

MARCH 25, 2005

WRIA 1 WATERSHED MANAGEMENT PLAN-PHASE 1

APPENDIX A – WATERSHED MANAGEMENT PROJECT STRUCTURE AND FUNCTION

APPENDIX B – MARCH 2000 SCOPE OF WORK

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VERSION 6C

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**APPENDIX G – WRIA 1 WATERSHED
MANAGEMENT PLAN APPROVALS**

RESOLUTION NO. 505

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY ("DISTRICT") AUTHORIZING APPROVAL OF THE WRIA 1 WATERSHED MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW 90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and the District decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Nation and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060 and by interlocal agreement formed the Joint Board as a decision making body; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, the WRIA 1 watershed planning process was initiated in 1998 and has continued until the present time; and

WHEREAS, the WRIA 1 watershed planning process conducted pursuant to Chapter 90.82 RCW has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, the Joint Board met on March 18, 2005 and by consensus recommended the WMP to the respective Initiating Government councils and commissions for approval; and

WHEREAS, the Planning Unit met on March 23, 2005 and by consensus recommended the WMP to the respective Initiating Government councils and commissions for approval;

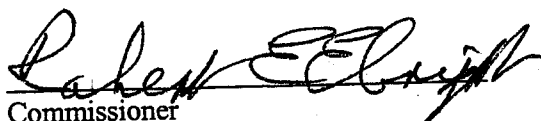
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Public Utility District No.1 of Whatcom County that the Watershed Management Plan - Phase 1 be approved and furthermore recommends that the councils or commissions of Whatcom County, City of Bellingham, Lummi Nation and Nooksack Tribe approve the WMP.

ADOPTED by the Commission of Public Utility District No. 1 of Whatcom County at its regular meeting held on the 26 day April, 2005.

**PUBLIC UTILITY DISTRICT NO.1
Of WHATCOM COUNTY**


President/Commissioner


Secretary/Commissioner


Commissioner



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

NOT
CERTIFIED

RESOLUTION # 2005 - 074 OF THE LUMMI INDIAN BUSINESS COUNCIL

TITLE: Authority to Approve the WRIA 1 Watershed Management Plan – Phase 1

WHEREAS, the Lummi Indian Business Council is the duly constituted governing body of the Lummi Indian Reservation by the authority of the Constitution and By-laws of the Lummi Nation of the Lummi Reservation, Washington; and

WHEREAS, the Council is responsible for the protection, restoration, enhancement, and management of the natural resources within the exterior boundaries of the Lummi Reservation and throughout the Usual and Accustomed Fishing and Gathering Grounds and Stations; and

WHEREAS, the State of Washington passed legislation in 1998 known as the Watershed Planning Act (RCW 90.82) which created a framework for local watershed planning; and

WHEREAS, the Lummi Nation is a separate distinct sovereign and state law does not apply, but the Nation chose to accept an invitation to participate in the local watershed planning process; and

WHEREAS, the Lummi Indian Business Council passed Resolution 98-63 to authorize the Lummi Natural Resources Department to participate in the WRIA 1 Watershed Management Project pursuant to the terms of a Memorandum of Agreement and this participation has occurred since October 1998; and

WHEREAS, the WRIA 1 Watershed Management Project – Phase 1 is a step toward the eventual adoption of a watershed management plan that may resolve conflicts over our federal reserved water rights; and

WHEREAS, the WRIA 1 Watershed Management Project – Phase 1 is limited to identifying a “road map” for selecting and adopting instream flows, continuing data collection and monitoring, completing technical studies, and developing the next version of the watershed management plan; and

WHEREAS, approval of the plan means to approve the 2005 and 2006 activities including the implementation of the Instream Flow Selection and Adoption Action Plan and does not mean the approval of technical work that is still being conducted or any recommendations or plans that might be generated by the activities conducted during implementation of the Phase I plan; and

WHEREAS, the plan does not allocate water resources or estimate tribal treaty rights to water; and

WHEREAS, no estimate of tribal treaty rights are binding on the Lummi Nation unless the

Lummi Nation expressly agrees in writing and such agreement is approved in writing by the United States; and

WHEREAS, the Lummi Natural Resources Department technical and policy staff have had a substantial role in the design and implementation of the WRIA 1 Watershed Management Project technical studies and the development of the WRIA 1 Watershed Management Plan – Phase 1; and

WHEREAS, the Lummi Fisheries and Natural Resources Commission passed a motion during their April 6, 2005 meeting that recommends that the Lummi Indian Business Council approve the WRIA 1 Watershed Management Plan – Phase 1 and its implementation.

NOW THEREFORE BE IT RESOLVED, that the Chairman (or Vice Chairman in his absence) is hereby authorized to formally approve the March 25, 2005 version of the WRIA 1 Watershed Management Plan – Phase 1 if there are no substantive changes; and

BE IT FURTHER RESOLVED, that the Lummi Natural Resources Department Executive Director (or designee in his absence) is hereby authorized to enter into interlocal agreements as recommended by the Lummi Nation Water Team to implement the instream flow selection and adoption action plan; and

BE IT FINALLY RESOLVED, that the Chairman (or Vice Chairman in his absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary (or the Recording Secretary in his absence) is authorized and directed to execute the following certification.

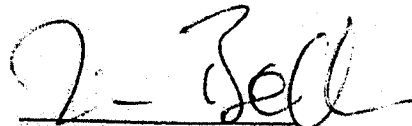
LUMMI NATION



Darrell Hillaire, Chairman
Lummi Indian Business Council

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #2005-074 was adopted at a Special Meeting of the Council held on the 25th of April, 2005, at which time a quorum of 10 was present by a vote of 9 For, 0 Against, and 0 Abstentions(s).



