

3/15/18

Chehalis Basin Board
Member Handbook

Table of Contents

Key Contact Information	5
Other Information Sources	6
Organizational Chart	6
About the Board.....	7
In this Section.....	7
Board Responsibilities and Membership	7
Board Responsibilities in Statute	7
Board Membership	8
Board Operating Procedures	10
Consensus Decision-making.....	10
Operating Procedures	11
Meetings	12
Correspondence between Meetings.....	12
Guiding Principles for the Chehalis Basin Strategy	13
Compensation and Travel Reimbursement	14
Compensation.....	14
Allowable Expenses.....	14
Reimbursement Process	14
Key Laws and Rules	15
In this Section.....	15
Ethics and the Appearance of Fairness.....	15
Open Public Meetings Act.....	15
Consequences	16
Public records – Retention and response to records requests.....	16
Meeting Materials.....	16
E-mail: Using the Ecology-issued email address	17
Public Disclosure Requests	17
Lobbying.....	17
Monthly reporting to the PDC	17
Activities that are allowed at the State level	18
Not Allowed: Grass-Roots Lobbying	19

Contacts with Federal officials and agencies: Pre-approval is required	20
Handling Comments, Complaints, and Media Inquiries	20
Appendices.....	21
Relevant statutes	21
Governor’s Office policy on contacts with Federal officials and agencies	23
Regular Meeting Schedule through June 30, 2019 (first Thursday of each month).....	26

Key Contact Information

KEY STAFF CONTACTS			
Name	Position	Telephone	Email
Gordon White	Interim Mgmt Lead for OCB	(360) 407-6977	gordon.white@ecy.wa.gov
<ul style="list-style-type: none"> Support for Board, agenda topics, liaison with Ecology (until OCB Director position is filled) 			
Chrissy Bailey	OCB Policy Lead	(360) 407-6781	chrissy.bailey@ecy.wa.gov
<ul style="list-style-type: none"> EIS issues, policy issues 			
Gen McMoore	Interim Board Support	(360) 407-6966	genevieve.mcmoore@ecy.wa.gov
<ul style="list-style-type: none"> Board materials and meetings, logistics, PDC filing, reimbursement (until OCB position is filled) 			
Jim Kramer	Facilitator	(206) 841-2145	jim@jkramer.co
<ul style="list-style-type: none"> Board agendas, policy issues, community outreach 			

BOARD MEMBER CONTACT INFORMATION			
Voting Members			
Name	Appointing Authority	Telephone	Email
Dave Burnett	Confederated Tribes of the Chehalis Reservation	(360) 273-1251	burnett@ecy.wa.gov
Edna Fund	Chehalis River Basin Flood Authority	(360) 740-1120	fund@ecy.wa.gov
Jay Gordon	Chehalis River Basin Flood Authority	(360) 482-3485	gordon@ecy.wa.gov
Tyson Johnston	Quinalt Indian Nation	(360) 276-8211 ext. 1855	johnston@ecy.wa.gov
Steve Malloch	Office of the Governor	(206) 818-0482	malloch@ecy.wa.gov
Vickie Raines, Chair	Chehalis River Basin Flood Authority	(360) 249-3731	raines@ecy.wa.gov
J. Vander Stoep	Office of the Governor	(360) 748-9281	vstoep@ecy.wa.gov
Ex Officio Members			
Name	Agency	Telephone	Email
Justin Allegro	Department of Fish and Wildlife	(360) 707-8927	justin.allegro@dfw.wa.gov
Stephen Bernath	Department of Natural Resources	(360) 902-1028	stephen.bernath@dnr.wa.gov

Kris Strickler	Department of Transportation	(360) 905-2001	stricklerk@wsdot.wa.gov
Stu Trefry	Washington State Conservation Commission	(360) 584-5213	strefry@scc.wa.gov
Gordon White	Department of Ecology	(360) 407-6977	gordon.white@ecy.wa.gov

Other Information Sources

Ecology generic email (resource mailbox) for questions related to the Chehalis Basin Board and Office of Chehalis Basin: ocb@ECY.WA.GOV

