



## **GOVERNANCE STRUCTURE FOR IMPLEMENTING WRIA 1 PROGRAMS**

**Draft Integrated Working Document**

**June 30, 2009**

Prepared for:

Whatcom County Planning and Development Services

322 N. Commercial

Bellingham, WA 98225

Funding through WRIA 1 Phase IV Watershed Planning Washington Department of Ecology Grant #G0600298

June 30, 2009

The attached *Governance Structure for Implementing WRIA 1 Programs, Integrated Working Document* is a draft document describing a proposed integrated implementation structure for WRIA 1 Watershed Management Project and WRIA 1 Salmon Recovery Programs. The shaded boxes in the Integrated Working Document summarize feedback received from non-initiating government caucus members attending informal meetings to discuss the proposed structure. Memorandums received from two caucuses – Land Development and Non-Government Water Systems (NGWS)- outline more specific thoughts, suggestions, and concerns relative to a proposed implementation structure, and are included as Attachment A and B, respectively. Attachment C and D reflect comments received from WRIA 1 Planning Unit caucuses and members on the governance structure phases proposed in 2007 and the current working document, respectively. With the exception of Attachment D, this June 30, 2009 *Governance Structure of Implementing WRIA 1 Programs, Draft Integrated Working Document* is the June 21, 2009 version that was discussed by the Planning Unit at their June 30 meeting.

The document is formatted as follows:

1. The first three pages comprise the Executive Summary and the proposed implementation structure that has been discussed by the WRIA 1 Watershed Project Staff Team, WRIA 1 Salmon Recovery Staff Team, WRIA 1 Salmon Recovery Steering Committee, and informally by Planning Unit Caucus members.
2. An overview of the composition and function for each of the levels identified in the proposed organizational structure follows the Executive Summary.
3. Inserted in shaded boxes following each level of the proposed structure are comments, concerns, and suggestions that were identified at informal meetings scheduled for interested non-initiating government caucus representatives. In some cases, memoranda are referenced that were provided by the Land Development and NGWS caucuses; the memos are included in full as Attachment A and B, respectively.
4. Following the overview of the different levels identified in the organizational structure is the text describing the background and purpose of an implementation structure, and its relationship to a multi-phased governance structure presented to the WRIA 1 Joint Board in April 2007. The April 2007 structure was included in the June 2007 WRIA 1 Detailed Implementation Plan. A summary of the comments received in June 2007 from caucuses on the multi-phase structure is included as Attachment C.
5. Attachment D includes a summary of comments associated with the proposed governance structure provided by WRIA 1 Planning Unit members at the June 30, 2009 WRIA 1 Planning Unit meeting.

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*Note: This working document does not represent a final or consensus document and is for discussion purposes.*

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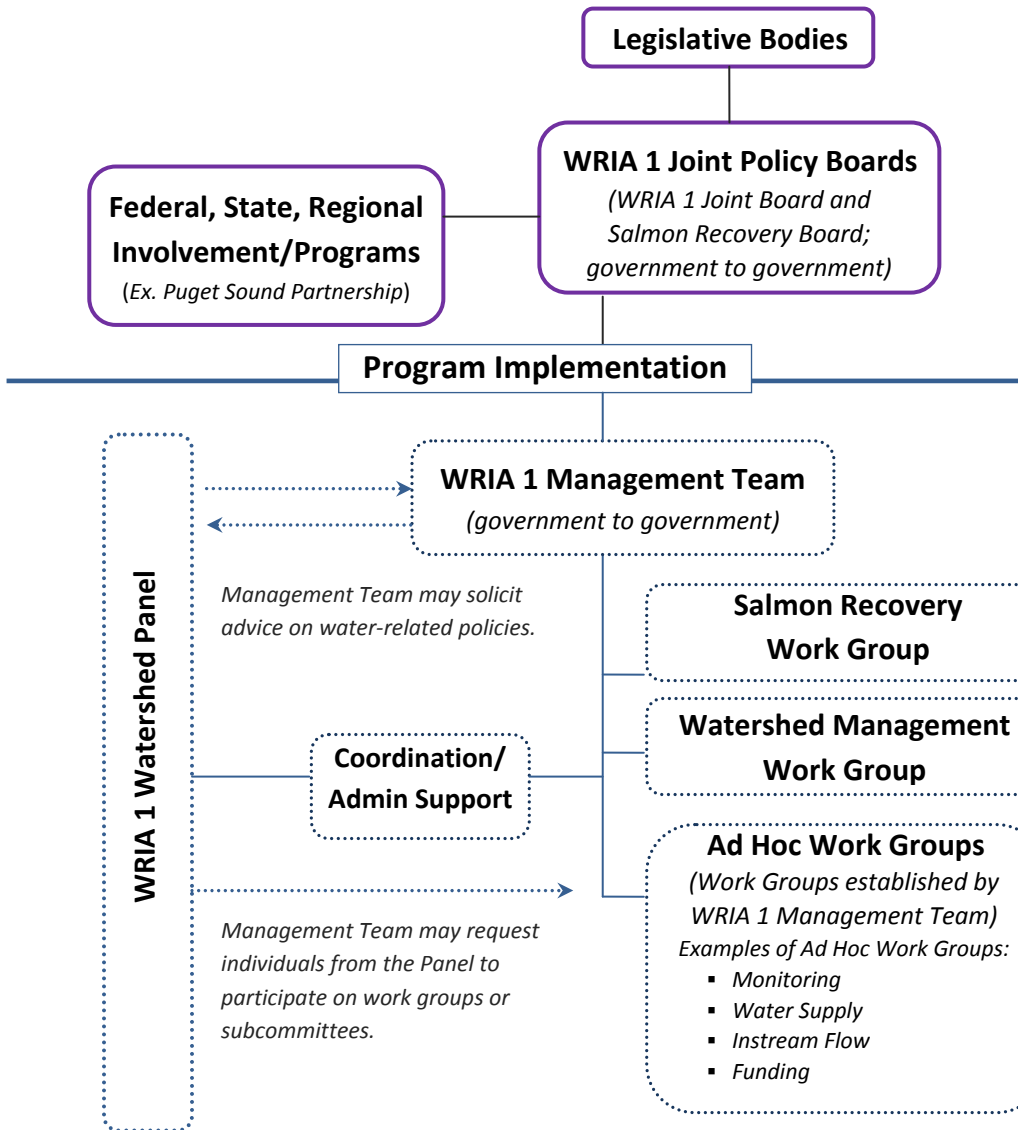
35 the Salmon Recovery Staff Team. Under the status quo, there would be a continued effort to  
36 coordinate information between the WRIA 1 Watershed Management Project and the WRIA 1  
37 Salmon Recovery Program at a staff level when needed for specific tasks.

38 The April 2007 *Governance Structure for Implementing WRIA 1 Programs* also included a Phase 3  
39 organizational structure representing full integration of natural resource based programs and  
40 considers establishing a non-profit organization. This report does not evaluate the feasibility of that  
41 structure because the discussion of a long term governance structure including the formation of a  
42 non-profit organization requires policy-level discussion to identify and/or confirm the vision and  
43 goals for the organization. This type of discussion is an example of a function of the WRIA 1  
44 Management Team as represented in Figure 1 of this document.

45 The remainder of this document provides additional detail associated with advancing to the next  
46 phase of the April 2007 *Governance Structure for Implementing WRIA 1 Programs* including  
47 background on the 2007 document, status of milestones identified for moving the organizational  
48 structures between phases, discussion of the modified Phase 2, 2007 organizational structure as  
49 represented by Figures 1 in this report, and proposed structure and function of the organizational  
50 level in Figure 1.

51

Figure 1. Alternative Option- Program Implementation Organizational Structure



**Structure Overview**

**Legislative Bodies:**

- Councils and Commissions of the WRIA 1 Joint Policy Board

**WRIA 1 Joint Policy Boards:**

- Endorses programs/actions to forward to Legislative Body as applicable
- Provide WRIA 1 programs policy direction
- Meets and discusses watershed and salmon program topics as joint policy boards with decision-making of each policy board retained

**Program Implementation:**

The organizational levels where recommendations are developed for the WRIA 1 Joint Policy Boards' consideration and actions/tasks in the WRIA 1 Watershed Project and Salmon Recovery Program plans are implemented.

- **WRIA 1 Management Team** is composed of MOA policy board management and policy level representatives or their designee. The Management Team engages in contextual discussions providing the framework for program integration and coordination. This team provides direction to the work groups, reviews recommendations on implementation programs, tasks, and actions, solicits input from the Watershed Panel, and makes recommendations to the Policy Board.

