

1 Watershed Restoration Enhancement Committee

2 Water Resource Inventory Area (WRIA) 15

3 Operating Principles

4 Approved Version Sent for Signature February 12, 2019

5 Effective xx, 2019 (date by which all members have signed)

6 SECTION 1: PURPOSE

7 The purpose of the operating principles is to establish the watershed restoration and enhancement
8 committee, as authorized under RCW 90.94.030, for the purpose of developing the watershed
9 restoration and enhancement plan. The document sets forward a process for meeting, participation
10 expectations, procedures for voting, structure of the Committee, communication and other needs in
11 order to support the Committee in reaching agreement on a final plan.

12 SECTION 2. AGREEMENT AND AMENDMENTS TO THE OPERATING PRINCIPLES

13 The formal establishment of an agreement to the operating principles will take place via a member
14 decision, with all members of the watershed restoration and enhancement committee (Committee)
15 approving the operating principles. Participants will work in good faith to participate productively in the
16 development of the operating principles. By approving the operating principles, members of the
17 Committee agree to uphold the principles as outlined in this document.

18 The Committee may review the operating principles periodically. Any member of the Committee may
19 bring forward a recommendation for an amendment to the operating principles. Amendments will be
20 brought for discussion when a quorum (2/3 of the membership) is present and take effect only if
21 decided on unanimously by the full Committee for inclusion in the operating principles.

22 Nothing contained herein or in any amendment developed under the Agreement shall prejudice the
23 legal claims of any party hereto, nor shall participation in this planning process abrogate any party's
24 authority or the reserved or other rights of tribal governments, except where the obligation has been
25 accepted in writing.

26 SECTION 3. PARTICIPATION EXPECTATIONS AND GROUND RULES

27 ***Participation expectations***

28 Each entity invited by Ecology to participate on the Committee, and which has responded indicating
29 their commitment to participate, shall identify a representative and up to two alternates to participate
30 on the Committee. Committee members will, in good faith and using their best professional judgement:

- 31
- Actively participate in Committee meetings;

- 1 • Review materials in preparation for the meetings;
- 2 • Review materials following the meetings;
- 3 • Engage in workgroups (if applicable);
- 4 • Come prepared for discussions and decisions (when applicable); and
- 5 • Commit to implementing the Committee ground rules (see below).

6 The chair will consult with the Committee to ensure that adequate time is given for review of materials.
7 The chair will provide meeting materials at least 7 days before meetings, with additional time given for
8 longer documents. The chair recognizes that members may need to discuss decisions with their
9 organizations prior to bringing forward a decision to the Committee and the chair and facilitator will
10 work with Committee members to establish reasonable review time for materials prior to reaching a
11 decision. Members of the Committee will actively work with their decision making authorities to receive
12 feedback on decisions in a timely manner as to not delay decisions coming before the Committee.
13 When possible, Committee members will provide the chair reasonable notice if additional review time is
14 needed prior to making a decision.

15 Committee meetings will take place on a monthly basis for an initial period, with the interval of
16 meetings being modified as needed to meet the deadlines (either more or less frequently). The chair will
17 hold meetings at a convenient location in the watershed. Meetings are expected to last for
18 approximately 4 hours, with the length modified as needed to meet deadlines.

19 The chair or facilitator will contact Committee members that miss meetings. A lack of participation does
20 not mean the process to develop the plan will be stalled. However, it is recognized that if a quorum is
21 not present, meetings may be cancelled or decisions postponed which may impact the overall timeline
22 for plan approval. If an entity misses multiple meetings, the chair or facilitator will work with the entity
23 to identify reasonable accommodations to support reengagement.