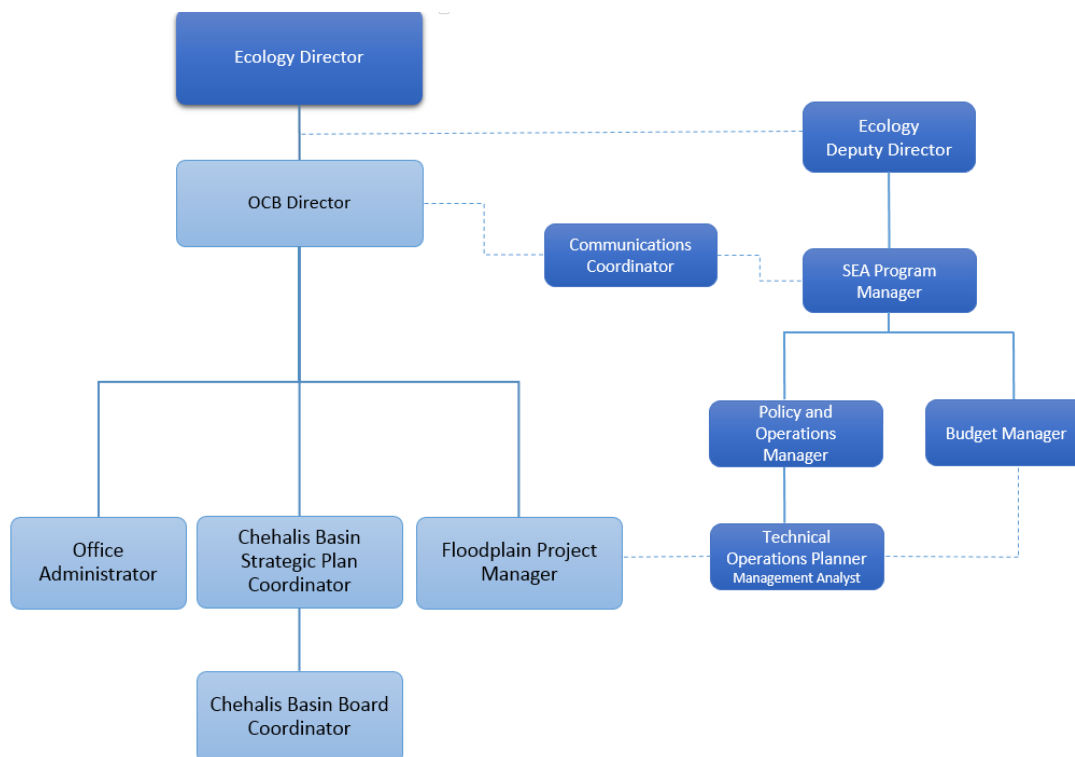
Ecology web site for Chehalis Basin Board information:

https://www.ezview.wa.gov/site/alias_1962/committees_chehalis_basin_board/37068/chehalis_basin_board.aspx and Chehalis Basin Strategy: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Hazards/Floods-floodplain-planning/Chehalis-Basin-Strategy>

Web site for information on the Chehalis Basin Strategy, links to documents and related management efforts in the Basin: <http://chehalisbasinstrategy.com/>

Organizational Chart

Office of Chehalis Basin (OCB) Organizational Chart - Ecology



About the Board

In this Section

- ✓ Board responsibilities and membership
 - ✓ Board composition
 - ✓ Meeting and operating procedures
 - ✓ Compensation and reimbursement
-

Board Responsibilities and Membership

The Chehalis Basin Board oversees implementation of the multi-benefit Chehalis Basin Strategy. The goals of the Strategy are reducing catastrophic flood damage and restoring aquatic species in the Chehalis River Basin.

The Board is supported by the Office of Chehalis Basin (OCB) at the Department of Ecology. As described in legislation creating the OCB, “the primary purpose of the Office is to aggressively pursue implementation of an integrated strategy and administer funding for long-term flood damage reduction and aquatic species restoration in the Chehalis River basin.” ¹

Board Responsibilities in Statute

The following Board responsibilities are identified in the statute creating the Chehalis Basin Board:

- Chehalis Basin Strategy: The Board is responsible for oversight of a long-term strategy resulting from the Department of Ecology's Programmatic Environmental Impact Statement for the Chehalis River basin to reduce flood damages and restore aquatic species habitat.
- Budget oversight and recommendations: The Board is responsible for overseeing the implementation of the Strategy and developing biennial and supplemental budget recommendations to the Governor. ²

The statute also identifies the elements of the Strategy and the Board's on-going role:

- Action plan: The Chehalis Basin Strategy must include a detailed set of actions to reduce flood damage and improve aquatic species habitat.
- Implementation schedule and measures: The Strategy must include an implementation schedule and quantified measures for evaluating the success of implementation. ³

¹ RCW 43.21A.730

² RCW 43.21A.731 (5) and (6)

³ RCW 43.21A.732

- Amendments: The Strategy must be amended by the Chehalis Basin Board as necessary to include new scientific information and needed changes to the actions to achieve the overall purpose of the Strategy.