- **Work Groups** established by the Management Team are topic and/or program specific to implement actions or form options and recommendations. The Salmon Recovery and Watershed Management Work Groups represent the existing staff teams
- Composition of Work Groups is primarily staff of the entities on the Joint Policy Boards but may include staff of organizations, governments, and/or members of the WRIA 1 Watershed Panel as invited by the WRIA 1 Management Team

**WRIA 1 Watershed Panel:**

- Reviews progress, provides feedback and makes recommendations to the Management Team on implementation actions and priorities.
- Serves as ad hoc policy advisory board to the Management Team as needed on water-related topics.
- Participants may be asked to participate on Work Groups or their Subcommittees
- Composition is interest-based.

The organizational structure shown here is a modification of the Phase 2 structure in the 2007 *Governance Structure for Implementing WRIA 1 Project*, and represents a more feasible structure to implement in the near-term. The benefits of the above structure include:

- Retains the government-to-government structure that is required for tribal participation
- Provides an integrated structure that maximizes efficiency of staff resources in the near term
- Increases opportunities to draw on the experience and knowledge of the WRIA 1 Watershed Panel for project specific actions through participation on work groups and/or subcommittees as well as feedback and recommendations on implementation activities
- Provides a framework that could easily transition to a long-term governance structure as considered and described in the 2005 WRIA 1 Watershed Management Plan and Phase 3 of the 2007 *Governance Structure for Implementing WRIA 1 Projects*

52 **Review Note: The bold text in green shaded areas is an attempt to reflect points, concerns, and**  
53 **comments raised by caucus members attending informal Planning Unit meetings, and submittals**  
54 **from the Non-Government Water System and Land Development Caucuses that identify and**  
55 **describe alternatives and suggest process for moving forward. The insertions from the informal**  
56 **meetings are not a consensus opinion or statement of those in attendance nor are they intended**  
57 **to represent a caucus position. They are a summary of information from the meetings held with**  
58 **non-initiating government caucus members to discuss the proposed implementation structure**  
59 **and receive their thoughts. The written submittals that are attached to the this document are**  
60 **provided by the caucuses as identified on the attachments (i.e., Non-Government Water System**  
61 **and Land Development)**

62

### 63 **Overview of Program Implementation Organizational Structure:**

64 *Figure 1. Alternative Option- Program Implementation Organizational Structure* is a structure that  
65 can be implemented at any time at the direction of the WRIA 1 Joint Policy Board (i.e., WRIA 1 Joint  
66 Board and WRIA 1 Salmon Recovery Board).

67 The structure and function of the levels shown in the organizational structure include:

#### 68 Legislative Bodies –

- 69 ▪ Organizational level reflects the Councils and/or Commissions of the individual jurisdictions  
70 involved in the processes. The WRIA 1 Joint Policy Boards interact with their respective Councils  
71 or Commission.
- 72 ▪ The Councils and Commissions have legislative authority.

#### 73 WRIA 1 Joint Policy Boards –

74 This organizational level reflects policy approval of Phase 1 of the April 2007 *Governance Structure*  
75 *for Implementing WRIA 1 Programs*.

- 76 ▪ The WRIA 1 Joint Policy Boards are the WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board as  
77 described in the Interlocal Agreements for the respective boards. Approval to consolidate the  
78 meetings of the two policy boards was approved in April 2007; the proposed implementation  
79 structure does not affect the composition of the two policy boards.
- 80 ▪ The WRIA 1 Joint Board includes the mayor of the City of Bellingham, executive for Whatcom  
81 County, manager of Public Utility District No. 1, and designated policy representatives of Lummi  
82 Nation and Nooksack Tribe. WRIA 1 Salmon Recovery Board membership includes the mayors of  
83 cities in Whatcom County, the executive for Whatcom County, regional director for WDFW, and  
84 designated policy representatives of the Lummi Nation and Nooksack Tribe.
- 85 ▪ The Joint Policy Boards may decide Ex-Officio membership of other state and/or federal agencies  
86 for inclusion on the Board such as Washington Departments of Ecology and Natural Resources  
87 and U.S. Fish and Wildlife Services. Ex-Officio members would participate in agenda topic  
88 discussions but would not be involved in decision-making processes.

- 89     ▪ The consolidated meeting agendas of the WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board  
90     may include topics for both watershed planning and salmon recovery programs but decisions are  
91     made by the policy members associated with the individual programs according to the existing  
92     Memorandum of Agreements. For the WRIA 1 Joint Board, decisions are by consensus of the  
93     Board members. For the WRIA 1 Salmon Recovery Board decisions are a consensus of the two  
94     caucuses represented by the Board (the Local Government caucus and the Co-Manager caucus).  
95     Ex-Officio members are not part of either decision-making process.
- 96     ▪ Consolidated meetings will occur semi-annually or as needed to provide policy direction to the  
97     WRIA 1 Management Team. Although the consolidated Joint Policy Boards are not the avenue  
98     for public outreach, observers at the Policy Boards’ meetings will be provided an opportunity on  
99     the agenda to address the Boards.

100    **Related Discussion Points from Informal Planning Unit Meetings:**

- 101    ▪ **Initial concern was raised of who the joint policy board is that is referenced in the structure;**  
102    **clarification was provided that the reference is to the existing policy boards for the WRIA 1 Watershed**  
103    **Management Project and the WRIA 1 Salmon Recovery Board. The concern appears to be whether the**  
104    **individuals/entities at the policy level include representatives of the local jurisdictions.**
- 105    ▪ **The Land Development Caucus memo suggests a Policy Board structured similar to the Council of**  
106    **Governments that includes elected officials representing all entities including cities, Tribal, PUD, Water**  
107    **Districts, etc. (attachment A). The Whatcom Council of Governments ([www.wcog.org](http://www.wcog.org)) website lists**  
108    **the membership of the Executive Board and the full council. [Editor’s Note: The WCOG suggestion**  
109    **would require changes to the Memorandum of Agreements for the WRIA 1 programs].**
- 110    ▪ **Members expressed frustration with the limited ability to attend Instream Flow Pilot meetings and the**  
111    **flow of information from those meetings.**
- 112    ▪ **The need was expressed for increased transparency of both the WRIA 1 Watershed Management**  
113    **Project and the Salmon Recovery Program.**

- 114    ▪ This organizational level interacts with federal, state, and regional organizations at a policy-level  
115    and provides policy related direction to staff for purposes of incorporating regional issues into  
116    work plans, programs, etc.

117    Federal, State, Regional Involvement/Programs –

- 118    ▪ Representatives of federal, state, and regional agencies and/or programs interact at the WRIA 1  
119    Joint Policy Board to discuss policies and regulations that affect local program implementation.

120    Program Implementation –

121    Program Implementation is a function involving coordinated interaction and involvement of the  
122    WRIA 1 Management Team, Program and Project Work Groups, and the WRIA 1 Watershed Panel.

123    **Related Discussion Points from Informal Planning Unit Meetings:**

- 124    ▪ **Members attending the informal meetings requested clearer purpose and objectives for transitioning from**  
125    **the Planning Unit structure and process to a proposed implementation structure.**
- 126    ▪ **The adaptive management process described in the March 2000 Scope of Work was referenced as the**  
127    **means by which to move forward.**

- 128 ▪ **The Land Development Caucus and Non-Government Water System memos (Attachment A and B) suggest**  
129 **that the proposed implementation structure does not appear to improve efficiencies in function, and the**  
130 **resource limitations are the same regardless of structure.**  
131 ▪ **The Non-Government Water System memo (Attachment B) suggests the use of criteria to identify and then**  
132 **agree on a governance structure.**  
133 ▪ **Members attending the informal meetings expressed appreciation for tribal participation in the local**  
134 **process. A concern was expressed that while recognizing the importance of tribal participation, the**  
135 **government to government relationship affects the extent to which some local governments are able**  
136 **to participate in the WRIA 1 Watershed Project.**

137 • WRIA 1 Management Team

- 138 - The composition of the WRIA 1 Management Team are management and policy level  
139 individuals or their designees representing the signatories of the WRIA 1 Salmon Recovery  
140 Board and WRIA 1 Joint Board Memorandum of Agreements and reflects the composition of  
141 the WRIA 1 Joint Policy Boards (i.e., WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board).  
142 Membership of the proposed Management Team includes up to two representatives from City  
143 of Bellingham, Whatcom County, Lummi Nation, Nooksack Tribe, Public Utility District No. 1,  
144 Washington Department of Fish and Wildlife, and Small Cities<sup>2</sup>. Ex-Officio governments  
145 represented on the Policy Boards may each have one representative on the Management  
146 Team. In the absence of Ex-Officio membership on the Joint Policy Board, the Management  
147 Team may invite representation from other state, and/or federal governments. A government  
148 to government relationship is retained at the Management Team level consistent with the  
149 existing Memorandum of Agreements and Interlocal Agreements establishing the two policy  
150 boards.
- 151 - The Management Team engages management and policy level individuals or their designees in  
152 contextual discussions providing the framework for integration and coordination. Examples  
153 include integration of flood hazard management and salmon recovery; coordinated program  
154 funding; coordinated implementation of CAO and salmon recovery, coordinated efforts for  
155 Puget Sound Partnership Action Agenda purposes, and instream flow water management  
156 solutions.
- 157 - The Management Team performs the following functions: a) administers the program policies  
158 of the policy boards for the individual programs<sup>3</sup> with associated decisions being made in the

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<sup>2</sup> The WRIA 1 Salmon Recovery Board includes the mayors of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas. For purposes of the Management Team, “Small Cities” is the aggregate of these six municipalities, and two representatives from the aggregated group may participate on the Team.

