

Meeting Summary
WRIA 54 Lower Spokane River
March 22, 2005

Initiating Agency and Implementing Government members recorded on the sign in sheet were:

Lloyd Brewer, City of Spokane
Bruce Rawls, Spokane County
Rob Lindsay, Spokane County
Bill Gilmour, Spokane County
Brian Crossley, Spokane Tribe
Susan Dar, Paliades Neighborhood
Margaret Tokach, Stevens County CD
Judy House, Land Owner

Fran Bessermin, Lake Spokane Protection Assoc.
Harry Mclean, City of Spokane Water Dept.
Stan Miller, Spokane County
Donna DeFrancesco, Golder Associates Inc.
Keith Holliday, WDOE
Lynn Wells, Riverside State Park Advisory
Mark Curtis, Stevens County CD

Meeting began 7:00 pm

Bill Gilmour opened the meeting at 7:00 pm. The attendees were each asked to introduce themselves and what interest or organization they represent. Bill passed a sign-in sheet around and asked all attendees to please sign-in and provide contact information.

The meeting summary for the January 25, 2005 WRIA 54 meeting was distributed and discussed. Fran Bessermin motioned to approve the January 25, 2005 meeting summary as written and Susan Dar seconded.

Public Comment

No public comment was offered.

Memorandum of Agreement (MOA) Update

Bill Gilmour introduced Rob Lindsay who gave an update on the WRIA 54 MOA status. Three of the six Initiating Agencies (Lincoln County, the Spokane Tribe and Stevens County PUD #1) have already signed the MOA. Stevens County, Spokane County and the City of Spokane have not signed the MOA.

Rob explained that Spokane County identified a potential problem with the Watershed Planning Act regulation. Spokane County's concern with the regulation is based on the possibility that a government could withhold consent of the Watershed Plan based on specific recommendation or plan element, even if that government elects not to participate in that recommendation or element. Additionally, Spokane County feels that the WRIA 54 Planning Unit could potentially benefit from observing the ongoing WRIA55/57 Watershed Plan approval process and tailoring the WRIA 54 MOA accordingly. Rob added that the WRIA 55/57 approval process has been delayed for a variety of reasons, and that the ability to learn from that process has been impacted. Lloyd asked if there is any indication that the WRIA 55/57 process is being held up by a government withholding consent. Rob clarified that the delay in the WRIA 55/57 approval process is related to delays in obtaining government review of the document. He added that the City of Spokane, City of Spokane Valley, City of Liberty Lake, and Stevens County have scheduled workshops/ review sessions over the next few weeks.

Rob distributed a proposed draft Amendment (#1), attached, to the MOA revising Sections 6.1 (Process) and 8.1 (Duration). The draft Amendment #1 contained language to address the concern as identified by Spokane County as well as language to address the issue of specific duration of the agreement, as identified by the City of Spokane. City of Spokane legal has requested to insert an actual termination date for the MOA, as opposed to referring to the 4-year schedule for Plan completion based on the acceptance and use of Phase II funds.

Keith Holliday inquired whether the Planning Unit would ask for Ecology to sign the MOA. Keith said he does not know of any precedent where Ecology has signed a MOA in other WRIAs. Keith stated that Ecology is a government and will be a voting member when the Watershed Plan comes up for approval. He also offered that Ecology recently voted not to approve the Methow Valley watershed plan. However, if it is uncertainty that Spokane County wants to limit, then maybe it should be considered. No decision was made with respect to Keith's inquiry.

Susan Dar asked several questions "Why suddenly at the end of last year did the County decide that one of the stakeholders in the WRIA 54 group could not be trusted to go through the process and approve the watershed plan? Who is the entity that cannot be trusted? And why is the County trying to reduce uncertainty in a process that is inherently uncertain because it involves people? Rob Lindsay responded that the County's concern is with the process as described in the regulation, and not with any specific entity. Bruce Rawls reinforced Spokane County's concern that, as the RCW is written, any single governmental entity could effectively derail the \$1,000,000 (+) planning effort at the last minute.