Board Membership

Chapter 43.21A.731 establishes the Chehalis Basin Board's membership and terms of service. Terms are four years, except that specific shorter initial terms for some positions are identified in statute. The board includes seven voting members, which are appointed by four different authorities. The appointing authorities in statute, current membership and terms based on statutory direction are:

Position:	Name:	Term:
Governor #1	J. Vander Stoep	June 30, 2020
Governor #2	Steve Malloch	June 30, 2019
Chehalis River Basin Flood Authority #1	Vickie Raines	June 30, 2020
Flood Authority #2	Edna Fund	June 30, 2020
Flood Authority #3	Jay Gordon	June 30, 2019
Confederated Tribes of the Chehalis Reservation	Dave Burnett	June 30, 2021
Quinault Indian Nation	Tyson Johnston	June 30, 2021

In addition, five state agency heads serve as non-voting members of the board: the Commissioner of Public Lands, the Director of Fish and Wildlife, the Executive Director of the State Conservation Commission, the Secretary of Transportation, and the Director of the Department of Ecology. State agency leads may send a designee by notifying the Board in writing.

Appointment of the Chair of the Board

The governor appoints one of the Flood Authority-appointed members to serve as Chair of the Board. The governor has appointed Vickie Raines to serve in this capacity.

Senate Confirmation of Governor Appointees

The Senate must confirm the appointment of the two members appointed by the Governor. The Governor's Office will ask you to complete a confirmation packet, and will work with OCB staff to have your appointment placed on the agenda of the appropriate committee.

Recusal Due to Potential Conflict of Interest

There may be times when you need to recuse yourself from a discussion or vote due to a conflict of interest. The OCB statute specifically addresses this issue: "No member may have a direct financial interest in the actions of the board."⁴

⁴ RCW 43.21A.731(2)(a)

If you need to recuse yourself, state your intent to recuse yourself and the reason for your recusal for the record before any relevant discussion or vote. If you have questions about a potential conflict of interest, please contact the OCB Director.

Resignation

If you are unable to complete your term, it is important to let your appointing authority know. A letter of resignation should be sent to the appointing authority indicating the date your resignation is effective and whether or not you are able to serve until a replacement is named.

Board Operating Procedures

Consensus Decision-making

Board decisions and recommendations will be consensus-based, with the option for voting members to vote if consensus cannot be reached.

Definition of consensus: The Board operates under the following definition of consensus:

The group will have reached consensus on an issue when it agrees upon a single alternative and each participant can say:

- I believe that other participants understand my point of view.
- I believe I understand other participants' points of view.
- Whether or not I prefer this alternative, I support it because it was arrived at openly and fairly, based on good information, and it is the best decision for us at this time.

Conveying consensus: This consensus can be conveyed via a thumbs up (I fully support this option); thumbs sideways (I can live with this option for the good of the group and the process); or thumbs down (I cannot live with this option).

The position of ex officio members will be solicited. However, ex officio members cannot block consensus if there is unanimous consent by the voting members.

If anyone is thumbs down, the group will seek solutions that allow those thumbs to move to up or sideways.

Registering concerns: When a call to make a decision on an issue is made, a member displaying a sideways thumb may request their reservation be recorded in the decision that is conveyed to others.

If there are significant reservations about a motion, the Board may choose to modify or re-word the proposal.

Board members who feel they are incapable of adequately understanding or participating in the proposal or decision, or members that wish to recuse themselves from the decision, may choose to 'stand aside'. Stand asides do not halt a decision.

Process if consensus is not present: If there are instances where consensus cannot be reached, the seven appointed members, including the Chair, may take a vote. Ex officio members participate in discussion of issues and proposed actions, but do not have voting authority.

A motion proposes that the board take certain action on a matter.

A member may initiate a vote when consensus cannot be reached by saying, "I move" and then state specifically what action you are proposing. You can second the motion by saying "second." The names of the person making the motion and seconding the motion are recorded in the minutes. A majority vote of the voting members present is required for a motion to be adopted.

The outcome of the vote, as well as the pros and cons of the different alternatives for which consensus could not be reached, will be presented in a succinct report included in the meeting summary.

Operating Procedures

Quorum

A quorum is five voting members, with a preference that at least two of the ex officio agency members other than Ecology also be present. At the outset of each meeting, the chair will call the meeting to order and call the roll to establish a quorum.

Discussion Guidelines for Board Meetings

Be Respectful

- Respect time constraints.
- Keep comments brief so everyone gets a chance to share their thoughts.
- Foster open and broad communication, say “ouch” when it hurts.
- Hear and respect all opinions.
- Acknowledge that all participants bring with them legitimate purposes, goals, concerns, and interests whether or not you agree with them.

Be Constructive

- Seek creative solutions that address everyone’s needs.
- Be willing to give and to get.
- State concerns and interests clearly, listen carefully to and assume the best in others, ask questions (to clarify and educate) rather than make assumptions or make rhetorical statements (no “leaping”).

Be Productive

- Prepare for meetings, do your “homework”.
- Attend meetings, arrive on time, and participate until the conclusion of the meeting.
- Bring a sense of humor and have fun.