<sup>3</sup> Although the Joint Policy Board, which is the WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board, discusses all topics for both the Watershed Management Project and the Salmon Recovery Program, the decision-making associated with the programs as outlined in the two Boards’ Memorandum of Agreements is retained. This means that the Management Team will likely be administering policies unique to each of the programs.

159 same manner as described for the Joint Policy Board; b) provides direction to Work Groups, and  
160 prioritizes tasks as necessary; c) makes recommendations on program policies to the WRIA 1  
161 Joint Policy Board; d) meets with the WRIA 1 Watershed Panel to receive feedback on program  
162 policies and implementation activities; and d) other functions as directed by the WRIA 1 Joint  
163 Policy Board.

164 - Meetings of the Management Team are no less than 6 times per year and are open to the  
165 public with a public comment period on each agenda.

166 **Related Discussion Points from Informal Planning Unit Meetings:**

- 167 • **Members expressed appreciation for tribal participation in the local process. A concern was expressed**  
168 **that while recognizing the importance of tribal participation, the government to government**  
169 **relationship may have affected the ability to which some local governments are able to participate in**  
170 **the WRIA 1 Watershed Project.**
- 171 • **There were differing opinions expressed regarding the need and/or desire to integrate and coordinate**  
172 **implementation of the WRIA 1 Watershed Management Plan and the WRIA 1 Salmon Recovery Plan.**  
173 **Some felt that while it was important to know what each group was doing in general, the**  
174 **implementation of each of the plans should remain separate with separate structures/processes.**  
175 **(Non-Government Water System and Land Development Caucuses’ memos attached)**
- 176 • **Some members attending felt that it is important to start integrating the watershed management and**  
177 **salmon recovery programs, and to extend even beyond those two programs to include other programs**  
178 **associated with natural resources. Better integration could provide more creative ways to address**  
179 **water supply, land use, development credits and mitigation.**
- 180 • **The informal meeting conversations about implementation structure included significant concerns**  
181 **over the instream flow negotiation process and the point at which purveyors, water right holders, and**  
182 **other interests that may be affected will be engaged in the discussions.**
- 183 • **Members have expressed the need for greater transparency and opportunity for public and caucus**  
184 **member input at meetings including the current Planning Unit meeting structure.**

185

186 • **Work Groups**

187 - Work Groups are established for topic or program specific purposes. The Salmon Recovery and  
188 Watershed Management Work Groups are standing Work Groups that represent the existing  
189 WRIA 1 Salmon Recovery Staff Team and the WRIA 1 Watershed Project Staff Team.

190 - The compositions of the Ad Hoc Work Groups vary depending on the Work Group’s purpose. In  
191 most cases, it is expected that it will be primarily staff of the entities on the Joint Policy Board<sup>s</sup> |  
192 but may include staff of organizations, governments, and/or members of the WRIA 1  
193 Watershed Panel. A liaison from each Ad Hoc Work Group, Salmon Recovery Work Group, and  
194 Watershed Management Work Group are identified for purposes of attending and reporting to  
195 the Management Team.

196 - Ad Hoc Work Groups are created when the Management Team identifies a need. Examples of  
197 Ad Hoc Work Groups include monitoring, funding, instream flow, and water supply.  
198 Composition of the Ad Hoc Work Group is recommended to the Management Team by the  
199 existing Work Group liaisons and Coordination/Admin Staff. For example, the Management

200 Team identifies the need for a work group to identify funding options to support a  
201 comprehensive monitoring program. The Coordination/Admin Staff and the liaisons from the  
202 standing Work Groups identify organizational staff, WRIA 1 Watershed Panel members, and/or  
203 other community members that may have an interest and knowledge of the topic, and provide  
204 the recommended list to the Management Team.

- 205 - The Work Groups may form subcommittees, and may request participation of members of  
206 the WRIA 1 Watershed Panel or other representation on subcommittees. Creation of Work  
207 Group subcommittees and their composition do not require Management Team approval.
- 208 - Work Group meeting schedules vary and are established by the Work Group members. The  
209 Work Group will designate a liaison that will attend Management Team meetings. Liaisons  
210 also attend the WRIA 1 Watershed Panel quarterly meetings.

211 **Related Discussion Points from Informal Planning Unit Meetings:**

- 212 ▪ **Concerns were expressed regarding completing the water quantity component of the watershed plan,**  
213 **which was originally to be addressed as part of process for recommending instream flows.**
- 214 ▪ **It was noted that the Work Group involvement appears similar to the Planning Unit’s previous**  
215 **involvement on Technical Teams.**
- 216 ▪ **The Land Development Caucus has presented an alternative structure (attachment A) that includes**  
217 **caucuses creating task groups as needed to report back to the caucuses for discussion of items the task**  
218 **group worked on for eventual presentation to the Policy Board.**

219 • Coordination/Admin Staff and Other Staff Support

- 220 - Coordination/Admin Staff support is needed for coordinating between and among the  
221 organizational levels including working with standing Work Group liaisons to implement  
222 direction of the Management Team
- 223 - Other staff support from within the entities represented in the organizational structure will  
224 be required to implement plan actions and other tasks that may be identified by the  
225 Management Team.

226 - WRIA 1 Watershed Panel –

- 227 ▪ The Watershed Panel reviews progress on implementation activities, provides feedback and  
228 makes recommendations to the WRIA 1 Management Team on implementation actions and  
229 priorities. The Watershed Panel participates in reviewing annual or bi-annual monitoring  
230 results for purposes of making recommendations for adaptive management to the WRIA 1  
231 Watershed Management Plan and Instream Flow Action Plan, and providing feedback and  
232 making recommendations on priority actions for implementation. The outcomes of the  
233 Watershed Panel review form the basis of an annual or bi-annual state of the watershed  
234 report.
- 235 ▪ The Watershed Panel may serve as a policy advisory panel to the Management Team to  
236 provide input and recommendations on program policies on an as needed basis.
- 237 ▪ Composition of the Watershed Panel includes a broad-spectrum of community interests.  
238 While the Watershed Panel is not a caucus structure, the intent is to populate the Panel to

239 the extent possible with individuals and representatives from special purpose districts,  
240 community organizations, and professional organizations that are able to represent the  
241 perspectives of their interest. Participation on the Watershed Panel will be by invitation of  
242 the WRIA 1 Joint Policy Boards, and members will sign a Charter as part of their participation.

- 243 ▪ The Management Team may request Watershed Panel members' participation on Work  
244 Groups. Work Groups may request Panel members' participation on subcommittees.
- 245 ▪ The Watershed Panel will have a quarterly meeting schedule.