Timothy Ballew Sr, Secretary
Lummi Indian Business Council

RESOLUTION NO. 710

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNDEN,
WASHINGTON, CONDITIONALLY ENDORSING THE WRIA NO 1
WATERSHED MANAGEMENT PLAN – PHASE 1**

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning", to develop a *"...more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development."* (RCW 90.82.005); and

WHEREAS, per RCW 90.82.010: *"...the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources."*; and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, the City of Lynden ("City") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a WRIA, which WAC 173-500 establishes; and

WHEREAS, in 1998, per RCW 90.82.060, the WRIA No 1 initiating governments established a planning unit, which included a Small Cities Caucus, and of which City is a member; and

WHEREAS, the initiating governments decided that, in addition to the RCW 90.82.060(6) required Water Quantity element, the WRIA No 1 plan would include all RCW 90.82.060(6) optional components, e.g., Instream Flow, Water Quality and Habitat; and

WHEREAS, the WRIA No 1 watershed planning process has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW 90.82.070 through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP does not yet satisfy all RCW-required elements, and consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA No 1, including instream flows; and

WHEREAS, City understands that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of City, but rather the WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides a legal framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, some members of the initiating governments and/or planning unit might seek substantial new and additional ongoing funding requirements to further pursue the elements of the WMP, which presently remains incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the City Council and are fully incorporated into the following resolution as a material part thereof;

NOW THEREFORE, BE IT RESOLVED:

Section 1. The City Council authorizes the Mayor, on behalf of City, to support approval of the proposed WMP at the Small Cities Caucus and the planning unit; **PROVIDED THAT**, any such support for approval is contingent upon, and subject to, the conditions, reservations and exceptions set forth in Section 2 below.

Section 2. The City Council declares that its approval of the proposed WMP is contingent upon, and subject to, the following conditions, reservations and exceptions; and is further contingent and based upon City's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

A. The WMP does not meet the statutory requirements for all plan components, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).

B. The WMP has not undergone legal review by City's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by City.

C. The WMP will not be binding in any future litigation or administrative proceeding involving City, including those under RCW 90.82.130. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.

D. The Instream Flow Selection and Adoption Plan, (included in Appendix C of the WMP and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.

E. The City and Department of Ecology have signed a Memorandum of Agreement ("MOA") which provides a framework for achieving a long term solution to the City's water right issues and for resolution of differences. The City will continue to work under the MOA toward achievement of its purposes without limitation from the WMP or any process developed pursuant to the WMP. Finally, under no circumstances shall the WMP impair, limit, or interfere with any and all opportunities for the City to resolve its short or long range water right issues outside and independent from any process identified in the WMP or developed pursuant to the WMP.

F. City believes that any new County-wide sources of funding developed to support implementation of activities identified in the WMP, or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.

G. City understands that planning unit staff will fully incorporate this Resolution into the WMP.

H. City is obliged to represent the interests of its taxpayers as well as those persons who have purchased property within City's water service area. City will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

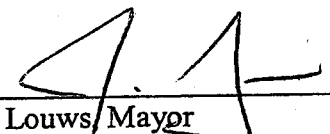
Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

PASSED BY the City Council of the City of Lynden, Washington and signed by the

Mayor on this 2nd day of May, 2005.



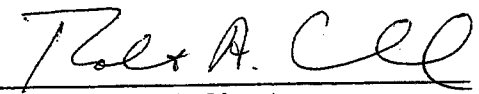
Jack Louws/Mayor

ATTEST:



Bill Verwolf, City Clerk

APPROVED AS TO FORM:



Bob Carmichael, City Attorney

RESOLUTION NO. 1390-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLAINE,
WASHINGTON, CONDITIONALLY ENDORSING THE WRIA NO 1 WATERSHED
MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning", to develop a: "...more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development." (RCW 90.82.005); and

WHEREAS, per 90.82.010: "...the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources."; and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, the City of Blaine ("City") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a WRIA, which WAC 173-500 establishes; and

WHEREAS, in 1998, per RCW 90.82.060, the WRIA No 1 initiating governments established a planning unit, which included a Small Cities Caucus, and which City is a member; and

WHEREAS, the initiating governments decided that, in addition to the RCW 90.82.060(6) required Water Quantity element, the WRIA No 1 plan would include all RCW 90.82.060(6) optional components, i.e., Instream Flow, Water Quality and Habitat; and

WHEREAS, the WRIA No 1 watershed planning process has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW 90.82.070 through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP does not yet satisfy all RCW-required elements, and consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA No 1, including instream flows; and

WHEREAS, City understands that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of City, but rather the WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides a legal framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, some members of the initiating governments and/or planning unit might seek substantial new and additional ongoing funding requirements to further pursue the elements of the WMP, which presently remains incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the City Council and are fully incorporated into the following resolution as a material part thereof;

THEREFORE, BE IT RESOLVED:

Section 1. The City Council authorizes the City Manager, on behalf of City, to support approval of the proposed WMP at the Small Cities Caucus and the planning unit; PROVIDED THAT, any such support for approval is contingent upon, and subject to, the conditions, reservations and exceptions set forth in Section 2 below.

Section 2. The City Council declares that its approval of the proposed WMP is contingent upon, and subject to, the following conditions, reservations and exceptions; and is further contingent and based upon City's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

A. The WMP does not meet the statutory requirements for all plan components, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).

B. The WMP has not undergone legal review by City's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by City.

C. The WMP will not be binding in any future litigation or administrative proceeding involving City, including those under RCW 90.82.130. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.

D. The Instream Flow Selection and Adoption Plan, (included in Appendix C of the WMP and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.