Opportunity for Public Comment

Opportunity for public comment will be provided at each meeting. At minimum, opportunity for public comment will be provided prior to the conclusion of the meeting. If Board action is proposed on an issue of significant public interest, public comment may be solicited during initial Board discussion of the topic, or a special public hearing may be held. The format for public comment will be at the discretion of the Chair.

Meetings

Regular Meetings

The board will hold regular meetings on the first Thursday of each month. The adopted schedule and location of regular meetings is published in the Washington State Register. The current meeting schedule is in the appendix.

Meetings are held throughout the Chehalis Basin and other locations. Meetings are held at publicly accessible locations.

Special Meetings

The board also may conduct special meetings at any time, if called by the chair. Special meetings are open public meetings, so staff will make a public announcement of the meeting a minimum of 24 hours in advance. At the meeting, the board may discuss only the topics on the published agenda.

Subcommittees

The board may form subcommittees at its discretion. Subcommittees must involve less than a quorum of the members, and may be subject to the provisions of the Open Public Meetings Act, depending on the subcommittee's charge.

Minutes/Meeting Summaries

Staff documents the significant discussion and actions of the board in written meeting summaries. Meeting summaries are approved by the Board at the subsequent meeting.

Correspondence between Meetings

Because regular meetings are held once per month, it may be necessary for Board correspondence to be drafted, reviewed, and approved during interim periods between Board meetings. When this is anticipated, a procedure has been established to ensure consistency and adhere to the consensus decision making process:

- The substance of anticipated correspondence will be discussed and approved via consensus at the regular or special Board meeting.
- Draft versions of correspondence will be provided to Board members between meetings, along with a deadline for individuals to review and provide feedback on content.
- Staff will finalize the correspondence based on comments received during the given review/feedback period. If comments received cannot be addressed by staff, the correspondence will be brought back to the Board for discussion and decision at the next regular or special Board meeting.

Guiding Principles for the Chehalis Basin Strategy

The Board adopts the following statement of principles to guide development of the Chehalis Basin Strategy. These will be refined and replaced by a comprehensive Strategy to be developed through work with a broad range of interests and agencies, and adopted by the Board.

A solution to reduce flood damages needs to be a Basin-wide solution. It needs to ensure public safety and significantly reduce flood damage for people and communities throughout the Basin. Flood damage reduction actions will maximize benefits, and minimize adverse human and environmental impacts. The solution needs to protect key community infrastructure and maintain public services during emergencies. We will avoid solving one area's problems by making another area's problems worse.

Equally important is the need to repair the damage caused over the past decades to the health of the river and its watershed. Salmon habitat productivity is a fraction of historic levels and other native species have been significantly affected. Despite the changes, the Chehalis Basin still supports one of the most diverse populations of aquatic species in the state. The Chehalis Basin strategy must ensure protection of the current habitat functions; restoration must significantly increase the abundance and productivity of the Chehalis ecosystem for salmon and other aquatic species.

Future development in the Basin should be done in a manner that does not put more people or development in harm's way, and should not increase damages or costs to people already living in and using the floodplain. By planning ahead, respecting what the river can do, and managing floodplains smartly, potential future flood damage can be reduced.

Flooding is a natural occurrence that will recur. Communities need to be as prepared as possible with flood warning and emergency response systems.

Compensation and Travel Reimbursement

Members of the board are eligible to request compensation for their time and expenses on official business, in accordance with the applicable laws and rules. You must complete the personnel and payroll forms before requesting reimbursement.

Compensation

Members of the board who do not represent state agencies are authorized to request compensation at \$100 for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair of the group.⁵ You will not receive additional compensation for time spent reading or reviewing materials before the meeting.

Allowable Expenses

All board members may seek reimbursement for travel expenses incurred in performance of your duties as a member of the board.⁶ These expenses include mileage reimbursement, lodging, and meals up to the maximum allowable rates.

Mileage is reimbursed according to state allowable rates. The travel policy and “per diem” rate chart are available from OFM at <http://www.ofm.wa.gov/resources/travel.asp>

Expenses for meals will be reimbursed at the state per diem rate. Meal reimbursement eligibility is determined by the time of day and location.

Overnight lodging expenses will be reimbursed up to the maximum allowable state per diem rates and must include an original hotel receipt. Generally, lodging is reimbursed when traveling over 50 miles from your residence or official work station.

You must use the state’s contracts for travel agents, airlines, and rental cars when on official business. Air travel must be approved in advance. If you need to travel by air, contact the Board Coordinator for help with the approval process and arrangements.

Reimbursement Process

For compensation and travel reimbursement, contact staff for reimbursement forms. Complete the form and send it with receipts where required to the Board Coordinator for processing. The state may take up to three weeks to provide reimbursement.