246 **Related Discussion Points from Informal Planning Unit Meetings:**

- 247 ▪ **Further clarification of how an individual will be able to represent an interest outside of a caucus**  
248 **structure is needed.**
- 249 ▪ **A number of comments involved the process by which the joint policy boards will invite individuals to**  
250 **participate on the watershed panel. One comment had been received that only local government**  
251 **representatives on the policy boards should be involved in selecting members (e.g., cities and county).**  
252 **The majority members did not support the policy board selecting members.**
- 253 ▪ **An over-riding concern expressed has been associated with how the instream flow discussions and**  
254 **completion of the flow recommendations will occur under an implementation structure. Currently,**  
255 **the Planning Unit has a process for and a role in approving recommended instream flows (ISF Action**  
256 **Plan). At the same time, some members have indicated that they are unable to represent their caucus**  
257 **on topics such as water rights.**
- 258 ▪ **Transitioning to the Watershed Panel, which is proposed as individuals rather than caucuses, does not**  
259 **provide for completion of the ISF process, and associated with that process, addressing water supply**  
260 **strategies.**
- 261 ▪ **Members at the informal meetings expressed the need for a process that has improved**  
262 **communication associated with Watershed Management Plan and Detailed Implementation Plan**  
263 **tasks.**
- 264 ▪ **A suggestion made at the informal meetings is to consider representation that is on a drainage or**  
265 **watershed based.**
- 266 ▪ **The Non-Government Water System Caucus memo (Attachment B) outlines an alternative Planning**  
267 **Unit structure that is a hybrid of the proposed Watershed Panel and the current Planning Unit.**

268 **Background:**

269 The *Governance Structure for Implementing WRIA 1 Programs* (Integration Report) is a report  
270 describing three phases to an integrated and comprehensive governance approach for  
271 implementing WRIA 1 programs. Identified milestones mark progression from one phase to the  
272 next. The WRIA 1 Staff Team in collaboration with participants of the WRIA 1 Salmon Recovery  
273 Program prepared the 2007 Integration Report at the direction of the WRIA 1 Joint Board. At the  
274 April 2007 Joint Board meeting Phase 1 of the *Governance Structure for Implementing WRIA 1*  
275 *Programs* was approved with support by attending WRIA 1 Salmon Recovery Board members.  
276 Phase 1 consolidates meetings of the WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board, while  
277 retaining decision-making processes of each of the Boards for their respective approval items.  
278 Phase 2 and 3 were not approved by the Board; Staff was directed to examine the feasibility of  
279 implementing Phases 2 and 3 as described.

280 The Integration Report is also an appendix to the July 2007 WRIA 1 Detailed Implementation Plan  
281 (DIP). The WRIA 1 Planning Unit review of the DIP included Planning Unit members commenting on  
282 the Integration Report. Comments received were associated with Phases 2 and 3 of the  
283 implementation Report, and concerns associated with those phases registered.

284 **Purpose of Review:**

285 The purpose of this review is to assess the feasibility of Phases 2 and 3 of the Integration Report in  
286 preparation for advancing to the next phase of implementation, and based on the review make  
287 recommendations to the WRIA 1 Joint Board in the context of adaptive management. It is not the  
288 purpose of this report to review all of the details of the Integration Report, which is available as  
289 Appendix A of the *WRIA 1 Detailed Implementation Plan* (<http://wria1project.whatcomcounty.org>).

290 **Status of Progression Milestones:**

291 The 2007 Integration Report identifies watershed planning<sup>4</sup> milestones that mark progression of the  
292 organizational structure from one phase to the next. The milestones marking progression from  
293 Phase 1 to Phase 2 are completed or nearing completion. Those milestones include: 1) Whatcom  
294 County completing the Comprehensive Water Resource Integration Project (CWIRP); 2) acceptance  
295 of the Utah State University (USU) WRIA 1 Decision Support System (DSS) and underlying models;  
296 and 3) completion of the technology transfer associated with the USU models.

297 Whatcom County Public Works completed and made operational the CWIRP in 2008. The CWIRP is  
298 a tool to understand the public benefit of Whatcom County water-related projects and programs for  
299 purposes of informing their budgets and work plans. The process led to a reorganization of staff, a

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<sup>4</sup> There are not identified milestones associated with the WRIA 1 Salmon Recovery Program. The watershed planning process had tasks that were in process as the WRIA 1 Watershed Management Plan (WMP) was developed and subsequently approved. Those tasks that were in process that extended past the plan approval became the milestones identified in the 2007 Integration Report

300 level of service review, and new revenue. Although there are differing perspectives among WRIA 1  
301 participants on the usefulness in terms of the WRIA 1 Watershed Management Project process and  
302 plans, the outcome of the tool is that actions and tasks from the WRIA 1 Watershed Management  
303 Plan and DIP are being considered in Whatcom County program budgets and staff work plans.

304 The next two milestones are acceptance of the DSS and underlying models, and the technology  
305 transfer for implementing and administering the system. USU delivered a preliminary review  
306 version of the DSS via an ftp site to the WRIA 1 Contract Administrator in winter 2009. An initial  
307 install and internal review of presence and functions of the model components is in process.  
308 Outcomes of the review will inform drafting of options for utilizing the DSS and underlying models,  
309 and any modifications or adjustments to the models necessary to implement the preferred  
310 alternative. The technology transfer is directly linked to the preliminary DSS review outcomes, and  
311 will be considered as part of that review.

312 Progress is also being made on the milestones identified for moving from Phase 2 to Phase 3. These  
313 milestones include adoption of instream flows negotiated under the WRIA 1 Instream Flow Selection  
314 and Adoption Action Plan (ISF Action Plan), and completion of the second phase of the WRIA 1  
315 Watershed Management Plan. Although the specific details of geographic scale, scope, and status  
316 of water management programs covered through the pilot negotiation process is not currently  
317 available because of the confidentiality agreements, appearances are that the outcomes of the  
318 negotiations will result in modifications or updates to the ISF Action Plan and WRIA 1 WMP.

319 The 2007 Integration Report states that while achieving identified milestones advance progression  
320 from one phase to the next, the actual progression is not a discrete event and may progress  
321 incrementally as decisions are made and actions taken by individual organizations and entities.  
322 Because of circumstances associated with the watershed planning milestones and status of  
323 implementation actions within the *WRIA 1 Salmonid Recovery Plan* that involve coordination, it may  
324 be the appropriate time to consider advancing the organizational structure of the WRIA 1 programs  
325 to the next phase.

326 **Considerations for Advancing the Governance Structure for Plan Implementation:**

327 There are a number of factors to consider in advancing the governance structure for implementing  
328 WRIA 1 programs. The factors are not listed in any particular order, and are not intended to imply  
329 prioritization.

330 Milestones for Advancement- The milestones outlined in the Integration Report for advancing the  
331 governance structure from one phase to the next are nearing completion. The unique  
332 circumstances surrounding each of the milestones have influenced the pace at which the milestones  
333 progressed and potentially their outcomes. This means that the proposed transition from one phase  
334 to the next will not occur in discrete events using the identified milestones.

335 Phase 2 and Phase 3 Organizational Structures<sup>5</sup> –Advancing the organizational structures as  
336 proposed in Phase 2 and Phase 3 of the Integration Report should be considered in the context of  
337 the milestones’ status and potential outcomes, any incremental progress that has been made  
338 toward program integration, and status of WRIA 1 Watershed Management Project from plan  
339 development to plan implementation. The Integration Report outlines progression from Phase 1 to  
340 Phase 2 as staff level integration of the WRIA 1 Watershed Management Project with the WRIA 1  
341 Salmon Recovery Program, and progression from Phase 2 to Phase 3 as a fully integrated structure.  
342 The fully integrated structure is proposed as having a dedicated Natural Resource Program  
343 Coordination Team, possibly supported under a 501(c)(3) structure, and a broadened Policy Board  
344 that invites participation of federal and state legislative representatives<sup>6</sup>. Since the Integration  
345 Report was published changes were made in October 2007 to the WRIA 1 Salmon Recovery Program  
346 organizational structure. The Salmon Recovery Technical Work Group transitioned to a Salmon  
347 Recovery Staff Team that includes representation of Whatcom Conservation District, Whatcom Land  
348 Trust, and Nooksack Salmon Enhancement Association. In addition to that structural change in the  
349 Salmon Recovery Program, in both programs efforts to coordinate at a staff level on program  
350 elements and actions have increased.

351 WRIA 1 Watershed Management Project Implementation – The WRIA 1 Watershed Management  
352 Project organizational structure was created when the Initiating Governments in Whatcom County  
353 entered into a Memorandum of Agreement to develop a watershed management plan under RCW  
354 90.82 (Washington State Watershed Planning Act). The Initiating Governments invited governments  
355 and other water interests to participate in the process through a caucus-based structure consistent  
356 with RCW 90.82, which is the WRIA 1 Planning Unit (Planning Unit). Several documents describing  
357 the organizational structure of the WRIA 1 Watershed Management Project including the Planning  
358 Unit are posted at <http://wria1project.whatcomcounty.org>. The WRIA 1 Planning Unit played a key  
359 role in defining and developing elements of the first three planning phases leading to the June 2005  
360 approval of the WRIA 1 Watershed Management Plan (WMP) and subsequently, July 2007 approval  
361 of the WRIA 1 Detailed Implementation Plan (DIP). Planning Unit members have raised questions  
362 regarding their role in WMP implementation, and have requested clarification. As part of their  
363 approval of the 2007 DIP, Planning Unit members had submitted comments on Phases 2 and 3 of  
364 the 2007 Integration Report. Attachment C of this document includes a summary of the comments  
365 received. Appendix C of the DIP includes the comments as presented by the caucuses in July 2007.