E. Implementation of new or existing groundwater withdrawals to augment streamflows, as contemplated in the pilot project Groundwater Augmentation of Streamflows, (cited in Section 3 of the WMP document) will require proponents to demonstrate non-impairment of any and all senior rights, including without limitation applications, permits, certificates and claims.

F. City believes that any new County-wide sources of funding developed to support implementation of activities identified in the WMP, or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.

G. City understands that planning unit staff will fully incorporate this Resolution into the WMP.

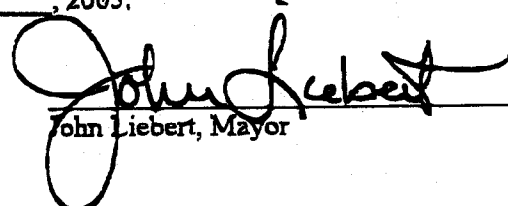
H. City is obliged to represent the interests of its taxpayers as well as those persons who have purchased property within City's water service area. City will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

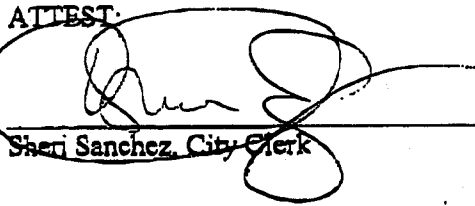
Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

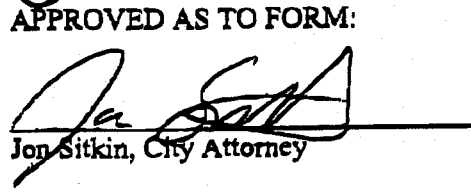
Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

PASSED BY the City Council of the City of Blaine, Washington and approved by the Mayor on this 14th day of March, 2005.


John Liebert, Mayor

ATTEST:

Sheri Sanchez, City Clerk

APPROVED AS TO FORM:

Jon Sitkin, City Attorney



POINT ROBERTS WATER DISTRICT NO. 4

79 Tyee Drive, Suite A, Point Roberts, WA 98281
Tel: (360) 945-4696 Fax: (360) 945-3021

POINT ROBERTS WATER DISTRICT NO. 4
79 TYEE DRIVE, SUITE A
POINT ROBERTS, WA 98281

RESOLUTION 571

A RESOLUTION OF THE BOARD OF COMMISSISONERS OF POINT ROBERTS WATER DISTRICT NO. 4, WHATCOM COUNTY, WASHINGTON, AUTHORIZING QUALIFIED AND CONDITIONAL APPROVAL OF THE WATERSHED MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of the watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, the Point Roberts Water District No. 4 ("District") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a Water Resource Inventory Area ("WRIA"), as such areas are established in chapter 173-500 WAC; and

WHEREAS, most of Whatcom County lies within WRIA 1; and

WHEREAS, a portion of Whatcom County lies within WRIA 3; and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and Whatcom County PUD #1 decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Tribe and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, RCW 90.82.060 further assigns the Initiating Governments the task of organizing a planning unit ("Planning Unit"); and

WHEREAS, in 1998 the Initiating Governments organized a Planning Unit and provided the representation of water districts in the WRIA 1 watershed planning process by establishing a Water Districts Caucus as a member of said Planning Unit; and

WHEREAS, Point Roberts Water District No. 4 is a member of the Water Districts Caucus; and

WHEREAS, the WRIA 1 watershed planning process was initiated in 1998 and has continued until the present time; and

WHEREAS, the WRIA 1 watershed planning process conducted pursuant to Chapter 90.82 RCW has produced a document entitled Watershed Management Plan – Phase 1 ("WMP"); and

WHEREAS, the Planning Unit is currently considering approval of the proposed WMP; and

WHEREAS, Chapter 90.82 RCW establishes that the scope of the watershed planning under the Act must include a Water Quantity element (RCW 90.82.070) and may include elements for Water Quality (RCW 90.82.090), Habitat (RCW 90.82.100) and Instream Flow (RCW 90.82.080) as optional elements of a watershed management plan; and

WHEREAS, the Initiating Governments decided that in addition to the mandatory Water Quantity element, the proposed WMP would include all optional components identified in the statute, to wit: Instream Flow, Water Quality and Habitat. This decision was later approved by the Planning Unit; and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW.90.82.070) through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP is incomplete and does not meet the statutory requirements of Chapter 90.82 RCW for watershed management plan components; and

WHEREAS, a consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA 1, including without limitation instream flows; and

WHEREAS, it is the understanding of the District that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of the District; and

WHEREAS, the proposed WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides an adjudicatory framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, notwithstanding approval of the proposed WMP, future litigation of many if not most water right related issues in WRIA 1 remains a strong possibility; and

WHEREAS, substantial new and additional ongoing funding requirements may be sought by some members of the Initiating Governments and/or Planning Unit to further pursue the elements of the WRIA 1 Watershed Management Plan Phase 1, which presently remain incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the Board of Commissioners and are fully incorporated into the following resolution as a material part thereof;

NOW THEREFORE IT IS HEREBY RESOLVED THAT:

Section 1. The District's General Manager is authorized on behalf of the District to support approval of the proposed WMP document as the Water Districts Caucus and the Planning Unit; provided that, any such support for approval shall be contingent upon and subject to the conditions, reservations and exceptions set forth in Section 2 hereof.

