

Pat Anderson

From: Ron Averill
Sent: Monday, May 02, 2011 04:32 PM
To: Bruce Mackey; John Ghilarducci (johng@fcsgroup.com)
Cc: Glenn Carter; Robert Johnson; Pat Anderson
Subject: Comments to 2nd Amendment to FA ILA
Attachments: Draft Amended FA Interlocal 2011 (4-29-11).docx

1. Given the meeting of April 21, and the content of the Chehalis Basin Watershed Cooperative formed by Grays Harbor and Thurston County and the Confederated Tribes of the Chehalis Reservation, Lewis County is opposed to any Interlocal Agreement (ILA) that excludes a voting voice for the incorporated towns and cities jurisdictions.

2. Although it is recognized that the original scope of work for FCS was to guide the FA toward a basin wide Flood Control Zone District (FCZD), and as an interim measure a temporary "marriage" of county FCZDs by Interlocal Agreement, the State does not require the FA to form a FCZD and it is clear that the DRAFT was far too complicated and the members are not yet ready to take that large step. Problems include the following:
 - a. Only one county (Lewis) has actually formed a FCZD. Thurston and Grays Harbor started the process but neither has formed an FCZD. Thurston may choose to participate under its existing Storm Water District. Grays Harbor is experiencing considerable opposition to even forming a local FCZD, much less an eventual basin wide FCZD.
 - b. The scope of the Agreement is unclear. There may be flood mitigation projects that are small and clearly under the venue of a city or county jurisdiction. There is no need to involve a basin wide ILA in making decisions on local projects other than as a courtesy to let other jurisdictions in the basin know what they are doing. This agreement should be for projects that benefit the entire basin and those projects should be directed to flood mitigation, not ecosystem restoration.
 - c. There is no longer an imperative to form a replacement for the Flood Authority. The 2010 budget language did provide funding to work toward forming a basin wide FCZD to replace the FA by June 30, 2011; however, current legislation specifically provides funding to the FA or a local FCZD.
 - d. We believe that the agreement should include all jurisdictions that have "Land Use" jurisdiction along the main channel and major tributaries in the Basin.
 - e. We believe it is premature to make agreements on cost sharing, cost/benefit models for rates and charges, and penalties for non-compliance. We don't yet know what projects we will be working on and we still do not know what the cost will be for the most mature planned project, the Corps of Engineer Twin City Levee project. We think that one of the first tasks should be to compile a list of projects with projections of costs.
 - f. It is premature to talk about imposition of taxes on any landowners. Feedback during open houses and workshops has sent a clear message that citizens in the basin do not want taxes imposed upon them without a vote. It is also clear that without a clear understanding of what projects will be proposed, and their cost, that any vote on taxation is doomed to failure.
 - g. With the formation of the Chehalis Basin Watershed Cooperative there is a major breach of trust between the Charter members of the Cooperative and the remaining members of the FA. We need time to work out these issues of Trust to determine if we can find common ground to pursue common flood mitigation projects in the Basin.

For the reasons cited above, Lewis County believes that we should suspend active pursuit of a significantly different Interlocal Agreement, and continue our cooperation with one another through the Chehalis River Basin Flood Authority. The original FA Interlocal Agreement has some outdated verbiage that has been overcome by events. We think it is also important to reinforce that our reason for cooperation is to work on flood mitigation and no other agendas. We also think that the FA has wasted far too much time seeking consensus votes and we should return to normal Roberts Rules of Order procedures for making decisions – albeit we would agree to a provision of at least sixty (60) percent supermajority. To that end we would propose the attached DRAFT 2nd Amendment to the current Flood Authority ILA for consideration by the members at our May meeting with corresponding changes to be made to the Rules of Procedure as necessary.

Ron Averill

RON AVERILL

Commissioner, District 1

Lewis County