Bruce Rawls stated he was uncomfortable with any change to Duration Section 8.1 that did not include a specific time frame. It was agreed to move forward with a specific date in the Duration section. Lloyd Brewer voiced his serious concern with the language proposed in the Process Section 6.1 of Amendment #1, and agreed to take the Amendment to his legal department. It was agreed that both Spokane County and City of Spokane legal departments would review the proposed language in the draft Amendment, and once an agreement is reached, Bill said he would immediately distribute the MOA Amendment #1 to the Initiating Agencies and Governments for review. Bill also said he would facilitate getting the original MOA and Amendment #1 signed by the Initiating Agencies and Governments.

Spokane County and the City of Spokane agreed to approach their legal staffs immediately. If legal reviews can occur quickly, then the Spokane City Council may have an opportunity next week to approve the WRIA 54 MOA.

Keith Holliday reminded everyone that expeditious review and approval of the MOA is essential to submitting the Phase II grant application during this Ecology fiscal quarter. Keith said we are near the end of the Ecology biennium and funding becomes less available after June 30, 2005.

There was a fifteen-minute break while Bill set up the Power Point presentation on Watershed Planning.

Watershed Planning Presentation

Bill Gilmour gave a twenty-minute presentation on the Watershed Planning Act and WRIA 54 Phase I status.

The following comments were noted:

- Hand out maps to people so they can identify where they are in relation to the WRIA 54 boundary,
- For landowners, the program should focus on "What watershed planning may mean to you" or "The watershed process helps us define how this could apply to you",
- Include river/action pictures in each slide,
- Need to collect additional WRIA 54 pictures for slides,
- Spend only one minute per slide,
- Reduce the amount of text on the slides to talking points and have less than 24 words per slide,
- Be clear about the intent of the regulation and the relationship between the Washington State Legislature and the Department of Ecology,
- Break WRIA 54 into three or four "areas" on slides and handouts so that people can locate themselves.

These and other comments will be incorporated into the presentation.

Stevens County Conservation District asked how this process mixes with the growth management act and the comprehensive plan. Keith Holliday stated it is up to the Planning Unit to determine the level of coordination with the comprehensive plan in terms of scheduling review and revisions consistent with the comprehensive plan schedule.

Lloyd Brewer suggested keeping in mind a total system process, including WRIAs 55/57, 56, and 54.

Public Comment

No public comment was offered.

Wrap-up and Adjourn

The next meeting was tentatively scheduled for May 24, 2005 from 6:00 pm to 8:00 pm at the Airway Heights Community Center. The meeting was adjourned at 9:00 pm.

DRAFT PROPOSED AMENDMENTS
to the
WRIA 54 Memorandum of Agreement Between Initiating Agencies and
Implementing Governments

6.0 Process:

6.1 In so far as possible, all decisions of the Planning Unit will be by consensus, but consensus shall be required with regard to the participating Initiating and Implementing Government members, whether or not in attendance at a meeting (such members as defined in sections 2.0 & 5.0 of this MOA). No decision may bind any Implementing Government to an obligation with out its written consent, as explained in provision 6.3. The parties recognize the planning process is a progressive endeavor and agree to work together to preserve decisions made after due consideration and opportunity for full participation, absent just cause for not doing so.

Prop. 6.1 In so far as possible, all decisions of the Planning Unit will be by consensus, but consensus shall be required with regard to the participating Initiating and Implementing Government members, whether or not in attendance at a meeting (such members as defined in sections 2.0 & 5.0 of this MOA). Agreement to include a specific recommendation in the Watershed Plan does not obligate any Implementing Government or agency to any specific implementation goal, unless the Implementing Government or agency is specifically obligated in the Implementation Matrix, as explained in provision 6.3. Any Implementing Government or agency who chooses not to be obligated to a specific recommendation or element of the Plan shall not withhold consent of the Plan based on that specific Plan recommendation or element. The parties recognize the planning process is a progressive endeavor and agree to work together to preserve decisions made after due consideration and opportunity for participation, absent just cause for not doing so.

8.0 Duration:

8.1 This Agreement will operate for the duration of the watershed-planning period, which will be no longer than four years from the date on which Phase II funds are accepted and utilized by the Lead Agency.

Prop. 8.1 This Agreement will operate for the duration of the watershed-planning period, which will be the shortest of five years from the date of Lead Agency approval of the MOA or Initiating Agency approval of a new Implementation Phase memorandum of agreement.

OR

Prop. 8.1 This Agreement will operate until the WRIA 54 Planning Unit approves the Plan for submission to the counties.

OR

Prop. 8.1 This Agreement will operate until the Plan is adopted by the counties.