be affected by state law. Their active participation in a watershed process created by state law is voluntary and demonstrates a good faith desire to cooperate with other governments.

COMPONENTS OF THE PLANNING PROCESS:

The attached diagram defines and describes the components and functions of the planning project. The arrows between the components in the diagram mostly represent the flow of information, communication, and feedback, and should not be confused with organizational charts that depict lines of authority and reporting responsibility. This process must be a collaborative effort, characterized by cooperation, trust, and mutual support if it is to succeed.

In the large box in the middle of the diagram are the Administrative Decision-Makers and the Staff Team of the Initiating Governments. This represents a part of the government-to-government structure required by the Lummi Nation and the Nooksack Tribe. This group will design, coordinate, and support the planning process. The Staff Team will coordinate the day-to-day functioning of the planning process and assist in formulating and carrying out the designs and decisions of the Administrative Decision-Makers. Together the Administrative Decision-Makers and the Staff Team will determine the overall structure of the planning project, determine the scope of work, organize and coordinate the Technical Teams, design and implement Public Involvement and Education (PIE), select and provide support staff, administer budgets and contracts, facilitate the Planning Unit, and communicate with the councils of the Initiating Governments.

The large box at the bottom of the diagram represents the Planning Unit. This body will facilitate the contribution of knowledge, technical expertise, funding, equipment, and other resources, and thereby contribute to the technical assessments and tasks necessary for knowledge-based decision making. In addition to assisting with the work of the project, representatives on the Planning Unit will be responsible for expressing the interests of their constituents. Participants on the Planning Unit will be the staff representatives for the General

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Purpose Governments, and representatives of Water Resource Interests, which are explained more fully below.

Whatcom County is the Lead Agency for the Watershed Management Project. The role of the Lead Agency in this effort is administrative. The agency is to coordinate and facilitate the watershed planning process. The Lead Agency will provide staff and receive and disburse funds for the execution of grants, contracts, and services as determined by consensus of the Initiating Governments. Whatcom County, as the general purpose government with county-wide taxing authority, is the rational source to fund the local portion of the Watershed Management Project. The Councils of the Initiating Governments are the elected policy makers who have the final approval authority for the watershed plan. These councils will also provide policy direction and feedback to both the Administrative Decision-Makers and the Staff Team.

STRUCTURE OF THE PLANNING UNIT:

The Planning Unit is comprised of representatives for General Purpose Governments and representatives for Water Resource Interests. Technically qualified professional staff will be appointed to represent the Initiating Governments on the Planning Unit. The other three general purpose governments (state agencies, federal agencies, and small cities) will determine a method to select and each appoint a representative to participate. Water Resource Interests will each form a local caucus group and select a representative. To ensure that a manageable size is maintained, only one representative from each General Purpose Government and caucus will actively participate in the Planning Unit meetings. Meetings of the Planning Unit will be run efficiently in accordance with an agenda of issues distributed well in advance. Planning Unit meetings will be open to the public for observation, but will not be conducted as open public forums. There will be regularly scheduled opportunities in other contexts for general public comment and input. Caucuses: Water Resource Interests.

Water Resource Interests, including Fishers, Agriculture, Forestry, Environmental, Land Development, Non-municipal Water Systems, Water Districts¹, Diking/Drainage Districts,

¹ It is important to note that although the Water Districts are included as a caucus within the "Water Resource Interest" group in this Structure and Function Document, they were subsequently placed within the "Government" group of the Planning Unit as illustrated in Section 1, Figure 1.2..

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and Private Well Owners will each have an opportunity to form a caucus and select a representative. The Port Authority will also be invited to select a representative for the Planning Unit.

