

Draft OPERATING PROCEDURES
WRIA 54 Planning Unit - Lower Spokane River
(Revised 10/24/07)

Objective: To define the Operating Procedures in order to develop a watershed plan for the Lower Spokane River Watershed, Water Resource Inventory Area (WRIA) 54, per the Watershed Planning Act (RCW 90.82). The Planning Unit may adopt rules for operation, decision making, and membership to supplement those presented herein in accordance with voting procedures described in Section 8.b.1 – Administrative Decision Process.

These Operating Procedures do not supersede the WRIA 54 Memorandum of Agreement (MOA) or RCW 90.82.

Definitions:

“Consensus” means unanimous agreement.

“Best Available Science” for purposes of Watershed Planning in WRIA 54, the Planning Unit will use the criteria in WAC 365-195-905, as modified to include best available science determinations by tribal natural resource agencies or departments, in determining best available science.

“Initiating Government” or “Initiator” is a government agency identified in RCW 90.82.060 that includes: Spokane County, Stevens County, Lincoln County, the City of Spokane, Stevens PUD # 1 and the Spokane Tribe of Indians. They are initiators of the “2514” optional statutory local watershed planning process for an area designated by the Washington State Department of Ecology as WRIA 54, the Lower Spokane River Watershed.

“Implementing Government” or “Implementer” is any governmental entity including states, Tribes, local governments, or others having legislative and regulatory authority, and whose jurisdiction lies wholly or partly within the boundary of WRIA 54. Implementing Government members of the WRIA 54 Planning Unit may include invited federal agencies, state governments and local governments. An Implementing Government may include Initiators. Implementing Governments are also referred to as governmental Planning Unit members or units of government. Implementing Governments have a role in Plan implementation. Non-governmental organizations and ex-officio members may also have a role in Plan implementation.

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“Implementation Matrix” is a document showing all recommended elements of the approved Watershed Plan as the initial step in implementation.

“Implementing rules” has the definition in RCW 90.82.020 (2), which are the rules needed to give force and effect to parts of the Plan that creates rights or obligations for any party, including a state agency, or that establish water management policy.

“Minimum instream flow” has the definition of RCW 90.82.020 (3).

“Obligation” means any required action that imposes fiscal impact, a re-deployment of resources or a change of existing policy.

~~“Quorum” is achieved if ten (10) WRIA 54 Planning Unit members in good standing attend a WRIA 54 Planning Unit meeting.~~

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“Planning Unit” is a committee formed pursuant to Chapter 90.82 RCW by the Initiating Governments to recommend water resource management strategies as further provided in that Chapter. The Planning Unit is composed of a defined group of governments, non-governmental organizations and individuals with an interest in developing the Watershed Plan for WRIA 54 for consideration by the initiating Counties. The Planning Unit is the policy recommendation committee for the watershed plan envisioned in Chapter 90.82 RCW.

“WRIA” is a water resource inventory area, as provided for under RCW 90.82.020. This Operating Procedure deals with WRIA 54.

~~“WRIA Plan”, “Watershed Plan”, or “Plan” has the definition of RCW 90.82.020 (6). With respect to WRIA 54, the product of a WRIA Planning Unit, including any rules adopted in conjunction with the product of the planning unit.~~

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1. Project Area – WRIA 54 Lower Spokane River Watershed:

The project area for the Lower Spokane River watershed planning process includes all land within the Lower Spokane River Watershed and its tributaries, comprised within the area of Lincoln County, Spokane County, Stevens County and the Spokane Indian Reservation. WRIA 54 is approximately 888 square miles in area.

2. Name:

The WRIA 54, Lower Spokane River, Planning Unit will hereafter be referred to as the "Planning Unit".

3. Initiating Agencies:

The six Initiating Agencies for this project are: Spokane County, Stevens County, Lincoln County, City of Spokane, Spokane Tribe and Stevens County PUD #1.

4. Lead Agency:

Spokane County was designated as Lead Agency for this project by the Initiating Agencies.

5. Membership:

The Planning Unit, as established by the Initiating Agencies, will include a diverse group of interests including: agricultural groups; businesses; environmental groups; property owner's associations and individual property owners; together with the Initiating Agencies, and local, state and federal agencies.