24 ***Remote Participation***

25 It is the expectation that Committee representatives shall attend all meetings in person. In person
26 participation is essential to efficiency, clarity, and honest communication. Although it should not be
27 routine, remote participation can be accommodated when necessary to facilitate Committee member
28 participation and when possible given technology availability. Remote participants may engage in
29 decision-making; however the primary purpose of remote participation is listening to the Committee
30 meeting, as it may be difficult to fully participate in discussion. If there are difficulties with technology,
31 the chair's priority is to continue the meeting with the in-person participants and not delay the meeting
32 to address technology challenges. Representatives are strongly encouraged to attend meetings in-
33 person.

34 The Committee chair will allow for remote participation (e.g. via phone, web, video conference) if:

- 35 • Notice is provided to the chair or facilitator at least 1 week in advance of the meeting (except in
36 the case of emergencies such as illness, weather event, etc.), AND
- 37 • Representative and alternates are not available to attend in person, AND

- 1 • Meeting room accommodates remote participation.

2 **Ground rules**

3 Water management is inherently complicated and the Committee is striving for consensus on the
4 watershed restoration and enhancement plan. Therefore, given the range of members’ diverse
5 perspectives, the Committee has established the following to ensure good faith and productive
6 participation amongst its members:

7 **1. Be Respectful**

- 8 • Listen when others are speaking. Do not interrupt and do not participate in side
9 conversations. One person speaks at a time.
10 • Recognize the legitimacy of the concerns and interests of others, whether or not you
11 agree with them.
12 • Cooperate with the facilitator to ensure that everyone is given equitable time to state
13 their views. Present your views succinctly and try not to repeat or rephrase what others
14 have already said.
15 • Silence cell phones and limit use of cell phones and laptops during the meeting.
16 • Respect other communication styles and needs.
17 • Assume good intent of other Committee members.

18 **2. Be Constructive**

- 19 • Participate in the spirit of giving the same priority to solving the problems of others as
20 you do to solving your own problems.
21 • Share comments that are solution focused. Avoid repeating past discussions.
22 • Do not engage in personal attacks or make slanderous statements. Do not give
23 ultimatums.
24 • Ask for clarification if you are uncertain of what another person is saying. Ask questions
25 rather than make assumptions.
26 • Work towards consensus. Identify areas of common ground and be willing to
27 compromise.
28 • Minimize the use of jargon and acronyms. Attempt to use language observers and
29 laypersons will understand.
30 • It is okay to disagree, but strive to reach common ground.

31 **3. Be Productive**

- 32 • Adhere to the agenda. Respect time constraints and focus on the topic being discussed.

33 **4. Bring a Sense of Humor and Have Fun.**

34 **Interpersonal conflict resolution**

35 In the event a conflict arises amongst members or established workgroups of the Committee, the
36 following steps should be taken by individuals:

- 37 1. Communicate directly with the person or persons whose actions are the cause of the conflict.
38 2. If the circumstance is such that the person with a conflict is unable or unwilling to communicate
39 directly with the person or persons whose actions are the cause of the conflict, the person shall
40 speak with the Committee chair and facilitator.

- 1 3. The conflict should first be brought up verbally. If this does not lead to satisfactory resolution,
2 the impacted parties should describe the conflict in writing to the chair.
- 3 4. If such matters are brought to the chair and facilitator, the chair in consultation with the
4 facilitator, will address the conflict as appropriate and may seek outside or independent
5 assistance as needed.

6 SECTION 4. ALTERNATES, EX OFFICIO MEMBERSHIP AND WORKGROUPS

7 ***Alternates***

8 Committee members shall provide to the chair, in writing, up to two designated alternate committee
9 members from their organization or government. Committee members shall inform the chair in writing
10 of any changes to the main representative or alternates. If the primary representative cannot attend a
11 meeting, they should, if possible, send the designated alternate and notify the Committee chair and the
12 facilitator as early as possible. It is the responsibility of the primary representative to brief the alternate
13 on previous meetings and key topics arising for discussion in order for the alternate to participate
14 productively.