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<sup>5</sup> Phase 1 is a consolidation of the WRIA 1 Joint Board and WRIA 1 Salmon Recovery Board policy meetings, and was approved by the WRIA 1 Joint Board in April 2007. The WRIA 1 Salmon Recovery Board members present at the WRIA 1 Joint Board meeting supported the consolidation. While there may be a need to further define the operational elements of a consolidated policy board, the policy board consolidation outlined in Phase 1 of the *Governance Structure for Implementing WRIA 1 Programs* has been approved.

<sup>6</sup> The complete description of the organizational details for all phases can be reviewed in the *Governance Structure for Implementing WRIA 1 Programs*, Appendix A of the *WRIA 1 Detailed Implementation Plan*, July 2007 (<http://wria1project.whatcomcounty.org>)

366 Advancing the organizational structure for the Watershed Management Project will require defining  
367 and establishing stakeholder involvement for plan implementation.

368 WRIA 1 Salmon Recovery Program Implementation – The current organizational structure for  
369 salmon recovery includes the WRIA 1 Salmon Recovery Board (SRB), SRB Steering Committee, and  
370 the Salmon Recovery Staff Team. Although a combined community and technical team convenes to  
371 review and score project proposals submitted for Salmon Recovery Funding Board grants, there is  
372 not an ongoing community advisory group associated with the Salmon Recovery Program. Changes  
373 to the organizational structure for the Salmon Recovery Program will advance implementation of  
374 the key plan actions that involve coordination and integration with other entities and departments,  
375 and will provide opportunities for obtaining community feedback and involvement in salmon  
376 recovery through an advisory stakeholder group established under Figure 1 of this document.

377 Government-to-Government Relationship – The organizational structure established for the plan  
378 development phases of the WRIA 1 Watershed Management Project incorporated a government-to-  
379 government relationship critical for tribal participation. The organizational structures of the three  
380 phases outlined in the 2007 Integration Report retain a government-to-government relationship.  
381 The modifications to the 2007 structure represented by Figure 1 also retain that relationship.

382 Stakeholder Involvement – Advancing to the next phase of an organizational structure involves  
383 defining and establishing a stakeholder group of diverse interests for program and plan  
384 implementation. This group replaces the WRIA 1 Planning Unit, which was established under SB  
385 2514 by the Initiating Governments to participate in the planning process and to develop and  
386 approve the WMP. The WRIA 1 Planning Unit is a caucus-based structure composed of individuals  
387 that have a high degree of knowledge and understanding of the water resource topics in Whatcom  
388 County. An implementation structure that includes a stakeholder group and that continues to draw  
389 on experiences and knowledge of individuals with diverse interests is of significant value during  
390 implementation of both the WRIA 1 WMP and the WRIA 1 Salmon Recovery Plan. Figure 1 includes  
391 a stakeholder panel that will continue to provide that opportunity.

### 392 **Recommendations for Proceeding with an Integrated Structure**

393 Based on review of program implementation, status of milestones, and comments submitted by  
394 caucuses in 2007 with approval of the DIP, modifications have been made to the proposed Phase 2  
395 structure in the 2007 Integration Report. The modified version of the Phase 2 structure is  
396 represented in Figure 1. It is recommended that consideration of a fully integrated organizational  
397 structure as envisioned in Phase 3 of the 2007 Integration Report not be pursued at this time, and  
398 that it be revisited at a future date if it is determined that the structure proposed in Figure 1 of this  
399 document is not addressing the integration and coordination needs of the WRIA 1 programs. A  
400 governance structure that extends beyond that represented in Figure 1 and that involves  
401 establishing a non-profit organization as outlined in the 2007 Integration Report will need to involve  
402 a discussion by management and/or policy-level representatives of the governments on the policy  
403 boards to develop the vision, goals, and objectives for that structure.

404

405

406

**ATTACHMENT A –**

**Land Development Caucus Memo for WRIA 1 Flow Diagram**



*“The Voice of the Construction Industry in Whatcom County”*

*BUILDING INDUSTRY ASSOCIATION OF WHATCOM COUNTY*

*1650 Baker Creek Place Bellingham, WA 98226*

409

410

411

412 To:

413 Re: WRIA Land Development Caucus

414 Greeting:

415

416 Our Caucus members reviewed the WORKING DRAFT Governance Structure for  
417 Implementing WRIA 1 Programs today. Our discussion centered on the following concerns:

418

419 1) The need for an Executive Summary (preferably 10 pages or less) of the ----- that is manageable  
420 and understandable for those interested in participating.

421

422 2) The need for a clear and concise mission statement that sets out the goal of this stage of the  
423 WRIA 1 program.

424

425 3) The apparent lack of funding for clerical or staff support to facilitate communication,  
426 information, meeting schedules, meeting minutes, etc .

427

428 4) Lacking a clear mission statement, the complexity of the flow chart provided in the WORKING  
429 DRAFT appears to be overly cumbersome.

430

431 5) What appears to be a cart-before-the-horse approach by trying to construct an implantation  
432 methodology (and flow chart) in absence of the concerns stated above.

433

434 6) Our caucus absolutely agrees that the Caucus System established for the WRIA 1 program remain  
435 as an integral and respected component of the process.

436

437 **Structure**

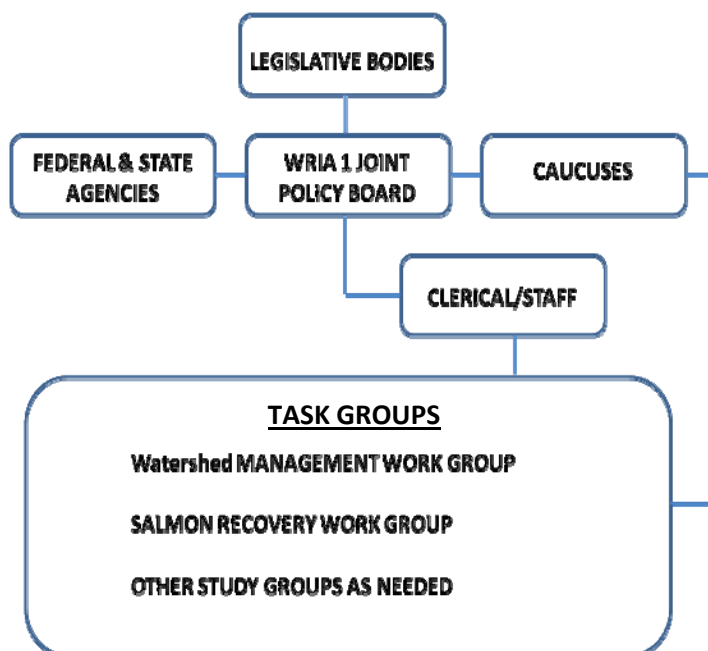
438

439 It appears to our caucus that the structure of the program should be dictated by the mission  
440 and goal statements. The Whatcom County Council of Governments governance structure was  
441 suggested as a model to consider.

442

443 At this stage, again with the apparent lack of clerical and/or staff support, it appears that  
444 the duties and tasks of the Joint Policy Board, Management Team, Watershed Panel, and other  
445 participants sets up an unnecessarily redundant work flow. That many layers of participation also  
446 made it extraordinarily difficult to keep track of the process for decision makers, will likely generate  
447 reams of reports, and make it nearly impossible for the process to remain transparent and  
448 understandable to the public, let alone to the Policy Board charged with sorting it all out.

449 We suggest something more like the following, especially given the scarce resources  
450 available, could make a better start with the possibility at any time to add specific study or task  
451 groups as needed:  
452



453  
454  
455

**POLICY BOARD**  
Similar to COG, elected officials representing all entities including cities, Tribal, PUD's, Water Districts, etc.

**FEDERAL & STATE AGENCIES**  
Those agencies who have required approval status advise at this level to be sure products sent have been vetted prior to submission to legislative bodies for adoption.

**CAUCUSES**  
Caucuses are tasked by the Policy Board and may create TASK GROUPS as needed to report to them for discussion and eventual presentation to the Policy Board.

456 Unless and until the mission statement and goals are clear and approved by the Caucuses,  
457 creation of multiple work groups, management teams, and other necessary focus groups can be  
458 called at the request of the Caucuses to discuss issues presented to them by the Policy board.

459 This keeps the work product of the entire program in one location, the Policy Board, with  
460 the input and task management in the hands of the Caucuses. With proper minutes and records  
461 maintained, it also provides the public and other observers with a clear and easily discoverable track  
462 on the program.