Section 2. By adoption of this Resolution the Board of Commissioners declares that any approval by the District of the proposed WMP shall be contingent upon and subject to the following conditions, reservations and exceptions; and shall be further contingent and based upon the District's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

- A. The WMP document will not meet the statutory requirements for any plan component, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).
- B. The WMP document has not undergone legal review by the District's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by the District.
- C. The WMP document will not be binding in any future litigation or administrative proceeding involving the District. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.
- D. The WMP will not create binding obligations on the District under RCW 90.82.130 or by any other mechanism.
- E. The WRIA 1 Instream Flow Selection and Adoption Plan, Version 6c (included in Appendix C of the WMP document and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.
- F. Implementation of new or existing groundwater withdrawals to augment streamflows, as contemplated in the pilot project Groundwater Augmentation of Streamflows, will require proponents to demonstrate

non-impairment of any and all senior rights, including without limitation applications, permits, certificates and claims. This project is cited in Section 3 of the WMP document.

- G. The preface to the WMP document states that the County expended \$3.8 million in developing this plan. This information was not presented to or specifically approved by the Planning Unit. The accuracy of these figures is not endorsed.
- H. The idea of a single management entity with a dedicated source of funds, cited in Section 4 of the WMP document, is not supported. Any new county-wide sources of funding developed to support implementation of activities identified in the WMP or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.
- I. This Resolution and its limited authorization for conditional approval of the WMP shall be fully incorporated into the WMP.
- J. The District is obliged to represent the interests of its ratepayers as well as those persons who have purchased property within the District's water service area. The District will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of the Point Roberts Water District No. 4, Whatcom County, Washington, at a Special Meeting held the 26th day of April, 2005.



N. Madeleine Anderson - Chairman



Arthur Wilkowski - Secretary



Susan M. Johnson - Commissioner

COPY

RESOLUTION NO. 644

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AUTHORIZING QUALIFIED AND CONDITIONAL APPROVAL
OF THE WATERSHED MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW 90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, the Birch Bay Water & Sewer District ("District") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a Water Resource Inventory Area ("WRIA"), as such areas are established in chapter 173-500 WAC; and

WHEREAS, most of Whatcom County lies within WRIA 1; and

WHEREAS, a portion of Whatcom County lies within WRIA 3; and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and Whatcom County PUD #1 decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Nation and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, RCW 90.82.060 further assigns the Initiating Governments the task of organizing a planning unit ("Planning Unit"); and

WHEREAS, in 1998 the Initiating Governments organized a Planning Unit and provided for representation of water districts in the WRIA 1 watershed planning process by establishing a Water Districts Caucus as a member of said Planning Unit; and

WHEREAS, Birch Bay Water & Sewer District is a member of the Water Districts Caucus; and

WHEREAS, the WRIA 1 watershed planning process was initiated in 1998 and has continued until the present time; and

WHEREAS, the WRIA 1 watershed planning process conducted pursuant to Chapter 90.82 RCW has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, the Planning Unit is currently considering approval of the proposed WMP; and

WHEREAS, Chapter 90.82 RCW establishes that the scope of watershed planning under the Act must include a Water Quantity element (RCW 90.82.070), and may include elements for Water Quality (RCW 90.82.090), Habitat (RCW 90.82.100) and Instream Flow (RCW 90.82.080) as optional elements of a watershed management plan; and

WHEREAS, the Initiating Governments decided that in addition to the mandatory Water Quantity element, the proposed WMP would include all optional components identified in the statute, to wit: Instream Flow, Water Quality and Habitat. This decision was later approved by the Planning Unit; and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW 90.82.070 through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP is incomplete and does not meet the statutory requirements of Chapter 90.82 RCW for watershed management plan components; and

WHEREAS, consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA 1, including without limitation instream flows; and

WHEREAS, it is the understanding of the District that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of the District; and

WHEREAS, the proposed WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides an adjudicatory framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, notwithstanding approval of the proposed WMP, future litigation of many if not most water right related issues in WRIA 1 remains a strong possibility; and

WHEREAS, substantial new and additional ongoing funding requirements may be sought by some members of the Initiating Governments and/or Planning Unit to further pursue the elements of the WRIA 1 Watershed Management Plan Phase I, which presently remain incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the Board of Commissioners and are fully incorporated into the following resolution as a material part thereof;

NOW THEREFORE IT IS HEREBY RESOLVED THAT:

Section 1. The District's General Manager is authorized on behalf of the District to support approval of the proposed WMP document at the Water Districts Caucus and the Planning Unit; provided that, any such support for approval shall be contingent upon and subject to the conditions, reservations and exceptions set forth in Section 2 hereof.

Section 2. By adoption of this Resolution the Board of Commissioners declares that any approval by the District of the proposed WMP shall be contingent upon and subject to the following conditions, reservations and exceptions; and shall be further contingent and based upon the District's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

A. The WMP document will not meet the statutory requirements for any plan component, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).

B. The WMP document has not undergone legal review by the District's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by the District.

- C. The WMP document will not be binding in any future litigation or administrative proceeding involving the District. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.
- D. The WMP document will not create binding obligations on the District under RCW 90.82.130 or by any other mechanism.
- E. The WRIA 1 Instream Flow Selection and Adoption Plan, Version 6c (included in Appendix C of the WMP document and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.
- F. Implementation of new or existing groundwater withdrawals to augment streamflows, as contemplated in the pilot project Groundwater Augmentation of Streamflows, will require proponents to demonstrate non-impairment of any and all senior rights, including without limitation applications, permits, certificates and claims. This project is cited in Section 3 of the WMP document.
- G. The preface to the WMP document states that the County expended \$3.8 million in developing this plan. This information was not presented to or specifically approved by the Planning Unit. The accuracy of these figures is not endorsed.
- H. The idea of a single management entity with a dedicated source of funds, cited in Section 4 of the WMP document, is not supported. Any new county-wide sources of funding developed to support implementation of activities identified in the WMP or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.
- I. This Resolution and its limited authorization for conditional approval of the WMP shall be fully incorporated into the WMP.
- J. The District is obliged to represent the interests of its ratepayers as well as those persons who have purchased property within the District's water service area. The District will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

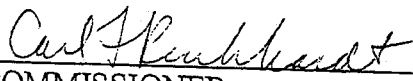
Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

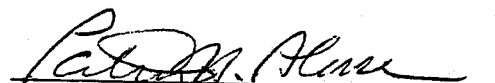
ADOPTED by the Board of Commissioners of the Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 10th day of March, 2005.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 644 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 10, 2005.