⁵ RCW 43.03.250

⁶ RCWs 43.03.050 and 43.03.060

Key Laws and Rules

In this Section

- ✓ What you need to do to comply with laws about ethics, public disclosure, lobbying, and records retention
-

Ethics and the Appearance of Fairness

As a board member, you are expected to uphold a high standard of ethics. It is extremely important to avoid conflicts of interest or even the appearance of conflicts of interest. The Ethics in Public Service statute (RCW 42.52) provides guidance to members of boards.

A conflict of interest may exist if you can reasonably expect that your official conduct will directly result in a financial benefit to yourself, family, business associates, employers, or businesses that you represent. The conflict need not be certain to occur. Public employees, including appointed board members, should not make decisions to gain financial or other benefits for themselves, their family, or their friends.

The OCB statute specifically addresses this issue: “No member may have a financial interest in the work of the board.”⁷

Open Public Meetings Act

The Legislature passed the Open Public Meetings Act⁸ in 1971 as a part of a nationwide effort to make government affairs more accessible and responsive.

All regular and special meetings of the board are open public meetings. When a majority of members gathers to discuss business of the board, in person OR electronically, their discussions or actions must be consistent with the open public meeting laws, including notice to the public when required.

A meeting occurs whenever the governing body of a public agency takes “action.”⁹ Under the Open Public Meetings Act (OPMA), “action” includes any receipt of public testimony, discussions, deliberations, considerations, reviews, or evaluations and final actions.¹⁰ In fact, the “action” determines whether a “meeting” has taken place, not whether a “meeting” in the everyday sense of the term (e.g., a gathering of people) has taken place. Decisions of the governing body are called “final actions.”¹¹

⁷ RCW 43.21A.731 (2)(a)

⁸ RCW 42.30

⁹ RCW 42.30.020 (4)

¹⁰ RCW 42.30.020 (3)

¹¹ RCW 42.30.020 (3)

- A meeting occurs if a majority of the members of the governing body were to discuss or consider issues no matter where that discussion or consideration might occur.
- A phone call or an e-mail exchange among a quorum of members of a governing body in which an “action” takes place can be a “meeting” under OPMA. Because a phone call or an e-mail exchange among members of a governing body is not open to the public, such an exchange in which an “action” took place would violate OPMA. You should use caution in using e-mail to discuss any board issues and avoid using the “reply to all” feature if the e-mail would go to all board members or if there is a chance it would be forwarded to other board members.

Consequences

There are legal consequences for an Open Public Meetings Act violation.

- First, any action taken in violation of OPMA can be declared null and void.
- Second, OPMA provides for financial penalties. Each member of the governing body is personally liable for the penalty if he or she is aware that the meeting is in violation of the act. Courts also may award all legal costs to the successful party.

Loss of credibility suffered by a board because of a judicial finding of an Open Public Meeting Act violation—or even the mere filing of a suit—may be the most severe consequence.

Public records – Retention and response to records requests

Public records are recorded information, regardless of physical form.¹² All records maintained in electronic format, including e-mail, are included in the definition of a “public record.” All public records must be maintained and disposed of in accordance with the law and retention schedules.¹³

Meeting Materials

The materials that you receive for the board meetings are secondary copies with no retention value, unless you have made substantive notes regarding your decisions. If you have made substantive notes, please keep the notes or give it to the Board Coordinator. If not, you can recycle the materials when you no longer need them, or leave them for staff to recycle after the meeting.

¹² “Public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics . . .” RCW 42.56.010(3). “Writing” means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.56.010(4).

¹³ RCW 40.14

E-mail: Using the Ecology-issued email address

Each Board member has been issued an Ecology email to use for Board business. This includes distribution of information from staff, dialogue among members and all other Board-related correspondence.

Using the Board email will greatly simplify meeting the requirements related to public records.

E-mail messages are public records, and you are responsible for retaining them according to the state and agency retention schedules. Here are some general guidelines:

- Board Coordinator will be responsible for retaining emails related to the Board per retention schedule.
- E-mails that you send regarding routine matters (e.g., scheduling inquiries, questions about travel reimbursement) may be deleted after 30 days.
- E-mails that you send or that you receive from someone outside the Board or OCB relating to board business is official correspondence. These generally must be retained per the retention schedule.

Public Disclosure Requests

All documents held by the OCB and the Board are subject to disclosure, unless there is a specific exemption. If you receive a request for disclosure of documents, please immediately forward it to the Board support staff.

You are responsible for promptly providing responsive documents when requested by Ecology's public disclosure officer.

Lobbying

The Campaign Disclosure and Contribution Law ¹⁴ requires state agencies that undertake in-person lobbying in order to attempt to influence state legislation must file reports disclosing their lobbying expenditures. You are responsible for adhering to lobbying laws and rules if you are lobbying as a member of the board. ¹⁵

Monthly reporting to the PDC

Your contacts with Legislators and others meeting the "lobbying" definitions described below must be included in Ecology's monthly reports to the Public Disclosure Commission. Staff will send a form and monthly reminder to report such contacts. Reporting includes date, duration, contact, and purpose of the contact.