463

464

465

466

**ATTACHMENT B –  
NGWS Caucus Memo for WRIA 1 Governance Structure**

467

468 Memo to Watershed Management Planning participants:

469 From: Skip Richards, Non-Government Water Systems caucus representative

470 Date: June 15 2009

471 Re: considerations regarding integration of Watershed Plan/Salmon Recovery governance structure  
472 and function

473

474 Part 1.0: Criteria for evaluating proposals for Salmon Recovery/Watershed Plan integrated  
475 governance structure and function

476 1.1 Why bother?

477 How the process of identifying, agreeing to, and employing criteria for selecting a governance  
478 structure operated during the development of the 2005 Watershed Management Plan: First, every  
479 participant who wished to do so put criteria on the table. Any criteria that appear to duplicate or  
480 overlap with others were consolidated by agreement of the participants. Conflicts between criteria  
481 were identified and solutions to the conflicts were scoped. The scoping discussion itself can  
482 generate meta-criteria, using the same process. Conflicts that cannot be resolved during the criteria  
483 development process and the reasons therefore were carefully described to the satisfaction of the  
484 conflicting parties and other participants, and the process moved forward to the governance  
485 proposal development phase. With respect to long-term integrated governance structure and  
486 function, that was where the process stopped prior to the adoption of the 2005 WMP.

487 Why first try to agree on a list of criteria for evaluating governance proposals? One, because the  
488 PU/JB/ST used that process successfully in the development of the 2005 WMP. Two, because it  
489 establishes sideboards to guide the discussion, which in turn reduces the odds that somebody raises  
490 a new criterion at the last minute that drives the whole discussion into a ditch. Third, typically most  
491 everyone finds agreement on most of the criteria right away, which permits the participants to  
492 efficiently focus the bulk of their time on attempting to resolve the conflicts. Fourth: the criteria  
493 development process fosters the kind of flexible and creative thinking necessary during the proposal  
494 development phase. During the criteria conflict resolution step the issues around which the goal (in  
495 this case, integrated governance structure and function) revolves inescapably come to the fore, but  
496 in a context that does not require any participant to take an irrevocable stand on the content of any  
497 proposal. If the goal is to maintain a flexible approach that seeks ways to accommodate the highest  
498 priority needs of all interests at the table at least cost to the whole, the criteria development  
499 process provides a useful tool to help achieve the flexibility and creativity needed for the next  
500 phase.

501

502 1.2 List of criteria, by source:

503 So far the Watershed Management Planning participants have seen an anonymous Working Draft  
504 governance proposal; said document included what are in effect general criteria for evaluating  
505 governance proposals. In addition, Peter Gill has set forth additional criteria in his email memo. In  
506 this section of my memo I will attempt to list all of the criteria, and propose a few others, all without  
507 commentary. Each is numbered for reference purposes only; there is no intent to establish a  
508 priority ranking.

509 From the anonymous Working Draft proposal, Page 1:

510 The "... reasons for advancing program implementation to the next phase at this time are:

511 1. Maximize available resources and improve efficiencies by eliminating unnecessary or duplicative  
512 administrative and other process and structure. (This criterion statement is amalgamated from  
513 points made both in the anonymous Working Draft proposal and Peter Gill's memo).

514 2. Increase opportunities for stakeholder involvement directly in program implementation.

515 3. Advance implementation of actions in the WRIA 1 Watershed Management Plan (WMP) and  
516 WRIA 1 Salmon Recovery Plan (SRP) that address coordination and integration between programs.

517 From the list of benefits provided in the anonymous Working Draft proposal, text box on Page 3:

518 4. Retains the government-to-government structure that is required for tribal participation.

519 5. Provides an integrated structure that maximizes efficiency of staff resources in the near term  
520 (kinda sorta like Criterion #1?).

521 6. Increases opportunities to draw on the experience and knowledge of the WRIA 1 Watershed  
522 Panel for project specific actions through participation on work groups and/or subcommittees as  
523 well as feedback and recommendations on implementation activities.

524

525 7. Provides a framework that could easily transition to a long-term governance structure as  
526 considered and described in the 2005 WRIA 1 Watershed Management Plan and Phase 3 of the 2007  
527 Governance Structure for Implementing WRIA 1 Projects.

528 From Peter Gill's memo, where I have taken liberties to re-write from question format to criterion  
529 format:

530 8. Must be acceptable to both Joint Boards (Salmon Recovery and Watershed Planning).

- 531 9. Citizen input structure should be clearly defined and should provide for as broad a range of  
532 relevant public participation as possible without undue administrative burden.
- 533 10. Scope of responsibilities (examples: plan, program, and project review) of citizen stakeholders  
534 should be clearly defined and delimited.
- 535 11. Any type of group representation should have a mechanism to ensure that the group  
536 adequately represents those whom it claims to represent or, in the case of the existing PU caucuses,  
537 has been made responsible for representing (in the case of the existing caucuses).
- 538 12. Maintain the integrity of the current Planning Unit structure and function until a transition is  
539 completed.
- 540 13. Most logical transition point to establish a new governance structure: at the conclusion of the  
541 current ISF negotiations.
- 542 From the informal PU discussions:
- 543 14. Any governance structure should not impede, and preferably should facilitate, securing of  
544 grants and other funding sources for the various elements of the Salmon Recovery Plan and  
545 Watershed Plan.
- 546 A few offered by the NGWS caucus as conveyed by yours truly:
- 547 15. Maintaining the integrity and credibility of the 2005 WMP in each and every detail, including the  
548 process we established in the Plan (General Scope of Work Section 2.7) to amend the Plan as  
549 needed.
- 550 16. Fairness to those affected by the decisions of the group.
- 551 17. Transparency of process so that everyone can see what issues the group addressed and how it  
552 addressed them.
- 553 18. Accountability for results: provide a means to ensure that the Plan(s) are followed through in  
554 detail or modified as needed according to the process agreed upon as set forth in the March 2000  
555 Scope of Work.
- 556 19. Maintain the deepest and widest possible extent of stakeholder buy-in throughout the process.
- 557 20. Control liability exposure of participants in the implementation process, since presumably the  
558 blanket immunity from liability provided by RCW 90.82 for planning participation does not apply to  
559 implementation. At the very least that issue should be clarified by legal staff at Ecology.
- 560 Part 2. NGWS Caucus comments on the criteria and their application to developing a governance  
561 structure and function:

562 Criterion 1: Why, at this point, do we need a professional facilitator? While both Rob and Mary did  
563 and are doing great work, and I would prefer to see them continue, if we can't afford them, I am  
564 comfortable with having Jon Hutchings and/or Peter Gill run the meetings. Sure, somebody from  
565 the County has to be there to represent their position, but I'm comfortable with one or the other of  
566 them, or both, wearing two hats. Or, we could elect a chair from the participants at large (or,  
567 preferably, at least two co-chairs, in the event of unavoidable absence of one, or cases in which the  
568 duties of chair conflict with duty to represent the interests of a caucus), although I suggest the  
569 eligibility be limited to caucus reps, thus excluding interests, unless the person representing a  
570 particular interest has at least several years of hands-on experience with the WMP process.

571 Criteria 1, 2 and 20: If the Staff Team or whomever has concerns about the efficiency and resource  
572 commitment involved in accommodating stakeholder participation at the planning level, how do  
573 they propose to address those concerns with stakeholder involvement at the project  
574 implementation level? Aren't the challenges of similar magnitude? And there are new ones for  
575 implementation. For instance, the added burden of potential liability should be considered – RCW  
576 90.82 provides blanket immunity for stakeholders at the planning level, but somebody better do  
577 some legal research to make sure immunity doesn't stop at the implementation level.

578 Criterion 3: While integration of the WMP and SRP efforts would be the best outcome, the two  
579 have already walked down diverging pathways for some time, and it would be unwise to force either  
580 process to compromise what each of its participants finds of greatest value just for the sake of  
581 efficiency, as important as that goal is.

582 Criterion 7. First, for the record, neither of the long-term governance structures were approved by  
583 the Watershed Management Plan participants – they were just suggestions. That is where the  
584 process ran aground and was left unfinished during the 2005 WMP process, and it was never settled  
585 during the 2007 DIP process. Maybe an attempt to settle it then would have led to the impasse we  
586 appear to be in now, but better then than now, four years later.

587 Second, that proposed structure appears to lie at the heart of the controversy, so if the Staff  
588 Team/Joint Board are insistent that that's where this process is going, then we should know that  
589 now and deal with it up front.

590 Third, as I asked during the May 27 meeting, how are other WRIAs handling this issue? Are we  
591 trying to reinvent the wheel? Are there other solutions out there to the governance/funding issue  
592 that we could use?