15 Representatives may call on alternates that attend the meeting at any time to speak. Only one
16 representative from the government or entity shall sit at the table and participate in a decision. If the
17 primary representative and alternates are no longer able to attend (staffing change, ongoing scheduling
18 conflicts), the government or organization shall work with the chair to quickly identify alternative
19 representation from the same government or organization. If no alternative representative is available
20 from the government or organization, an alternate entity that can represent the same interest is
21 allowed and shall be brought forward by the departing entity to the chair for approval. Replacement
22 members are subject to latecomer provisions.

23 ***Latecomers***

24 Ecology invited all entities identified in 90.94.030 to participate on the Committee and all entities in
25 WRIA 15 have accepted the invitation to participate. A replacement entity is allowed to join the
26 Committee at a later date under the following conditions:

- 27 1. The entity cannot request to revisit items previously decided on by the Committee;
- 28 2. The entity signs an intent to participate, provides primary and alternate Committee
29 representatives;
- 30 3. The entity agrees to and abides by the operating principles; and
- 31 4. The entity joins the Committee and participates in meetings no later than six months prior
32 to final plan approval.

33 ***Ex-Officio and Ad-Hoc Members***

34 The Committee may decide by full consensus to invite an additional entity to join the Committee as an
35 *ex officio* non-voting member. *Ex Officio* members are invited to sit at the Committee table and

1 participate actively in discussions and review of documents, but shall not make decisions on any items.¹
2 Ex-officio members shall adhere to the operating procedures.

3 The Committee may decide by consensus to invite an individual or organization to participate in select
4 meetings or agenda items where additional expertise or perspective is desired. Ad hoc members will be
5 invited by the chair to sit at the Committee table, participate actively in discussions, and review of
6 documents for the specified agenda items. They shall not make decisions on any items.

7 ***Workgroups and Advisory Groups***

8 The Committee may establish workgroups or subcommittees as it sees fit. Workgroups may be
9 temporary, established to achieve a specific purpose within a finite time frame, or a standing workgroup
10 addressing the goals of the Committee. The decision to form a workgroup is not required by the
11 legislation and may be developed at the discretion of the Committee or the chair in order to support
12 Committee decision making. All Committee workgroups are workgroups of the whole, meaning their
13 role is to support the efforts of the Committee and all Committee members are welcome to participate
14 in any workgroup formed by the Committee. The chair or Committee may also engage established
15 workgroups in the watershed or invite non-Committee members to participate on the workgroups if
16 they bring capacity or expertise not available on the Committee. No binding decisions will be made by
17 the workgroups; all issues discussed by workgroups shall be communicated to the Committee as either
18 recommendations or findings as appropriate. The Committee may, or may not, act on these workgroup
19 outcomes as it deems appropriate.

20 SECTION 5. ROLE OF THE CHAIR AND COMMITTEE SUPPORT

21 RCW 90.94.030 (2b) states that “The department shall chair the watershed restoration and
22 enhancement committee...” Ecology’s streamflow restoration implementation lead chairs the
23 Committee on behalf of the agency. In the event that the chair is unable to attend a scheduled meeting
24 due to illness or other unanticipated absence, Ecology will designate an interim chair to avoid cancelling
25 the meeting. The interim chair may make decisions coming before the Committee.

26 The chair shall make decisions on all items coming before the Committee.² The role of the chair is to
27 help the Committee complete the plan with the goal to attain full agreement from the Committee
28 members. If full agreement cannot be obtained, the chair shall ensure all opinions inform future
29 decision making for the final plan.

¹ Ecology leadership has determined that additional voting members will not be invited to join the committees in order to stay true to the legislation and keep the Committee size manageable. However, the Committee may decide to include non-voting members if they choose.

² RCW 90.94 (3) states that “the department shall prepare and adopt a watershed restoration and enhancement plan for each watershed listed under subsection (2)(a) of this section, in collaboration with the watershed restoration and enhancement committee. Except as described in (h) of this subsection, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.” Based on input from the Attorney General’s office, because Ecology is a member of the Committee and must ultimately vote on whether or not to approve the plan, Ecology shall vote on all items coming before the Committee.