SECRETARY

LAKE WHATCOM WATER AND SEWER DISTRICT

RESOLUTION NO. 701

A Resolution of the Board of Commissioners
of Lake Whatcom Water & Sewer District, Whatcom County,
Washington, Authorizing Qualified and Conditional Approval of the Watershed Management
Plan – Phase 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW 90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, Lake Whatcom Water & Sewer District ("District") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a Water Resource Inventory Area ("WRIA"), as such areas are established in chapter 173-500 WAC; and

WHEREAS, most of Whatcom County lies within WRIA 1; and

WHEREAS, a portion of Whatcom County lies within WRIA 3; and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and Whatcom County PUD #1 decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Tribe and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, RCW 90.82.060 further assigns the Initiating Governments the task of organizing a planning unit ("Planning Unit"); and

WHEREAS, in 1998 the Initiating Governments organized a Planning Unit and provided for representation of water districts in the WRIA 1 watershed planning process by establishing a Water Districts Caucus as a member of said Planning Unit; and

WHEREAS, Lake Whatcom Water & Sewer District is a member of the Water Districts Caucus; and

WHEREAS, the WRIA 1 watershed planning process was initiated in 1998 and has continued until the present time; and

WHEREAS, the WRIA 1 watershed planning process conducted pursuant to Chapter 90.82 RCW has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, the Planning Unit is currently considering approval of the proposed WMP; and

WHEREAS, Chapter 90.82 RCW establishes that the scope of watershed planning under the Act must include a Water Quantity element (RCW 90.82.070), and may include elements for Water Quality (RCW 90.82.090), Habitat (RCW 90.82.100) and Instream Flow (RCW 90.82.080) as optional elements of a watershed management plan; and

WHEREAS, the Initiating Governments decided that in addition to the mandatory Water Quantity element, the proposed WMP would include all optional components identified in the statute, to wit: Instream Flow, Water Quality and Habitat. This decision was later approved by the Planning Unit; and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW 90.82.070 through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP is incomplete and does not meet the statutory requirements of Chapter 90.82 RCW for watershed management plan components; and

WHEREAS, consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA 1, including without limitation instream flows; and

WHEREAS, it is the understanding of the District that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of the District; and

WHEREAS, the proposed WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides an adjudicator framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, notwithstanding approval of the proposed WMP, future litigation of many if not most water right related issues in WRIA 1 remains a strong possibility; and

WHEREAS, substantial new and additional ongoing funding requirements may be sought by some members of the Initiating Governments and/or Planning Unit to further pursue the elements of the WRIA 1 Watershed Management Plan Phase I, which presently remain incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the Board of Commissioners and are fully incorporated into the following resolution as a material part thereof;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The District's General Manager is authorized on behalf of the District to support approval of the proposed WMP document at the Water Districts Caucus and the Planning Unit; provided that, any such support for approval shall be contingent upon and subject to the conditions, reservations and exceptions set forth in Section 2 hereof.

Section 2. By adoption of this Resolution the Board of Commissioners declares that any approval by the District of the proposed WMP shall be contingent upon and subject to the following conditions, reservations and exceptions; and shall be further contingent and based upon the District's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

- A. The WMP document will not meet the statutory requirements for any plan component, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).
- B. The WMP document has not undergone legal review by the District's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by the District.
- C. The WMP document will not be binding in any future litigation or administrative proceeding involving the District. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.
- D. The WMP document will not create binding obligations on the District under RCW 90.82.130 or by any other mechanism.
- E. The WRIA 1 Instream Flow Selection and Adoption Plan, Version 6c (included in Appendix C of the WMP document and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.
- F. Implementation of new or existing groundwater withdrawals to augment streamflows, as contemplated in the pilot project Groundwater Augmentation of Streamflows, will

require proponents to demonstrate non-impairment of any and all senior rights, including without limitation applications, permits, certificates and claims. This project is cited in Section 3 of the WMP document.

G. The preface to the WMP document states that the County expended \$3.8 million in developing this plan. This information was not presented to or specifically approved by the Planning Unit. The accuracy of these figures is not endorsed.

H. The idea of a single management entity with a dedicated source of funds, cited in Section 4 of the WMP document, is not supported. Any new county-wide sources of funding developed to support implementation of activities identified in the WMP or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.

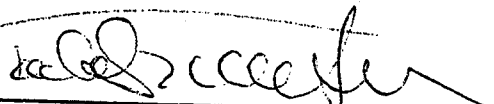
I. This Resolution and its limited authorization for conditional approval of the WMP shall be fully incorporated into the WMP.

J. The District is obliged to represent the interests of its ratepayers as well as those persons who have purchased property within the District's water service area. The District will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4. This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 9th day of March, 2005.