¹⁴ RCW 42.17.190 (recodified as 42.17a.635, effective January 2012)

¹⁵ Board members lobbying as individuals or representing another organization do not need to report this activity through the OCB. However, please mention this activity to the Board Coordinator, or OCB Director to avoid potential conflicts.

Activities that are allowed at the State level

State law defines "lobby and lobbying" ¹⁶ as "attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW."

Reportable Lobbying

Lobbying includes the following activities:

- In-person contacts with legislators to influence action or inaction on legislation is understood fairly universally to be reportable lobbying. This includes testifying before legislative committees.
- Reportable lobbying also includes efforts to inform, sway, convince, or otherwise influence the action or inaction of legislative staff members.
- Gifts, travel, contributions, and entertainment expenditures for legislators and staffers alike, whether using public or non-public dollars, are reportable.

Activities that are not Lobbying

Lobbying does not include any of the following activities:

- Requests for appropriations by state agencies to the Office of Financial Management (OFM) pursuant to RCW 43.88, nor requests by the Office of Financial Management to the legislature for appropriations other than its own agency budget requests;
- Once a budget request leaves OFM and is before the Legislature, attempts to influence any portion of it constitute reportable lobbying;
- Recommendations or reports to the Legislature in response to a legislative request (oral or written) that expressly requests or directs a specific study, recommendation, or report by an agency on a particular subject;
- Official reports including recommendations submitted to the legislature annually or biennially by a state agency as required by law;
- Requests, recommendations, or other communications between or within state agencies (however, attempts to influence the Governor with respect to signing or vetoing legislation are considered reportable lobbying; other communications or negotiations with the Governor's Office would not be reportable);
- Telephone conversations or preparation of written correspondence;
- Preparation or adoption of policy positions within an agency or group of agencies (once a position is adopted, further action to advocate it may constitute lobbying);

¹⁶ RCW 42.17A.005 (30)

Not Allowed: Grass-Roots Lobbying

- You are not permitted to conduct grass-roots lobbying in your capacity as a board member. Grass-roots lobbying is defined as a program "addressed to the general public, a substantial portion of which is intended, designed or calculated primarily to influence state legislation." ¹⁷

¹⁷ Regulating Candidates, Campaigns, and Lobbyists. June 28, 2017.
<https://www.pdc.wa.gov/learn/publications/lobbyist-instructions/grass-roots-lobbying>

Contacts with Federal officials and agencies: Pre-approval is required

Special requirements for coordinating with members of Congress, their staff, and Federal agency personnel may apply to Board members. These requirements are described in the “Federal Relations Procedures” updated by the Governor’s office on 2/28/17. The Procedures are included in the Attachments.

In summary:

- If you are going to have direct contact with Federal entities on behalf of the Department of Ecology and in your role as a Chehalis Basin Board member, you must coordinate with Ecology’s Office of Governmental Relations via Denise Clifford, Director, or Ken Camp, Legislative Coordinator¹⁸. This office acts as Ecology’s liaison and federal point of contact with the Governor’s Washington, D.C. office director. This includes telephone conversations, personal visits or testimony with members of Congress, their staff and high-level Federal agency personnel.
- All correspondence with Federal entities expressing a position on federal legislation, regulations or budget, on behalf of the Department of Ecology and in your role as a Chehalis Basin Board member, must be approved first by Ecology’s Office of Governmental Relations and by the Governor’s D.C. office. Allow at least ten (10) business days for this review (5 for Governmental Relations; 5 for the Governor’s D.C. office). Additional requirements apply if the Ecology Director or the Governor is intended to sign the correspondence, including eight business days lead time. If there is an unanticipated need or federal expectation to comment on federal matters, contact Governmental Relations on how to proceed quickly.
- Prior approval is not required for routine correspondence or covering positions already approved by Ecology’s Governmental Relations Office or the Governor’s office. Copy Denise Clifford, Ken Camp, and the Governor’s office D.C. representative on such correspondence.

See Board support staff or the OCB Director if you have questions on these requirements.

Handling Comments, Complaints, and Media Inquiries

There may be times when a member of the public or media contacts you directly with questions or comments. You are welcome to respond to comments or inquiries directly, or may direct the person to staff. If you respond directly, please notify the OCB Director.

If you receive a complaint, please direct the person to the OCB Director or Board chair.

¹⁸ Denise Clifford, Director – (360) 407-7003 or decl461@ecy.wa.gov
Ken Camp, Legislative Coordinator – (360) 407-7008 or keca461@ecy.wa.gov

Appendices

Relevant statutes

Including revisions from Chapter 27, Laws of 2017 (Engrossed Senate Bill 5097)

RCW 43.21A.730

Office of Chehalis basin.