- a. Membership Additions: Designees of Initiating and Implementing Governments shall be voting members of the Planning Unit. With respect to non-governmental participants, after a person has attended three consecutive regular Planning Unit monthly meetings, the Planning Unit may accept such person as a voting member of the Planning Unit by a majority of the Planning Unit members in attendance at a regular meeting. In voting to accept a Planning Unit candidate, the Planning Unit shall be guided by considerations of assuring that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process [Cross reference, RCW 90.82.030 (1)].
- b. Membership Removals: An existing member may be removed from voting status if such member or alternate fails to attend three consecutive regular Planning Unit monthly meetings. Following the third absence, the member (and the entity they represent) will be contacted by the Lead Agency or their agent to confirm the member's intent to participate on the Planning Unit. The member (and the entity they represent) will also be contacted before the Planning Unit votes to terminate the member's membership at the following Planning Unit meeting.

Such a vote does not become effective until after sixty (60) days from providing written notice of the removal vote and failure to take an action to appoint or reappoint a designee. In the event its representative is removed as provided herein, the affected entity (non-individuals) can appoint a voting representative at any time thereafter and such member will be then recognized as a voting member.

- c. Membership Vacancies: Vacancies may be filled as decided by the Planning Unit or as interested parties become involved. Alternates shall be allowed upon request. Notification of permanent replacements need to be submitted in writing to the Lead Agency or their agent.
- d. Membership Withdrawals: Any Planning Unit member shall have the right to withdraw from the planning process at any time. All members agree that if a member withdraws, they shall not be deemed part to any plan obligations or agreement pursuant to RCW 90.82 and shall not be bound thereby. Membership withdrawals will be documented in writing to the Lead Agency or their agent.

6. Roles and Responsibilities of the Planning Unit Members

a. Planning Unit Member Role

- 1) While conducting WRIA 54 watershed planning business, a work group, committee, or task may be created to achieve a specific goal. Any member of the Planning Unit in good standing may volunteer to lead a task(s) to accomplish said goal. In the event no Planning Unit member volunteers to lead a task(s), the Lead Agency may request a Planning Unit member in good standing to volunteer. Planning Unit members are under no obligation to voluntarily participate other than what is stated in Planning Unit Member Responsibilities below.

c. Planning Unit Member Responsibilities:

- 1) Attend meetings,
- 2) Participate in work groups,
- 3) Represent their agency/group as applicable to their interest (if representing an agency or group),
- 4) Adhere to the Code of Conduct included in Section 11 of the Operating Procedures.

c. Planning Unit Meetings:

- 1) Regular meetings shall normally be held the fourth Wednesday of the month and will last approximately 2-hours. The meeting location will alternate between the Airway Heights Community Center at 10:00 a.m. and the Tum Tum Community Center at 6:00 pm unless otherwise scheduled by the Planning Unit. The Lead Agency may also call emergency meetings, if necessary, with a minimum of 24-hour notice.
- 2) All meetings shall be open to the public. The public will be allowed to provide input or voice concerns during the first and last 10 minutes of the meetings. Written public comments are always welcome and will be added to the meeting summary.
- 3) Meetings will start on time and end on time, unless extensions are approved by a majority vote at the meeting.
- 4) If a Planning Unit member cannot attend a meeting, it is his/her responsibility to assign an alternate representative and to catch up on missed information before the next meeting. Planning Unit members should contact the Lead Agency or facilitator (24 hours prior to the meeting) if they or their substitute cannot attend.
- 5) A quorum will be required to qualify an official WRIA 54 Watershed Planning Unit meeting. If a quorum is not present, attending members can continue to

meet and informally discuss topics. A meeting summary will be prepared describing the discussions that occurred and that no quorum was present.

7. Roles and Responsibilities of the Lead Agency:

The Initiating Agencies have designated Spokane County as Lead Agency, in addition to being a voting Planning Unit member for this project. The Lead Agency or their agent is responsible for the following watershed planning-related activities:

- a. Assisting the Planning Unit**
 - 1) Which includes providing a facilitator, a grant administrator, and additional staff as needed according to funding availability. Preparing meeting notices, monthly billings to the Washington Department of Ecology, meeting summaries, technical information, and draft administrative documents. Spokane County or its agent will send out the meeting announcement, meeting agenda and previous meeting summaries approximately ten days prior to each scheduled Planning Unit meeting. Also included in the meeting package, will be supporting information for any agenda item. Planning Unit members are expected to bring a copy of each meeting package to save time and materials costs. Copies of the meeting agenda and previous meeting summary will be available at the meeting. NOTE: These documents are public records and are subject to public inspection.
 - 2) Notifying the Planning Unit members if the regular meeting or special meeting time changes, meeting location changes, or a meeting is cancelled.
 - 3) Assisting the Planning Unit in accomplishing its goals as well as developing and maintaining a focused and measurable watershed plan.
- b. Fulfilling Department of Ecology Grant Contractual Requirements**
- c. Providing A Public Outreach Program, which includes working to:**
 - 1) Promote community involvement through effective communication within the community, Congressional offices, media representatives, special interest groups, and any other interested parties.
 - 2) Involve a broad cross-section of the community in consensus building and decision-making.
 - 3) Establish partnerships for implementing the Watershed Plan.