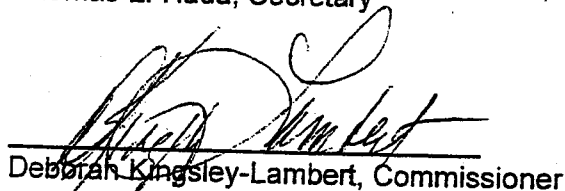


Todd Citron, President

Thomas L. Hadd, Secretary



Blair Ford, Commissioner



Deborah Kingsley-Lambert, Commissioner

Commissioner

RESOLUTION NO. 01-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAMISH WATER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AUTHORIZING QUALIFIED AND CONDITIONAL APPROVAL
OF THE WATERSHED MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW 90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, the Samish Water District ("District") is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a Water Resource Inventory Area ("WRIA"), as such areas are established in chapter 173-500 WAC; and

WHEREAS, most of Whatcom County lies within WRIA 1; and

WHEREAS, a portion of Whatcom County lies within WRIA 3; and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and Whatcom County PUD #1 decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Tribe and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, the proposed WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides an adjudicatory framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, notwithstanding approval of the proposed WMP, future litigation of many if not most water right related issues in WRIA 1 remains a strong possibility; and

WHEREAS, substantial new and additional ongoing funding requirements may be sought by some members of the Initiating Governments and/or Planning Unit to further pursue the elements of the WRIA 1 Watershed Management Plan Phase I, which presently remain incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the Board of Commissioners and are fully incorporated into the following resolution as a material part thereof;

NOW THEREFORE IT IS HEREBY RESOLVED THAT:

Section 1. The District's Manager is authorized on behalf of the District to support approval of the proposed WMP document at the Water Districts Caucus and the Planning Unit; provided that, any such support for approval shall be contingent upon and subject to the conditions, reservations and exceptions set forth in Section 2 hereof.

Section 2. By adoption of this Resolution the Board of Commissioners declares that any approval by the District of the proposed WMP shall be contingent upon and subject to the following conditions, reservations and exceptions; and shall be further contingent and based upon the District's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

A. The WMP document will not meet the statutory requirements for any plan component, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).

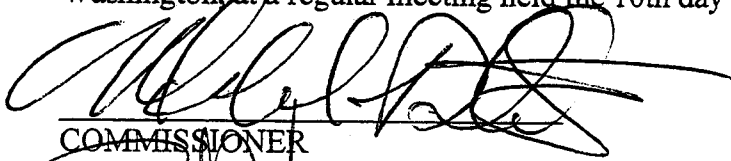
B. The WMP document has not undergone legal review by the District's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by the District.

C. The WMP document will not be binding in any future litigation or administrative proceeding involving the District. Neither the WMP

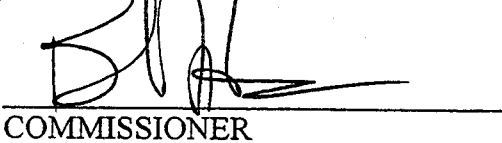
Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Samish Water District, Whatcom County, Washington, at a regular meeting held the 10th day of March 2005.

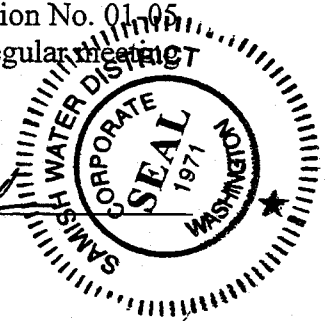

COMMISSIONER

COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 01-05 of Samish Water District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 10, 2005.


SECRETARY



RESOLUTION NO. 2005-01

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF WHATCOM COUNTY WATER DISTRICT #2, WHATCOM COUNTY,
WASHINGTON, AUTHORIZING QUALIFIED AND CONDITIONAL APPROVAL
OF THE WATERSHED MANAGEMENT PLAN - PHASE 1

WHEREAS, in 1997 the Washington State Legislature adopted Chapter 90.82 RCW, entitled "Watershed Planning;" and

WHEREAS, the stated purpose of watershed planning is to develop a more thorough and cooperative method of determining the current water resource situation in each Water Resource Inventory Area ("WRIA") and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development (RCW 90.82.005); and

WHEREAS, the local development of watershed plans is intended to serve vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources (RCW 90.82.010); and

WHEREAS, the legislature found that it is necessary for units of local government to engage in the orderly development of watershed plans (RCW 90.82.010); and

WHEREAS, Whatcom County Water District #2 (District) is one such unit of local government; and

WHEREAS, RCW 90.82.060 specifies procedures for initiation of watershed planning within a Water Resource Inventory Area ("WRIA"), as such areas are established in chapter 173-500 WAC; and

WHEREAS, most of Whatcom County lies within WRIA 1; and

WHEREAS, a portion of Whatcom County lies within WRIA 3; and

WHEREAS, pursuant to RCW 90.82.060, Whatcom County, the City of Bellingham and Whatcom County PUD #1 decided jointly and unanimously to proceed with watershed planning in WRIA 1 and invited, as further provided under RCW 90.82.060, the Lummi Tribe and Nooksack Tribe to participate; and

WHEREAS, the five above-named entities together are regarded as the initiating governments ("Initiating Governments") as defined in RCW 90.82.060; and

WHEREAS, RCW 90.82.060 assigns the Initiating Governments the task of determining the scope of the planning to be conducted within the WRIA; and

WHEREAS, RCW 90.82.060 further assigns the Initiating Governments the task of organizing a planning unit ("Planning Unit"); and

WHEREAS, in 1998 the Initiating Governments organized a Planning Unit and provided for representation of water districts in the WRIA 1 watershed planning process by establishing a Water Districts Caucus as a member of said Planning Unit; and

WHEREAS, Whatcom County Water District #2 is a member of the Water Districts Caucus; and

WHEREAS, the WRIA 1 watershed planning process was initiated in 1998 and has continued until the present time; and