593 Finally, again I must take issue with County's position that it has no funds available for the WMP  
594 implementation outside of what might be allocated from the Salmon Recovery funding sources. If  
595 so, it is because the County chose to fund other projects. The problem I continue to have with that  
596 whole CWRIP thing is that the County agreed to the WMP jointly with many other parties,  
597 government and non-government, and that commitment should pre-empt other obligations,  
598 because it is a joint agreement, rather than something solely within the County's purview. That said,

599 I continue to suggest that the County should not be expected to bear the entire local portion of the  
600 funding burden and one of the topics of discussion should be what other mechanisms for funding  
601 there might be.

602

603 Criteria 9, 10, 11, 12 & 19:

604 I propose that consideration be given to a hybrid structure, in which the existing caucuses would be  
605 permitted to continue and function side by side with interests. The participation of both types of  
606 entities would be based on general criteria, not invitation by the Joint Board -- a recipe for disaster  
607 that is totally unacceptable to the NGWS caucus, because hand-picked participants tends to produce  
608 pre-determined outcomes.

609 The criteria for continued caucus participation should include: a re-statement of their Issues and  
610 Interests; identification of their representative and alternates; their structure and method of  
611 decision making; identification of their membership, and verification they have notified said  
612 membership within a give time frame of their intent to continue, which notice should contain a clear  
613 solicitation of member input. (By the way, by 'membership' in most cases I don't mean individuals  
614 but organizations. For instance, the Land Development caucus, as I understand it, is made up of  
615 such organizations as the Sand & Gravel Association, Associated General Contractors, Whatcom  
616 Realtors, and BIA, and perhaps others – it would be inappropriate to ask each organization that is a  
617 member of a caucus to disclose its individual members. In the case of private well owners, however,  
618 the actual individuals might have to be named.)

619 In addition to whichever caucuses meet the criteria, "interests" could also be included, so long as  
620 they also meet certain criteria. While caucuses would be constant participants, in many cases  
621 interest participation might be transitory. Example, the Lake Whatcom Water and Sewer District  
622 (LWWSD): I see no harm in permitting the Water District caucus representative to sit at the table at  
623 the same time that someone from LWWSD sits at the table – in that case the WD caucus  
624 representation would default to representing all the other WDs, while LWWSD would be  
625 representing itself because it has a particular interest in the discussion of Lake Whatcom. As the  
626 focus shifted from Lake Whatcom to, say, Drayton Harbor, the LWWSD representative might see no  
627 reason to continue to participate as an individual interest, thus would fold back into the WD caucus.

628 The criteria for an interest might include the following: a statement of its Issues and Interests;  
629 identification of the party or parties involved; identification of their representative and alternates, if  
630 any; if an organization, their structure and method of decision making with respect to the WMP  
631 process; identification of their geographic scope, where relevant, and verification that they have  
632 notified all of their listed participants within a give time frame of their intent to participate, which  
633 notice should contain a clear solicitation of participant input. Maybe a 'water literacy test' would  
634 also be appropriate. 😊

635 For decision-making, consensus should remain as the goal, with all government entities having veto,  
636 but we certainly should retain the provisions of the Process agreement that any objection to a  
637 proposal be announced in advance and alternatives suggested by the objector, which alternative  
638 should meet any criteria for evaluation of the original proposal that have been previously accepted  
639 by the group.

640 In the alternative, a smaller group, consisting of all governments, could form the decision-making  
641 body, and the non-government citizen stakeholders could meet separately; if the County would  
642 agree to take the same position that the majority of the citizens' group takes on each issue when it  
643 sits before the government body.

644

645 Criteria 10 & 12: The stakeholders' scope of responsibility should include all those elements that fall  
646 under the March 2000 General Scope of Work, or any other element of the 2005 WMP; plus, if the  
647 two processes are integrated, then also all those programs/projects set forth in the Salmon  
648 Recovery Plan.

649

650

651 **ATTACHMENT C –**

652 **Summary of WRIA 1 Planning Unit Caucus Comments on 2007 Integration Report**

653 Concerns/comments received from WRIA 1 Planning Unit members with regard to the *Governance*  
654 *Structure for Implementing WRIA 1 Programs* in June 2007 as part of the WRIA 1 Detailed  
655 Implementation Plan approval process are summarized below. The complete set of comments is  
656 included as Appendix C in the July 2007, *WRIA 1 Detailed Implementation Plan*.

- 657 • Water District Caucus – There was not consensus on a single management entity with dedicated  
658 funding source approach for long-term water resource management when the Planning Unit  
659 discussed governance in 2005.
- 660 • NGWS Caucus –The structure as envisioned in Phase 3 will require the same kind of structure and  
661 function as the Planning Unit if the NGWS is to support an integration of the two programs. The  
662 central issue to integration of the two programs is the stakeholder input process and whether it is  
663 similar to the Planning Unit as a decision making process as opposed to an advisory process that  
664 was used for the Salmon Recovery Plan.
- 665 • Private Well Owners Caucus – The Governance Structure document does not indicate how private  
666 well owners will be heard.
- 667 • Land Development Caucus – The governance structure as proposed is not supported. Phase 3 in  
668 particular is too vague, and there are too many hidden policy considerations in the structures.  
669 There is opposition to a 501(c)3 formation as suggested in Phase 3. A structure that merges  
670 salmon recovery with watershed planning raises concerns about funding for salmon recovery  
671 being placed in jeopardy because the funds are for a specific purpose. The Planning Unit would  
672 need to stay in place as it is structured with the same rules, process, and procedures, and all  
673 important issues going to the Planning Unit.

674

**ATTACHMENT D –**

675

**Summary of June 30, 2009 WRIA 1 Planning Unit Comments**

676 **Summary of WRIA 1 Planning Unit Feedback on**  
677 **Options for Implementation Governance Structure**

678 **WRIA 1 Watershed Management Project**  
679 **Planning Unit Meeting**

680 **June 30, 2009**

681

682 *The purpose of this document is to summarize WRIA 1 Planning Unit comments, feedback, and concerns*  
683 *associated with a proposed implementation structure for advancing integration and coordination of the WRIA 1*  
684 *Watershed Management Project and WRIA 1 Salmon Recovery Program. This is not the full meeting summary*  
685 *of the June 30, 2009 WRIA 1 Planning Unit meeting. For the purposes of this summary of comments, Planning*  
686 *Unit members agreed to attribute names and caucuses to the members' providing them.*

687

688 The following participants of the WRIA 1 Planning Unit present:

689 Jon Hutchings – Whatcom County Public Works	Doug Allen and Richard Grout – State Caucus
690 Steve Jilk – Public Utility District No.1	Bill Verwolf – Small Cities Caucus
691 Mary Dickenson – Land Development Caucus	Ed Henken – Diking/Drainage Caucus
692 Roger Brown – Water Districts' Caucus	Henry Bierlink – Agriculture Caucus
693 Marian Beddill – Environmental Interest Group	Skip Richards – Non-Government Water Systems Caucus

694 The following Staff/Facilitators present:

695 Rob Kelly – Planning Unit Facilitator  
696 Becky Peterson – Geneva Consulting  
697 Peter Gill – Whatcom County

698 The June 30, 2009 WRIA 1 Watershed Management Project Planning Unit meeting included discussion of a  
699 proposed implementation structure that advances integration and coordination of the WRIA 1 Watershed  
700 Management Project and WRIA 1 Salmon Recovery Program. Prior to the discussion occurring at the June 30  
701 meeting, Whatcom County staff met individually with Planning Unit members to receive input on the role of  
702 the Planning Unit in implementation. In addition, two informal meetings were convened for non-initiating  
703 government Planning Unit members and interested caucus members to receive their input as a group and to  
704 discuss alternatives.

705 For the June 30 Planning Unit agenda discussion a working document of the proposed implementation  
706 structure was distributed with summary comments of the input received inserted into the applicable areas of  
707 the document. Attached to this document were memos from the Land Development Caucus and the Non-  
708 Government Water System Caucus; one that described an alternative structure and the other a process for  
709 proceeding in implementation, respectively. A one page sheet of options for an implementation structure that  
710 could be moved forward to the WRIA 1 Joint Board was distributed with the Planning Unit meeting materials,  
711 and an updated version of the options distributed at the Planning Unit meeting. The updated version of the  
712 options that was used to facilitate discussion is attached to this summary.

713 At the informal meetings, staff expressed a desired outcome for the June 30 meeting to have a Planning Unit  
714 recommendation(s) for an implementation governance structure that could be forwarded to the WRIA 1 Joint  
715 Board for their July 8 meeting, which will include the implementation governance structure as an agenda item.

716 The Planning Unit was informed by the meeting facilitator that a consensus recommendation was not  
717 consistent with their operating protocols but that it did not preclude the Planning Unit from doing so. In  
718 absence of a consensus recommendation, the Planning Unit’s input and feedback would be summarized and  
719 provided to the Joint Board. The Planning Unit was asked if, and agreed, that they approve attributing the  
720 members’ names and caucus to the summary statements that will be provided to the Joint Board.