1 The chair, with assistance from Ecology technical staff, contractors, members of the Committee, and/or
2 workgroups, shall prepare the watershed restoration and enhancement plan for the Committee’s
3 review, comment, and approval.

4 Ecology may provide the Committee a facilitator. The role of the facilitator is to focus on process and
5 support the Committee in productive discussions and decision-making. Ecology will provide
6 administrative support for the Committee as well as technical assistance through Ecology staff and
7 consultants.

8 Ecology may provide the Committee with technical support in the form of Ecology staff or hired
9 consultants. Ecology will seek input from the Committee on consultant selection prior to entering into
10 contract.

11 **SECTION 6. DECISION MAKING**

12 This planning process, by statutory design, brings a diversity of perspectives to the table. It is therefore
13 important the Committee identifies a clear process for how it will make decisions. Committee members
14 shall always strive for consensus, and when consensus cannot be reached, the chair and facilitator will
15 document agreement and dissenting opinions. The reason why Committee members will strive for
16 consensus is that the authorizing legislation requires that final plan itself must be approved by all
17 members of the Committee prior to Ecology’s review (RCW 90.94.030[3] “...all members of a watershed
18 restoration and enhancement committee must approve the plan prior to adoption”). Therefore it
19 follows that consensus during the foundational decisions upon which the plan is constructed will serve
20 as the best indicators of the Committee’s progress toward an approved plan.

21 ***Quorum***

22 A quorum is constituted when two-thirds of the entities represented on the Committee are present
23 (either in person or on the phone). A quorum must be present for decisions to occur. Each member of
24 the Committee may record a single formal opinion.

25 ***Decisions leading up to the final plan approval***

26 In recognition that consensus can be difficult to achieve and in some cases decisions need to be made
27 within a limited period of time to stay on track to meet the plan deadline, the following process will be
28 used to make decisions leading up to plan approval:

- 29 1. The Committee will strive toward consensus.³ The levels of consensus include:

³ Definition of Consensus: Consensus is a group process where the input of everyone is carefully considered and an outcome is crafted that best meets the needs of the group as a whole. The root of consensus is the word consent, which means to give permission to. When members consent to a decision, they are giving permission to the group to go ahead with the decision. Some members may disagree with all or part of the decision, but based on listening to everyone else’s input, all members agree to let the decision go forward because the decision is the

- 1 • I can say an unqualified "yes"!
- 2 • I can accept the decision.
- 3 • I can live with the decision.
- 4 • I do not fully agree with the decision; however, I will not block it.
- 5 2. The Committee will spend adequate time⁴ for substantive discussion of issues prior to asking for
- 6 a decision. After substantive discussion, the chair will ask consensus.
- 7 3. When consensus cannot be reached, the facilitator will identify the members in disagreement⁵
- 8 at the meeting. The chair and/or facilitator will support coordination of the following actions,
- 9 but the responsibility is on the disagreeing members. Disagreeing members agree to:
- 10 a. meet within seven days of the meeting;
- 11 b. develop a summary paper on the issue and needs; and
- 12 c. develop a draft timeline for resolution or a recommendation back to the Committee.
- 13 As appropriate, the chair and/or facilitator will work with the parties in disagreement to reach a
- 14 resolution using whatever means are necessary and within reason (in person meetings,
- 15 conference calls, identifying additional research needs, etc.). Members unable to reach
- 16 consensus must agree to work cooperatively with the chair and facilitator in this process. The
- 17 Committee recognizes that flexibility is needed in terms of timeline and presentation of
- 18 resolution depending on the nature of the disagreement. If requested, Ecology may provide a
- 19 facilitator to help develop the compromise language.
- 20 4. If the compromise fails to reach consensus within the identified timeline, the Committee will
- 21 agree to allow the process for developing the plan to move forward while the work toward
- 22 consensus continues. The Committee agrees to revisit decisions where consensus is not reached
- 23 at a later date.
- 24 5. Throughout the process, the chair and facilitator will ensure that areas of concern and
- 25 disagreement are documented within meeting summaries and other materials as necessary.