WHEREAS, the WRIA 1 watershed planning process conducted pursuant to Chapter 90.82 RCW has produced a document entitled Watershed Management Plan - Phase 1 ("WMP"); and

WHEREAS, the Planning Unit is currently considering approval of the proposed WMP; and

WHEREAS, Chapter 90.82 RCW establishes that the scope of watershed planning under the Act must include a Water Quantity element (RCW 90.82.070), and may include elements for Water Quality (RCW 90.82.090), Habitat (RCW 90.82.100) and Instream Flow (RCW 90.82.080) as optional elements of a watershed management plan; and

WHEREAS, the Initiating Governments decided that in addition to the mandatory Water Quantity element, the proposed WMP would include all optional components identified in the statute, to wit: Instream Flow, Water Quality and Habitat. This decision was later approved by the Planning Unit; and

WHEREAS, Chapter 90.82 RCW mandates that detailed requirements must be satisfied and that specific information shall be included in the Water Quantity, Water Quality, Habitat and Instream Flow components of a watershed management plan (RCW 90.82.070 through 90.82.100); and

WHEREAS, these statutory components of a watershed management plan (Water Quantity, Water Quality, Habitat and Instream Flow) are interrelated; and

WHEREAS, the proposed WMP is incomplete and does not meet the statutory requirements of Chapter 90.82 RCW for watershed management plan components; and

WHEREAS, consensus has not been reached on certain matters logically precedent to completion of a final watershed management plan for WRIA 1, including without limitation instream flows; and

WHEREAS, it is the understanding of the District that neither the proposed WMP, nor any portion thereof, gives rise to any legal obligation on the part of the District; and

WHEREAS, the proposed WMP represents a potential non-binding road map, subject to change, for undertaking additional work related to Water Quantity, Water Quality, Instream Flows and Habitat; and

WHEREAS, state law provides an adjudicatory framework and process for obtaining certainty and finality in determination of disputes concerning water rights and other related legal issues; and

WHEREAS, notwithstanding approval of the proposed WMP, future litigation of many if not most water right related issues in WRIA 1 remains a strong possibility; and

WHEREAS, substantial new and additional ongoing funding requirements may be sought by some members of the Initiating Governments and/or Planning Unit to further pursue the elements of the WRIA 1 Watershed Management Plan Phase I, which presently remain incomplete; and

WHEREAS, all of the foregoing recitals are legislative findings of the Board of Commissioners and are fully incorporated into the following resolution as a material part thereof;

NOW THEREFORE IT IS HEREBY RESOLVED THAT:

Section 1. The District's Commission President is authorized on behalf of the District to support approval of the proposed WMP document at the Water Districts Caucus and the Planning Unit; provided that, any such support for approval shall be contingent upon and subject to the conditions, reservations and exceptions set forth in Section 2 hereof.

Section 2. By adoption of this Resolution the Board of Commissioners declares that any approval by the District of the proposed WMP shall be contingent upon and subject to the following conditions, reservations and exceptions; and shall be further contingent and based upon the District's understanding that the below conditions, reservations and exceptions are an accurate statement of circumstances under which the WMP is adopted.

A. The WMP document will not meet the statutory requirements for any plan component, including RCW 90.82.070 (Water Quantity), RCW 90.82.080 (Instream Flow), RCW 90.82.090 (Water Quality), and RCW 90.82.100 (Habitat).

B. The WMP document has not undergone legal review by the District's legal counsel. Statements in the WMP document concerning any laws, court decisions, or legal principles associated with water law or water rights are not agreed upon or consented to by the District.

C. The WMP document will not be binding in any future litigation or administrative proceeding involving the District. Neither the WMP document nor statements in the WMP document shall be admissible in evidence in any future judicial, quasi-judicial, or rule-making proceeding.

D. The WMP document will not create binding obligations on the District under RCW 90.82.130 or by any other mechanism.

E. The WRIA 1 Instream Flow Selection and Adoption Plan, Version 6c (included in Appendix C of the WMP document and headed "DRAFT SUBJECT TO LEGAL REVIEW") is acknowledged only as a general point of departure for negotiations and does not and cannot represent a prescriptive formula for decision-making.

F. Implementation of new or existing groundwater withdrawals to augment streamflows, as contemplated in the pilot project Groundwater Augmentation of Streamflows, will require proponents to demonstrate non-impairment of any and all senior rights, including without limitation applications, permits, certificates and claims. This project is cited in Section 3 of the WMP document.

G. The preface to the WMP document states that the County expended \$3.8 million in developing this plan. This information was not presented to or specifically approved by the Planning Unit. The accuracy of these figures is not endorsed.

H. The idea of a single management entity with a dedicated source of funds, cited in Section 4 of the WMP document, is not supported. Any new county-wide sources of funding developed to support implementation of activities identified in the WMP or other watershed management activities in Whatcom County, must be shared equitably with all the County's local governments having watershed management responsibilities.

I. This Resolution and its limited authorization for conditional approval of the WMP shall be fully incorporated into the WMP.

J. The District is obliged to represent the interests of its ratepayers as well as those persons who have purchased property within the District's water service area. The District will continue to take reasonable steps to secure water supplies to serve such properties when they are ready to develop in the future.

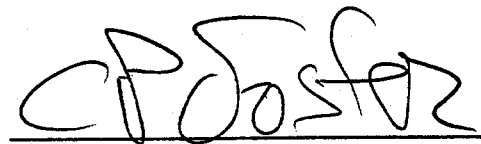
Section 3. BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

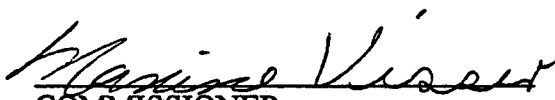
Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately.