(1) The office of Chehalis basin is established in the department. The primary purpose of the office is to aggressively pursue implementation of an integrated strategy and administer funding for long-term flood damage reduction and aquatic species restoration in the Chehalis river basin.

(2) The office of Chehalis basin must be funded from appropriations specified for Chehalis river basin-related flood hazard reduction and habitat recovery activities.

(3) In operating the office, the department must follow, to the greatest extent practicable, the model being used to administer the Columbia river basin water supply program established in chapter 6, Laws of 2006.

RCW 43.21A.731

Chehalis board.

(1) The Chehalis board is created consisting of seven voting members.

(2)(a) Four members of the board must be voting members who are appointed through the governor. The governor shall invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a voting member of the board. In addition, the governor shall appoint two members of the board, subject to confirmation by the senate. Three board members must be selected by the Chehalis basin flood authority. No member may have a direct financial interest in the actions of the board. The governor shall appoint one of the flood authority appointees as the chair. The voting members of the board must be appointed for terms of four years, except that one member appointed by the governor and one member appointed by the flood authority initially must be appointed for terms of two years, and one member appointed by the governor and two members appointed by the flood authority must initially be appointed for terms of three years. In making the appointments, each appointing authority shall seek a board membership that collectively provides the expertise necessary to provide strong oversight for implementation of the Chehalis basin strategy, that provides extensive knowledge of local government processes and functions, and that has an understanding of issues relevant to reducing flood damages and restoring aquatic species.

(b) In addition to the seven voting members of the board, the following five state officials must serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the Washington state conservation commission, the secretary of the department of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies

to serve on the board in their behalf. These designations must be made in writing and in such a manner as is specified by the board.

(3) Staff support to the board must be provided by the department. For administrative purposes, the board is located within the department.

(4) Members of the board who do not represent state agencies must be compensated as provided by [RCW 43.03.250](#). Members of the board shall be reimbursed for travel expenses as provided by [RCW 43.03.050](#) and [43.03.060](#).

(5) The board is responsible for oversight of a long-term strategy resulting from the department's programmatic environmental impact statement for the Chehalis river basin to reduce flood damages and restore aquatic species habitat.

(6) The board is responsible for overseeing the implementation of the strategy and developing biennial and supplemental budget recommendations to the governor.

RCW 43.21A.732

Chehalis basin strategy.

The Chehalis basin strategy must include a detailed set of actions to reduce flood damage and improve aquatic species habitat. The strategy must be amended by the Chehalis board as necessary to include new scientific information and needed changes to the actions to achieve the overall purpose of the strategy. The strategy must include an implementation schedule and quantified measures for evaluating the success of implementation.

RCW 43.21A.733

Chehalis basin account.

The Chehalis basin account is created in the state treasury. All receipts from direct appropriations from the legislature, including the proceeds of tax exempt bonds, or moneys directed to the account from any other sources must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in [RCW 43.21A.730](#) and for the payment of expenses incurred in the issuance and sale of bonds.

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

February 28, 2017

TO: Agency Directors
FROM: David Postman, Chief of Staff
SUBJECT: **FEDERAL RELATIONS PROCEDURES**

A handwritten signature in blue ink, appearing to read "D. Postman", with a long horizontal stroke extending to the right.

This memo is to serve as a reminder that all agencies must coordinate with the Governor's Office, through our Washington, DC Office, when they communicate with the federal government, including Congress and federal agencies.

A copy of the Governor's Office Federal Relations Procedures is attached. Agencies should use these procedures when they communicate with members of Congress, congressional committees and staff, and federal agencies. These procedures are effective immediately.

In 2017, with a new federal government administration and Congress, our state must be extra vigilant in our awareness and efforts to influence proposed federal policy. Maintenance of unified, coordinated engagement with the federal government, including our state's Congressional Delegation, is important to ensure Washington has a voice in shaping federal policies to best serve the people of our state.

I encourage your agency to work with our DC Office to maintain proactive, consistent communication with our Congressional Delegation and your federal agency counterparts. I ask your agency to work with the DC Office, and with any national associations to which your agency or programs are members, to stay thoroughly informed of federal matters of interest to your agency.

Please provide this memo to all program managers and staff engaged in communication with the federal government. Your adherence to this policy will help ensure our state's interactions with the federal government are coordinated, prioritized, and effective.