8. Planning Unit Decision Making:

a. Voting

- 1) Planning Unit members will receive votes as follows:
 - Invited Federal Agencies (e.g., National Park Service and Fairchild Air Force Base) shall receive one vote each.
 - State Governments shall receive one vote total.
 - Local Governments, Tribes, Public Utility Districts (PUDs), Municipalities, and Municipal water suppliers shall receive one vote each.
 - All Non-Governmental Groups and individual citizens shall receive one vote each.
 - Ex Officio Members will be relied upon for technical advice and are considered non-voting members.

- 2) Any Planning Unit member not present at a meeting automatically forfeits the right to vote on any issue presented for vote at that time, unless the Planning Unit member writes to the Lead Agency or agent thereof as to their vote before the upcoming meeting. A Planning Unit member with prior written notification to the Lead Agency or agent thereof may designate an alternate or another Planning Unit member as their proxy vote. Planning Unit members who do not attend a meeting can not request a re-vote on any issue voted on at the unattended meeting.

- 3) There will be one vote per membership as previously approved by the Planning Unit. The Planning Unit may recognize a single individual as representing more than one membership. However, when the individual contributes at a Planning Unit meeting, the individual must be able to clearly state which agency or group they represent when speaking.

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b. Decision-Making

During Phases 2 and 3 of Watershed Planning, the WRIA 54 Planning Unit makes three types of decisions:

- 1) Administrative (excluding Operating Procedure Amendments/Supplements),
- 2) Watershed Plan Contents, or Operating Procedure Amendments/Supplements, and
- 3) Watershed Plan Approval.

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1) Administrative Decision~~s~~

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The administrative decision making process requires a simple majority vote of a quorum (e.g., 50% +1) of Planning Unit members at the time the decision is voted on. Members may use the alternate voting procedures outlined in Section 8.a.2 if they cannot attend the meeting. The administrative decision making process applies to all decisions the Planning Unit must make, except those regarding the Watershed Plan contents, changes to the Operating Procedures, and Watershed Plan approval by the Planning Unit.

The Planning Unit can only engage in Administrative decision-making when a quorum of the members is present. A proxy vote (per Section 8.a.2) will be counted to establish a quorum (assuming the absent Planning Unit member is in good standing with meeting attendance).

2) ~~Watershed Plan Contents or Operating Procedure Amendments/Supplements~~

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Specific language shall be incorporated into the Watershed Plan or Operating Procedures in a two-meeting approval process. The two-meeting approval process consists of: an initial Planning Unit meeting to develop and approve the proposed language by consensus of all members present, followed by a second Planning Unit meeting to confirm the approved language by consensus of all members present. Members may use the alternate voting procedures outlined in Section 8.a.2 if they cannot attend a meeting.

If consensus of all members present can not be achieved, the facilitator will attempt to get the differences of opinion out on the table for further discussion. The Planning Unit will strive to reach consensus until a majority of all members present vote that discussion has reached the point where no new ideas or perspectives are likely to be brought to the table and, taking into account the significance of the issues, ample opportunity has been provided between meetings for the development of new ideas. The facilitator may recommend changes to the text of the Watershed Plan to the Planning Unit to achieve consensus.

If after a reasonable amount of time, consensus has not been reached, the matter may be tabled for the next meeting. A “reasonable amount of time” as used above is determined by majority vote of those members in attendance at the meeting.

If the matter is not tabled for the next meeting and there is consensus among the units of government, but not among the remaining Planning Unit members,

approval shall be by majority vote among those non-government members in attendance at the meeting, and this vote shall decide the issue.

No decision may bind any Implementing Government to an Obligation without its written consent. No decision may bind any participating non-governmental entity to an obligation without agreement from the entity at a WRIA 54 Planning Unit meeting or via written consent. The members recognize the planning process is an ongoing endeavor and agree to work together to preserve decisions that are made after due consideration and opportunity for full participation, absent a good reason for not doing so.

This process allows for any Planning Unit member to have the opportunity to review and comment on proposed language should they miss the meeting where the language was initially approved.

3) Watershed Plan Approval

The Watershed Plan approval process is described in RCW 90.82.130.