26 ***Decision process***

- 27 • Thumbs up – approval
- 28 • Thumbs down – disapproval
- 29 • Thumbs sideways – (accept, can live with, will not object)
- 30 • Five fingers – abstain

31 The facilitator will record all decisions and, where there are dissenting or ambivalent opinions, the

32 meeting summary will document the concerns.

best one the entire group can achieve at the current time.

⁴ The chair will identify definitive deadlines by which decisions need to be made in order to stay on track to meet the plan deadline.

⁵ If much of the group is in agreement and only one or two members are in disagreement, individuals may be selected to negotiate on behalf of the larger group.

1 ***Conflict of Interest***

2 Committee members shall abstain from making a decision if they have a vested personal financial
3 interest in a decision. The committee acknowledges that each entity represents stakeholders that have
4 an interest in the outcomes of this process.

5 ***Electronic decision making***

6 In the case a decision is needed prior to the next Committee meeting, the chair can request a opinion or
7 decision via email or survey. This approach will only be used for time-critical items or when a quorum
8 was not present to come to a decision. The chair will allow a minimum of 3 working days for responses.
9 A non-response is considered an “abstention”.⁶

10 The result of an electronic decision will be reported at the next Committee meeting and the chair or
11 facilitator may request a decision to reaffirm the electronic decision.

12 ***Straw poll***

13 From time to time, the chair or the facilitator may ask for a straw poll to gather information on group
14 needs. These polls do not need to follow the formal decision-making protocols of this section. Informal
15 polls will be used solely for information-gathering and will not result in a decision.

16 ***Letters of Support for Projects***

17 The Committee may choose to submit a letter of support for streamflow restoration projects applying
18 for funding through Ecology’s Streamflow Restoration Funding program or other sources. The decision
19 to submit a letter of support on behalf of the Committee shall be by consensus. If the Committee does
20 not approve a letter of support for a project, individual Committee representatives may submit a letter
21 of support from their entity or government.

22 ***Final approval of the plan***

23 RCW 90.94 (3) states that “... all members of a watershed restoration and enhancement committee
24 must approve the plan prior to adoption.” This means that each and all committee members get to
25 record their decision (quorum is not applicable for final approval) and that all committee members must

⁶ If an ‘out of office’ message is received for the primary representative, the alternate representative(s) will be contacted. The chair and facilitator will make at least 3 points of contact with each Committee member and alternates before marking them as an abstention (e.g. phone, email, text).

1 support the plan in order for it to be approved and provided to Ecology for “net ecological benefit”⁷
2 review and potential adoption by Ecology.⁸

3 The final plan approval will be shown by hands:

- 4 • Thumbs up – approval
- 5 • Thumbs down – disapproval

6 The facilitator will record all decisions.

7 SECTION 7. PUBLIC COMMENTS AND PUBLIC MEETING NOTICE

8 The agenda will provide time for public comment at each meeting. Members of the public may only
9 speak during public comment. The chair and facilitator will determine the time and extent of the public
10 comment period based on the agenda for each meeting, with input from the Committee. While the
11 Committee is not explicitly required to follow the requirements of the Open Public Meetings Act,
12 reasonable efforts will be made to post information and materials on the pertinent website in a timely
13 manner to keep the public informed.

14 SECTION 8. COMMITTEE AND MEDIA COMMUNICATION

15 To support clear communication with the Committee, Ecology will:

- 16 1. Operate a listserv for Committee members and interested parties;
- 17 2. Develop and manage a website for members of the Committee to access documents such as
18 agendas, meeting summaries, technical reports, calendar, and other items as requested by the
19 Committee;
- 20 3. Conduct briefing calls with the Committee ahead of each meeting; and
- 21 4. Conduct follow up calls with Committee members unable to attend meetings or with differing
22 opinions.