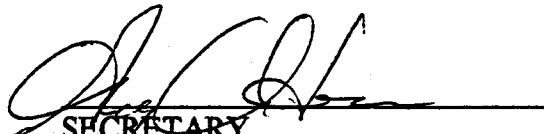
ADOPTED by the Board of Commissioners of Whatcom County Water District #2, Whatcom County, Washington, at a regular meeting held the 22 day of February, 2005.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 2005-01 of Whatcom County Water District #2, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on 22 February, 2005.


SECRETARY

To: WRIA Staff & Planning Unit Facilitators
From: Land Development Caucus
Date: May 5, 2005
Re: Land Development Caucus Appendix G Reservation Language

Dear WRIA Staff and Planning Unit Facilitators:

Below, please find the Land Development Caucus Reservation Language to be Placed in Appendix G:

The Land Development Caucus does not endorse the provision for “finding a dedicated funding source for the implementation of the plan,” in 2007, following the phrase “necessary to support it,” as stated in Line 66 etseq. in Chapter 4 of the December 2004 draft of the WRIA Plan. We would only support any funding measures after Planning Unit discussion at the proper time (probably on a case-by-case basis), through the Planning Unit process. We also would need to know the exact purpose for requested funding, and how much funding would be allocated for the given funding requests.

From: "Henry Bierlink" <wcagpres@verizon.net>
To: "Mary Dumas" <mary@dumasassoc.com>, "Sue Blake" <sblake@co.whatcom.wa.us>
Date: 4/13/05 4:39PM
Subject: Appendix G addition

"By approving the Watershed Management Plan the Ag Preservation Committee believes we are moving closer to a rational natural resource management strategy. We expect that responsible water use and timely drainage will soon result from implementation of this plan. Responsible resource management requires respect for the land managers. We expect to be allowed to steward the land and water resources entrusted to us without imposing regulations that do not respect our knowledge or abilities. Conversely, we expect to be held accountable for mismanagement. We firmly believe that we can provide quality habitat for fish and upland wildlife and do so without negatively affecting our need to make wise use of the land and water resources available to us."

Henry Bierlink
Whatcom Ag Preservation
1796 Front Street
Lynden, WA 98264
HYPERLINK "mailto:wcagpres@verizon.net"wcagpres@verizon.net
360-354-1337

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No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.308 / Virus Database: 266.9.8 - Release Date: 4/13/2005

Diking and Drainage Districts Caucus Appendix G Language

The Diking/Drainage caucus is committed to the implementation of the Watershed Plan. The following statements reflect our belief of what will result from implementing the Plan. Our members will be active partners in developing wise water management practices that meet our needs as well of the needs of others in our community."

Programmatic permitting (i.e. British Columbia model @ [HYPERLINK](#) "<http://www.agf.gov.bc.ca/resmgmt/publist/500series/543100-0.pdf>" and <http://www.agf.gov.bc.ca/resmgmt/publist/500series/543100-0.pdf>) must be provided for a multi-year time frame so that timely maintenance of stream channels, dikes/levees, and ditches may be performed in an environmentally correct fashion. This is necessary for effective planting and harvesting of ag crops.

Dike and levee repairs must be completed prior to May 1 so as to minimize environmental damage while providing for adequate time for repairs to stabilize prior to the next flood season.

Gravel removal and bar scalping on the Nooksack River, as historically performed, must be part of a comprehensive management plan. Rising channel beds result in losses of flow, as well as levee overtopping.

Drainage ditches must be maintained in a clean and open condition so farmland will continue to be productive and allow manure to decompose aerobically resulting in reduced pollution.

Ditch and stream bank buffers must be carefully designed so as to enhance channel maintenance in an environmentally sensitive manner.

RESOLUTION NO. 2005-23

A Resolution of the City of Bellingham Authorizing Approval of the WRIA 1 Watershed Management Plan – Phase 1

WHEREAS, the State of Washington passed legislation in 1998 known as the Watershed Planning Act (RCW 90.82) which created a framework for local watershed planning; and

WHEREAS, the City of Bellingham passed Resolution 18-98 to authorize the City's designation as an Initiating Government and the participation of City representatives in the WRIA 1 Watershed Management Project pursuant to the terms of a Memorandum of Agreement and this participation has occurred since October 1998; and

WHEREAS, the City of Bellingham's technical and policy staff have had a continuing role in the design and implementation of the WRIA 1 Watershed Management Project technical studies and the development of the WRIA 1 Watershed Management Plan – Phase 1; and

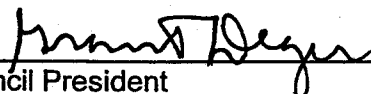
WHEREAS, the WRIA 1 Watershed Management Project – Phase 1 is a step toward the eventual adoption of a watershed management plan that addresses and may resolve water issues important to the City; and

WHEREAS, the WRIA 1 Watershed Management Project – Phase 1 is limited to identifying a "road map" for selecting and adopting instream flows, continuing data collection and monitoring, completing technical studies, and developing the next version of the watershed management plan; and

WHEREAS, the plan does not allocate water resources, or change water rights;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM that the Mayor is hereby authorized to approve the March 25, 2005 version of the WRIA 1 Watershed Management Plan – Phase 1 and to execute any documents connected therewith.

PASSED by the Council this 9TH day of MAY, 2005.



Council President

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

RESOLUTION WIRA (1)

APPROVED by me this 17th day of May, 2005.

Mark Asund
Mayor

ATTEST: Christine Wenberg
Finance Director

APPROVED AS TO FORM:

Jean Hoisington
Office of the City Attorney

RESOLUTION WIRA (2)

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903