In so far as possible, the Watershed Plan approval by the Planning Unit will be by consensus.

If consensus is achieved among units of government, but not among the remaining Planning Unit members, the facilitator will attempt to get the differences of opinion out on the table for further discussion. The Planning Unit will strive to reach consensus until a majority of all the members present vote that discussion has reached the point where no new ideas or perspectives are likely to be brought to the table.

If after a reasonable amount of time, approval shall be by majority vote among those non-government members in attendance at the meeting, and this vote shall decide the issue. A “reasonable amount of time” as used above is determined by majority vote of those members in attendance at the meeting.

No decision may bind any Implementing Government to an Obligation without its written consent. No decision may bind any participating non-governmental entity to an obligation without agreement from the entity at a WRIA 54 Planning Unit meeting or via written consent. The members recognize the planning process is an ongoing endeavor and agree to work together to preserve decisions that are made after due consideration and opportunity for full participation, absent a good reason for not doing so.

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9. Watershed Plan Obligation(s) and Implementation:

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- a. Implementation Matrix. The Planning Unit will create an Implementation Matrix which sets forth the initial implementation steps (recommended actions) in the Plan, and identifies those recommended actions creating an obligation on the part of any Implementing Government, or participating non-governmental entity, including their status as lead or cooperator. The matrix may include a preliminary cost estimate of the anticipated level of effort to implement the recommended actions. The Matrix will also include the priority for implementing the recommended actions.

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An Implementing Government consents to each element of the actions that impose an obligation on such Implementer by written approval of its governing body. Non-governmental entities consent to each element of the actions that impose an obligation on the entity by approval of the WRIA 54 Watershed Plan and implementation matrix at WRIA 54 Planning Unit meetings and / or via written consent. For purposes of this Agreement, the parties further state their intent that no Implementing Rule, as defined in RCW 90.82.020, shall create such an obligation on the part of an Implementing Government without its written consent, approved in the manner described above. This approval may be expressed by resolution approving the implementation matrix or any other appropriate means.

- b. All decisions will be based on best available science.
- c. Technical advisory groups(s) and/or work group(s) may be established by the Planning Unit to provide reports and recommendations on specific issues.

10. Normal Procedural Order of Meetings:

- a. Facilitator shall call the meeting to order and pass around the sign-in sheet,
- b. Facilitator shall call for approval of the previous meeting summary,
- c. The facilitator will direct the Planning Unit meetings according to the written agenda,
- d. The facilitator can call for a vote to either limit discussions or table the discussion for the next meeting,
- e. Public comment will be taken for up to 10 minutes at the beginning and end of each meeting,
- f. The facilitator will at the end of the meeting:
- 1) Set some agenda items for the next meeting,
 - 2) Assign tasks,

3) Schedule the next meeting.

g. The facilitator shall call for adjournment of the meeting.

11. Conduct of Planning Unit Members.

Everyone who participates in this watershed planning process is responsible for the Planning Unit’s progress, success, and quality of work.

a. Conduct during Meetings. Planning Unit members commit to:

- 1) Raise their hand when they wish to speak,
- 2) Refrain from speaking until recognized by the facilitator,
- 3) Listen carefully to each other,
- 4) Treat each other with respect and courtesy,
- 5) Agree that all relevant watershed issues identified by any member must be considered by the Planning Unit,
- 6) Be brief and concise as possible when addressing specific topics,
- 7) Request clarification whenever necessary,
- 8) Make statements that attempt to educate or explain,
- 9) Refrain from any personal attacks directed towards other members or organizations,
- 10) Strive in good faith to reach consensus on decisions,
- 11) Being solution oriented.

b. Conduct between Meetings. It is the responsibility of Planning Unit members (and alternates) to:

- 1) Refrain from releasing draft documents to the public,
- 2) Inform those they represent about issues, progress, and decisions,
- 3) Carry out assignments on schedule,
- 4) ~~Represent their own opinion in a public forum or interviews as their own opinions, but will make it clear this may not be the opinion of the WRIA 54 Planning Unit,~~
- 5) Respect and support the integrity of Planning Unit decisions outside the meeting room.

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c. Conflict of Interest. Planning Unit members will not engage in any activity considered by the Planning Unit as a conflict of interest, real or apparent, including participation in the selection, award or administration of a sub-grant or contract supported by grant funds. Conflict of interest shall include financial gain, employment, contracting or sub-contracting with a contractor.

d. Media Releases. Official media communications which represent the WRIA 54 Watershed Planning Unit will be by approved publications of record for the

involved counties.