If you have questions concerning these procedures, please contact Sam Ricketts, Director of the Governor's Washington, DC Office, at sam.ricketts@gov.wa.gov or (202) 624-3691. Thank you for your cooperation in this effort.

cc: Sam Ricketts, Director, Washington, DC Office

(Attachment)

FEDERAL RELATIONS PROCEDURES

Direct Contact

State agency personnel who will have direct contact (including personal visits, testimony, or telephone conversations) with members of Congress or their staff, congressional committees, federal agencies, or other governors, regarding issues that may be of interest to the Governor's Office, shall beforehand provide information regarding this contact to the Governor's Washington, DC Office (Sam Ricketts, Director: sam.ricketts@gov.wa.gov). The DC Office will inform and work with other members of the Governor's Office (including the Governor's Policy Office and Budget Office), as appropriate.

In addition, state agencies will inform the DC Office, and the Governor's General Counsel (Nick Brown, nicholas.brown@gov.wa.gov), whenever they receive a unique or unusual request for information from a federal agency. In circumstances where a state agency maintains regular correspondence with a federal agency, such agency shall ensure the DC Office is aware of these ongoing communications, and should report to the DC Office any irregularities that may arise.

State Agency Statements on Federal Policy or Federal Government Actions

Agencies shall inform and consult with the DC Office (Sam Ricketts, Director: sam.ricketts@gov.wa.gov), and the Governor's Communications Office (Jaime Smith, Director, jaime.smith@gov.wa.gov) before issuing a statement or comment to the media or other public communication on existing or proposed federal legislative, fiscal or regulatory policy, implementation, or federal agency actions. This procedure can be waived at the discretion of the DC Office and/or communications director when the state's or an agency's position is well-established.

Federal Correspondence for Agency Director's Signature

All correspondence between state agencies and federal officials, including members of Congress, their staff, and federal agencies, which expresses a policy position or recommendation on federal legislation, regulations, or funding, is subject to prior review and approval. This review extends also to correspondence with other state governments.

Requests for approval of correspondence should be sent to the Governor's Washington, DC Office (Sam Ricketts, Director: sam.ricketts@gov.wa.gov). A copy of the draft letter, a brief explanation of the reason for correspondence, the date needed, and the name, email address and telephone number of the agency staff lead should accompany the request.

Please allow at least three business days for approval of federal correspondence for agency director's signature. If the correspondence is needed on a rush basis, agencies should notify the DC Office as soon as possible. DC Office staff will provide approval of the correspondence via email to the lead agency contact and/or agency director.

This process is not required for correspondence of a routine, non-controversial nature. This process is also not required in certain circumstances that have been preapproved by the DC Office. However, in these instances the correspondence should also be shared with the DC Office.

Federal Correspondence for the Governor's Signature

Documents that state agencies intend to be sent as correspondence with the federal government which require the Governor's signature shall be sent to the Governor's Washington, DC Office (Sam Ricketts, Director: sam.ricketts@gov.wa.gov), and to each agency's lead advisor in the Governor's Policy Office. The draft letter and a brief explanation of the reason for the correspondence should accompany the request, and should follow appropriate review and approval within the state agency. The request should also include the date by which the correspondence is needed, and the name, email address and telephone number of the agency staff lead. Agencies should also inform the appropriate staff Governor's Budget Office, if the correspondence relates to federal funding.

Agencies should submit their correspondence with a lead time of at least 5 business days, to allow for adequate review. If the correspondence is needed on rush, agencies should notify the DC Office as soon as possible.

Once the letter has been signed and sent, a copy of the signed correspondence will be emailed to the lead agency contact.

Lead Federal Affairs Contact for State Agencies

Each state agency should designate one or two individuals to serve as its "Lead Federal Affairs Contact(s)." These individuals are to assume primary responsibility for the agency's interactions with the federal government, and its work with the DC Office. This includes working with agency leadership and programs to track relevant federal policy developments, assisting the Governor's Washington, DC, Policy and Budget Offices in reviewing federal policy and preparing federal funding requests, and responding to requests for information or assistance from members of Congress, congressional committees, federal agencies, the National Governors Association and Western Governors Association, and other states.

In past practice, state agency officials who have assumed the responsibilities of Lead Federal Affairs Contacts have included policy directors, agency deputy directors, external affairs directors, and legislative liaisons. For many Small Cabinet agencies the agency director has acted in this role.

Each state agency director should confirm their agency's Lead Federal Affairs Contact(s) with the Governor's Washington, DC Office (Sam Ricketts, Director: sam.ricketts@gov.wa.gov). Please also contact DC Office staff with any questions you may have about this protocol.

Regular Meeting Schedule through June 30, 2019 (first Thursday of each month)

2017
July 7, 2017
August 3, 2017
September 7, 2017
October 5, 2017
November 2, 2017
December 7, 2017

2018
January 4, 2018
February 1, 2018
March 1, 2018
April 5, 2018
May 3, 2018
June 7, 2018
July 5, 2018
August 2, 2018
September 6, 2018
October 4, 2018
November 1, 2018
December 6, 2018

2019
January 3, 2019
February 7, 2019
March 7, 2019
April 4, 2019
May 2, 2019
June 6, 2019