November 5, 2019

Bob Ferguson
Attorney General
P. O. Box 40100
Olympia, WA 98504-0100

Dear Attorney General Ferguson,

I am seeking an Attorney General's Opinion on the following question relating to watershed planning under chapter 90.82 RCW.

Under chapter 90.82 RCW, a watershed plan is the product of the planning unit for the water resource inventory area. May the initiating governments, as described in RCW 90.82.060, or any other local body, terminate or restrict the planning unit's ability or opportunities to participate in the watershed planning or implementation process after the planning unit has been organized?

Specifically, in WRIA 1, the Nooksack River basin in Whatcom County, the initiating governments have updated the officially adopted 2005 Watershed Management Plan – Phase 1 without Planning Unit involvement. They claim they are only implementing the Plan.

Under chapter 90.82 RCW, may initiating governments undertake Plan updates without Planning Unit involvement? FYI: In 2007, an assistant attorney general determined that the role of a planning unit, post-plan adoption, should be found in the adopted Plan. The WRIA 1 Plan explicitly provides that the Planning Unit undertake updates to the Plan.

Thank you for considering this question. Please feel free to contact me if you have any questions or concerns about this request.

Sincerely,

[Signature]

Senator Doug Ericksen,
42nd Legislative District