It is anticipated that some of these caucuses may contain organizations and individuals with somewhat divergent views. In those instances where the caucus cannot come to speak with one mind on a given issue, it will be the responsibility of the caucus representative to present all of the divergent viewpoints fairly. Caucuses will need to organize themselves, direct their activities, and create means for communicating among the members and their designated representative. Each member organization in the caucus must be fairly informed, heard, and represented. Participation in a caucus provides an opportunity to assist the planning process and to express a viewpoint regarding issues. Some water resource organizations or individuals may participate in activities or businesses that overlap the interests of more than one caucus. In those instances, the people must choose to participate in one caucus that most closely represents their activities. Attempting to be represented by more than one caucus is not in keeping with the spirit and intent of the caucus system, and could lead to unfair abuse or manipulation of the process. The goal is to allow full representation of all viewpoints. If it becomes necessary, the Administrative Decision-Makers and/or the Planning Unit can be asked to resolve disputes arising from caucus representation issues. The formation and functioning of the caucuses will likely be a challenging process. Organizations and people who want to participate in the planning process will have to commit time and resources to the effort and come together with others of similar interests in a spirit of collaboration, fairness, and mutual support. Because the planning effort is a multi-year process, the caucuses must be defined and structured so as to withstand the rigors of long association and potentially contentious events. Representatives must be chosen carefully as these people will be expected to devote considerable time to the service of all of their members. The Initiating Governments intend to provide some support to the caucus organizations and to facilitate the formation of the caucuses. It would not be appropriate, however, for the Initiating Governments to assume responsibility for the formation and functioning of the caucus organizations. Each caucus is the responsibility of its members. Two addenda are provided with this document. Addendum 1, Public Involvement and

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Education, and Addendum 2, Caucus Formation and Function, describe some of the ways that the Initiating Governments will assist in the caucus and public involvement process.

Additional methods and resources for assistance may emerge as the Planning Unit and the caucuses begin to function and further define their needs and responsibilities. Planning Unit Decision-Making.

Within the text of the Watershed Management Act (ESHB 2514) the Planning Unit decision making protocol states:

“Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit appointed to represent units of government and majority vote of the nongovernmental members of the planning unit.”

The large box at the bottom of the attached diagram, together with the associated function description, is intended to reflect the above language. Every effort will be made to apply “consensus” to all decision making within the entire Planning Unit. Only in the event it becomes necessary will the noted formal distinction between the General Purpose Governments (consensus required) and the Water Resource Interests (majority required) be utilized.

TECHNICAL TEAMS:

Much of the initial planning effort will consist of conducting technical studies designed to answer specific questions. The Staff Team will work with the Technical Teams to address questions related to water quantity, water quality, habitat, and instream flows. The Technical Teams, which may include consultants or researchers provided by federal or state agencies, will develop the technical assessments necessary for knowledge-based decision making. The Technical Teams will distribute updates and reports to the Planning Unit, and will at times conduct or assist in educational programs for the public and interested groups.

PUBLIC INVOLVEMENT AND EDUCATION:

It is essential that the general public have both easy access to information about water resource management decisions and multiple opportunities to participate in the project. The public needs to know the benefits that will be received from the expenditures for the project.

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Many interested citizens would also like to contribute to the process or to provide helpful and constructive comment and input. Finally, the public needs to be able to monitor the project and be satisfied that their diverse needs are being considered.

To ensure broad public participation, a Public Involvement and Education (PIE) team will be formed. This team will use a variety of methods, including public meetings and communication tools such as a telephone hotline and an Internet web page, to facilitate and encourage public awareness, participation, and input. Addendum 1, Public Involvement and Education, describes the specific programs that are currently anticipated. A Public Involvement and Education Coordinator will be hired by the Initiating Governments to lead this effort, and additional programs for public input may grow from experience in this area.

INITIAL TASKS OF THE PLANNING UNIT:

The Planning Unit will initially need to decide some of its own operating procedures and protocols. The functional tasks of the Planning Unit for approximately the first two years will primarily concern the data collection and analysis for the assessment phase of the project. Water allocation and supply issues are of paramount importance in this project, but before any knowledge-based decisions can occur, we must have accurate estimates of the amount of water available, the amount of water currently allocated, and the amount of water being used. This analysis will include determining how much water is consumed for beneficial uses compared with the quantity permitted for such uses. The Planning Unit will not immediately begin a process of negotiating future allocations.

FURTHER INFORMATION:²

The Watershed Management Project will soon provide a telephone hot line (Hotline number: (360) 676-6940) and an Internet web page. For now, please address any questions or comments, as well as information about the caucuses, to:

Barry Hill

WRIA No.1 Watershed Management Project

1000 N Forest Street, Suite 203

² Since this document was taken directly from the WRIA 1 Watershed Management Project website for inclusion in the Watershed Management Plan, the contact information is not current. Please refer to the Project website for current contact information (www.wrialproject.wsu.edu).

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Two addenda are attached to this document:³

Addendum 1, Public Involvement and Education

Addendum 2, Caucus Formation and Function

³ These addendums can be reviewed on the WRIA 1 Watershed Management Project website at www.wria1project.wsu.edu.