721 After discussing the proposed implementation structure and the options outlined, the facilitator asked the  
722 Planning Unit if there was consensus on a recommendation for the Joint Board. Initially, individual Planning  
723 Unit members stated their preferences for a range of the options listed. As an attempt at consensus was  
724 made, all Planning Unit members felt they could live with Option 3 with some changes to the language.  
725 Planning Unit members attempted to find language for Option 3, which allowed portions of the proposed  
726 implementation structure to move forward while retaining the Planning Unit for a defined period of time.  
727 Planning Unit members neared consensus but were unable to agree on the language that defined the duration  
728 and purpose for the Planning Unit. In the end consensus was not achieved, and thus the Planning Unit did not  
729 provide a recommendation to the Joint Board regarding the function of the Planning Unit in the proposed  
730 governance structure.

731 The information below is a bulleted summary of the key points, comments, interests, and positions expressed  
732 by the various Planning Unit members. The order of the summary comments or listing of Planning Unit  
733 members is not intended to represent any type of sequence, chronology, or prioritization.

734 Land Development Caucus (Mary Dickenson)

- 735 • The Land Development Caucus was not prepared to make a decision on the structure.
- 736 • Mary felt like the decision to integrate was being rushed, and after hearing the Puget Sound Partnership  
737 presentation, questioned whether the decision to move quickly with local integration is somehow being  
738 influenced by the Partnership and potential funding for implementation.
- 739 • Mary felt that the issue of transparency under the proposed structure becomes of greater importance  
740 without the involvement of the Planning Unit.

741 Water District Caucus (Roger Brown)

- 742 • The Water District Caucus did not feel it was yet time to eliminate the Planning Unit entirely.
- 743 • Roger stated the need to see something in an implementation governance structure that addresses the  
744 out of stream needs in a meaningful way; addressing out of stream needs has been a glaring deficiency  
745 to date.
- 746 • The Water District Caucus would like to see a structure that provides for a different type of  
747 representation for water districts because each of the water districts has different needs.
- 748 • Any governance structure or process moving forward needs to be more open.
- 749 • Roger noted that a water supply group that includes local governments recently formed to discuss their  
750 needs. He felt that under the proposed implementation structure the group could potentially be  
751 considered a citizen advisory committee, which would not be representative of the group’s interests or  
752 composition.
- 753 • Roger spoke in support of the PUD’s statement that any structure that moves forward requires a  
754 commitment of resources for administrative support.
- 755 • It was noted by Roger that the Watershed Management Plan identifies a limited role for the Planning  
756 Unit, one of which states that the Planning Unit will review instream flow recommendations. The  
757 Planning Unit should be retained for that purpose for now.
- 758 • Roger commented on the composition of the policy boards, and that not all local governments are on  
759 the policy boards.

- 760           • An updated governance structure is to occur once milestones have been achieved, namely the  
761           acceptance of the Decision Support System and the ISF pilots. He does not believe we have crossed  
762           those milestones yet.
- 763   Small Cities (Bill Verwolf)
- 764           • Bill requested clarification of the role of the WRIA 1 Management Team in the proposed implementation  
765           structure, and its relationship to the Work Groups. The question was whether the Management Team  
766           was comparable to the Planning Unit under the current Watershed Management Project structure.  
767           Clarification was provided that the proposed Management Team was more comparable to an expanded  
768           Salmon Recovery Board Steering Committee under the WRIA 1 Salmon Recovery Program and the  
769           relationship of the Steering Committee to the Salmon Recovery Staff Team.
- 770           • Further clarification requested by Bill was whether the WRIA 1 Joint Policy Boards were the existing  
771           WRIA 1 Joint Board and the WRIA 1 Salmon Recovery Board as they are currently established, or if the  
772           Boards are a single entity. The clarification provided is that the two Boards remain as they are currently  
773           established and they are not a single entity; each Board exists independent of the other.
- 774   State Caucus (Doug Allen/Richard Grout)
- 775           • Doug felt that it is important under the proposed structure that the work groups, including the Planning  
776           Unit, have equal access to the WRIA 1 Management Team, and provide input to that Team.
- 777           • Doug spoke in favor of Option 4 of the distributed sheet of options.
- 778           • Doug supported Skip’s recommendation that a work group convene to develop a recommendation  
779           regarding the future role of the Planning Unit.
- 780           • Richard did not support suggestions of a subcommittee of the Planning Unit to further define a  
781           governance structure.
- 782   Public Utility District No. 1 (Steve Jilk)
- 783           • PUD supports Option 2.
- 784           • Steve stated that regardless of any structure or option, funding is an issue. Resources need to be  
785           identified and committed for staffing and administrative support to make sure the structure goes  
786           forward.
- 787           • While recognizing that in the near-term the two policy boards will be retaining their respective decision-  
788           making processes under the proposed structure, fully integrating programs will require shared decision-  
789           making of all the policy representatives. The composition of the two Boards is the representation that  
790           everyone is talking about since the Boards include the Mayors of the Cities and the County Executive.
- 791           • Concern was expressed over Option 3 language that tied the Planning Unit’s duration to the instream  
792           flow negotiations.
- 793   Environmental Interest Group<sup>7</sup> (Marian Beddill)
- 794           • Marian expressed that the Working Draft looks like a top heavy structure that could either push or  
795           ‘quash’ other Interest Groups’ specific needs and opportunities for action.
- 796           • A public process should provide opportunities for all stakeholders and interests, and it should be  
797           transparent, to contribute to public credibility.

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<sup>7</sup> The Environmental Interest Group is not a Planning Unit caucus as described or established under the WRIA 1 Watershed Management Project structure and function documents. The Planning Unit representative and alternate(s) for the Environmental Caucus resigned from participation in January 2009. The Environmental Caucus position remains unfilled. The Environmental Interest Group has participated in the discussions involving governance at the discretion of the WRIA 1 Watershed Management project support staff because the Interest Group’s membership includes the individuals that formerly participated on the Environmental Caucus. Given the topic under discussion, the Watershed Project support staff felt that deviating from the standard operating procedures would be acceptable to the Planning Unit.

- 798           • Marian handed out a memo with proposed project goals and implementation structure  
799           recommendations from the Environmental Interest Group.
- 800 Agriculture Caucus (Henry Bierlink)
- 801           • Henry commented on the Planning Unit’s accomplishments to date and the knowledge and effort the  
802           caucuses have brought to the table in developing a good Watershed Management Plan. He feels that  
803           the effort now is to move from planning to implementation.
- 804           • The caucus supports Option 2 because it is time to begin integrating programs. Henry expressed the  
805           need to include stakeholders in a meaningful way in the integration structure but he does not see the  
806           Planning Unit in its current form filling that role.
- 807 Non-Government Water System (Skip Richards)
- 808           • The Non-Government Water System (NGWS) caucus does not think the Planning Unit’s work is done  
809           because Adaptive Management has not been completed. A lot of things have changed in the WMP that  
810           changes the efficacy of the plan; this requires that Adaptive Management be completed.
- 811           • The NGWS supports a modified version of Option 3.
- 812           • The Planning Unit should layout criteria for how to move forward with changes to the Planning Unit.
- 813           • Skip feels that a lot of things have gone wrong with the plan and the process. He is not willing to walk  
814           away and have the Planning Unit eliminated at this point given the 15 year commitment he has made,  
815           and the work of the Planning Unit is not finished.
- 816           • Skip suggested there are ways to continue meetings of the Planning Unit in a more informal way that  
817           may be more cost efficient.
- 818           • A formal Planning Unit Subcommittee to take on the task of a governance structure and funding as  
819           described in the DIP was suggested as the means for moving forward.
- 820           • Subsequent to the PU meeting, Skip submitted an Option 6 for consideration that proposes moving  
821           forward with the Working Draft proposal while maintaining the Planning Unit as described in the 2005  
822           Watershed Management Plan.
- 823 Whatcom County (Jon Hutchings)
- 824           • Jon Hutchings expressed support for Option 3 including modifications to language that was being  
825           suggested by various Planning Unit members and the facilitator as consensus was being sought on a  
826           Planning Unit recommendation.
- 827           • Jon felt that it was important to move forward the pieces of the implementation structure that advance  
828           the integration and coordination of the watershed management and salmon recovery programs.
- 829           • Since the ISF Action Plan states involvement of the Planning Unit in flow recommendations, the Planning  
830           Unit should be in place at least until information from the current negotiation process can be provided  
831           to the Planning Unit.
- 832