23
24 The facilitator and Ecology shall prepare, distribute and post on the Committee webpage a written
25 meeting summary for each Committee meeting within 10 business days of the last Committee meeting.
26 The summary, at a minimum, will include a list of attendees, decisions, discussion points, assignments,
27 and action items. If comments are cited in such summaries, each speaker will be identified as
28 appropriate or requested. Meeting summaries will capture areas of agreement and disagreement
29 within the group. The Committee will approve the meeting summary at the following meeting.

30 ***Communication with the media***

⁷ Per RCW 90.94, Ecology shall review the watershed restoration and enhancement plan to ensure it meets net ecological benefit. Ecology shall provide the Committee with a definition and guidance of net ecological benefit.

⁸ RCW 90.94.030 does not require local jurisdiction approval prior to plan adoption.

1 When speaking to the media or other venues, the Committee members will clearly identify any opinions
2 expressed as their personal opinions and not necessarily those of the other Committee members or the
3 Committee as a whole. The Committee members will not attempt to speak for other members of the
4 group or to characterize the positions of other members to the media or other venues. Comments to
5 the media will be respectful of other Committee members.

6 Following significant accomplishments, the Committee may request Ecology to issue formal news
7 releases or other media briefing materials. All releases and information given to the media will
8 accurately represent the work of the Committee. Ecology will make every effort to provide the
9 Committee with materials in advance for input, recognizing that media timelines may not allow for
10 adequate review by the Committee.

11 SIGNATURES OF AGREEMENT

12 The Kitsap Peninsula (WRIA 15) Watershed Restoration Enhancement Committee Operating Principles
13 has been approved this 7th day of February, 2019, on one or more originals, by the parties below.

14
15 REPRESENTATIVE FOR WASHINGTON STATE DEPARTMENT OF ECOLOGY

16
17 Signature: _____

18
19 Name and Title: _____

20
21 REPRESENTATIVE FOR PORT GAMBLE S'KLALLAM TRIBE

22
23 Signature: _____

24
25 Name and Title: _____

26
27 REPRESENTATIVE FOR PUYALLUP TRIBE OF INDIANS

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29 Signature: _____

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Name and Title: _____

REPRESENTATIVE FOR SKOKOMISH TRIBE

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR SQUAXIN ISLAND TRIBE

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR SUQUAMISH TRIBE

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE

Signature: _____

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Name and Title:

REPRESENTATIVE FOR KING COUNTY

Signature:

Name and Title:

REPRESENTATIVE FOR KITSAP COUNTY

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Name and Title:

REPRESENTATIVE FOR MASON COUNTY

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Name and Title:

REPRESENTATIVE FOR PIERCE COUNTY

Signature:

Name and Title:

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REPRESENTATIVE FOR CITY OF BAINBRIDGE ISLAND

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR CITY OF BREMERTON

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR CITY OF GIG HARBOR

Signature: _____

Name and Title: _____

REPRESENTATIVE FOR CITY OF PORT ORCHARD

Signature: _____

Name and Title: _____

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REPRESENTATIVE FOR CITY OF POULSBO

Signature:

Name and Title:

REPRESENTATIVE FOR KITSAP PUBLIC UTILITY DISTRICT (LARGEST NON-MUNICIPAL PUBLICLY OWNED
WATER PURVEYOR)

Signature:

Name and Title:

REPRESENTATIVE FOR KITSAP BUILDING ASSOCIATION (RESIDENTIAL CONSTRUCTION INDUSTRY)

Signature:

Name and Title:

REPRESENTATIVE FOR GREAT PENINSULA CONSERVANCY (ENVIRONMENTAL INTEREST)

Signature:

Name and Title:

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REPRESENTATIVE FOR KITSAP CONSERVATION DISTRICT (AGRICULTURAL INTEREST)

Signature:

Name and Title:
