

W. G. C.

Memorandum Date: July 16, 2008
Order Date: July 30, 2008

TO: Board of County Commissioners
DEPARTMENT: Board of Commissioners
PRESENTED BY: Commissioner Stewart
AGENDA ITEM TITLE: Order No. 08-_____/In the Matter of Recognizing the
Alsea Watershed Council

I. MOTION

Move to approve the Order recognizing the Alsea Watershed Council.

II. AGENDA ITEM SUMMARY

Lane Manual allows the Board to officially consider recognizing a watershed council when a formal request is made that meets the criteria described in LM 3.508(2). The Alsea Watershed Council has submitted a formal request for official recognition by the Board of County Commissioners as a watershed council.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Ordinance No. PA 1101, adopted in 1997, amended Lane County's Rural Comprehensive Plan Goal One: Citizen Involvement Policy #5 to state that "The program of communicating with chartered community organizations shall be continued. And, Lane County shall communicate with watershed councils (recognized pursuant to LM 3.508) and citizens within watershed areas, and provide them with opportunities to assist Lane County with development of community plans."

This policy anticipates Lane County doing community plans for periodic review on a watershed basis and providing established watershed councils and citizens with opportunities to assist with the plans. Using citizen groups like established watershed councils would be more cost effective for Lane County than establishing a separate citizen involvement advisory committee and would provide the opportunity for a grass roots effort in doing the community plans rather than a top-down approach. Citizens from watershed councils are given the opportunity to assist Lane County in performing some of its long range land use planning work

council must be comprised of a balance of interested and affected stakeholders in the watershed pursuant to the representational requirements of ORS 541.388(2). This balance of interested and affected stakeholders may include representatives of local government organizations, and private citizens, including but not limited to:

- a) Representatives of local and regional boards, commissioners, districts and agencies;
- b) Representatives of federally recognized Indian tribes;
- c) Public interest group representatives;
- d) Private landowners;
- e) Industry representatives;
- f) Members of academic, scientific and professional communities; and
- g) Representatives of state and federal agencies.

Membership in the Alsea Watershed Council is open to all who live in, work in, or are affected in any way by the watershed and its resources (local citizens, private landowners, scientists, industries, recreational users, related community, business and government groups). The Alsea Watershed Council also has a Steering Committee that guides the council to ensure continuity among council activities and progress towards achieving the council's mission and goals. The Alsea Watershed Council bylaws provides for broad and diverse representation and involvement among interested parties and affected stakeholders.

In addition, Lane Manual requires that the Board must be appropriately assured that the group will be able to sustain a high level of citizen involvement in the development and implementation of a watershed action program. The Alsea Watershed Council has been meeting monthly over the last two years to address the goal of sustaining natural resources and ensuring watershed protection and enhancement within the watershed. Citizens representing a variety of interests (private landowners, governmental agencies, agriculture, timber, environmental, fishing and recreation) are participating with the Council through voluntary receipt of monthly mailings and attendance at monthly meetings.

The Board of Commissioners of Lincoln County reviewed a request from the Alsea Watershed Council, examined the bylaws and organizational activities of the council and concluded it was consistent with the requirements of ORS 541.345 to 541.400. The development of the Alsea Watershed Council through this thoughtful and deliberative process and the recognition by the Lincoln County Commissioners assures the Board that the Alsea Watershed Council will be able to sustain a high level of citizen involvement in the development and implementation of a watershed action program. This analysis shows that the criteria in LM 3.508 have been met and that the Board can officially recognize the Alsea Watershed Council.

F. Alternatives/Options

1. Adopt the Order to officially recognize the Alsea Watershed Council, or
2. Determine that the Alsea Watershed council does not meet the criteria of LM 3.508(2) and deny official recognition to the watershed council.

IV. RECOMMENDATION

Alternative 1.

V. TIMING/IMPLEMENTATION

The watershed council is waiting approval so it can continue its development process and activities in Lane County.

VI. FOLLOW-UP

If the Board determines that the watershed council meets the criteria in LM 3.508(2), it may then officially recognize the Alsea Watershed Council.

VII. ATTACHMENTS

1. Order
2. Lincoln County Resolution No. 07-05-12-A
3. Letter of Request from Tom Davis, Chairperson, Alsea Watershed Council
4. Bylaws for Alsea Watershed Council

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

Order No. 08-

) IN THE MATTER OF
) RECOGNIZING THE ALSEA
) WATERSHED COUNCIL

WHEREAS, the Alsea Watershed Council requests to be officially recognized by Lane County for the portion of the Alsea River basin located in Lane County; and

WHEREAS, Lane Manual 3.508 establishes the criteria and process for official recognition of watershed councils by this Board; and

WHEREAS, the Alsea Watershed Council's mission is to maintain or enhance the fauna, flora, and water of the entire Alsea watershed, while also taking into consideration the economic and social needs of the human population, and providing a forum for people to work through differences and come to some common ground; and

WHEREAS, the membership of the Alsea Watershed Council includes landowners in the Alsea River Watershed, representatives of local government, public interest groups, and industries, is open to any individual living within the watershed or representing an active group or organization within that watershed and the council will be able to sustain a high level of citizen involvement in the development and implementation of a watershed action plan; and

WHEREAS, on December 5, 2007, the Lincoln County Board of Commissioners recognized the Alsea Watershed Council as a council that will serve the entire Alsea River watershed consistent with ORS 541.345 to 541.400.

NOW, IT IS THEREFORE ORDERED that the Lane County Board of Commissioners hereby recognizes the Alsea Watershed Council as the council that will serve the entire Alsea River Watershed, including the area within Lane County.


IT IS FURTHER ORDERED that the Lane County Board of Commissioners encourages the Alsea Watershed Council to represent a balance of interested and affected persons within the designated watershed, to develop and implement watershed action programs intended to protect and enhance the quality of the Alsea River watershed both for the health of the watershed and for the economic and social betterment of the individuals, organizations, and communities in the watershed.

IT IS FURTHER ORDERED that the Alsea Watershed Council shall make periodic progress reports to the Board on its activities, at least on an annual basis.

DATED this ____ of _____ 2008.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 7-18-2008 Lane County


OFFICE OF LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

IN THE MATTER OF A RESOLUTION)
TO FORMALLY RECOGNIZE THE ALSEA)
WATERSHED COUNCIL, AS A)
VOLUNTARY WATERSHED COUNCIL)
INTENDED TO DEVELOP AND IMPLEMENT) Resolution No. 07-05-12-A
A WATERSHED ACTION PROGRAM TO)
PROTECT AND ENHANCE THE NATURAL)
RESOURCES OF THE ALSEA RIVER)
WATERSHED)

WHEREAS, ORS 541.347(2)(a) encourages the initiation of voluntary programs at the local level to protect and enhance the quality and stability of watersheds; and

WHEREAS, ORS 541.350(7) defines a watershed council as “voluntary local organization designated by a local government group convened by a county governing body to address the goal of sustaining a natural resource and watershed protection with a water shed;” and

WHEREAS, ORS 541.388(1) encourages local government groups to form voluntary local watershed councils; and

WHEREAS, ORS 541.388(2) states that local watershed councils shall consist of a majority of local residents, including local officials, and that the council represent a balance of interested and affected persons within the watershed and assure a high level of citizen involvement in the development and implementation of a watershed action program; and

WHEREAS, the Alsea Watershed Council began an informational and organizational meeting in December of 1997 and established an organizational charter in June of 1998; and

WHEREAS, after separating from a basin planning team status with the MidCoast Watersheds Council umbrella in June of 2005 and establishing a steering committee, the Alsea Watershed Council adopted bylaws on 28 December 2006; and

WHEREAS, the Alsea Watershed Council received non-profit status in May 2007 with an effective date of 26 December 2006; and

WHEREAS, the membership of the Alsea Watershed Council includes landowners in the Alsea River Watershed as well as representatives of local government, public interest groups, and industries, with a mailing list of about 120; and

WHEREAS, article 1.02 of the Alsea Watershed Council bylaws states that “The mission of the Alsea Watershed Council is to maintain or enhance the fauna, flora, and water of the Alsea watershed, while also taking into consideration the economic and social needs of the human population, and providing a forum for people to work through differences and come to some common ground;” and

WHEREAS, membership in the Alsea Watershed Council is open to any individual supporting the purpose and mission of the Alsea Watershed Council, living within the watershed or representing a group or organization active within the watershed; and

WHEREAS, the Lincoln County Board of Commissioners and its staff have examined the bylaws and organization activities to date of the Alsea Watershed Council and finds that they are consistent with ORS 541.345 to 541.400;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Lincoln County Board of Commissioners hereby recognizes the Alsea Watershed Council as a watershed council which will serve the entire Alsea River Watershed; and

IT IS FURTHER RESOLVED that the Lincoln County Board of Commissioners encourages the Alsea Watershed Council to maintain an organization which represents a balance of interested and affected persons within the watershed; and

IT IS FURTHER RESOLVED that the Lincoln County Commissioners encourages the Alsea Watershed Council to develop and implement watershed action programs intended to protect and enhance the quality of stability of the Alsea River Watershed both for the health of the watershed and for the economic and social betterment of the individuals, organizations, and communities in the watershed; and

IT IS FURTHER RESOLVED that the Lincoln County Commissioners request the Alsea Watershed Council to make progress reports to the Board of Commissioners on at least an annual basis.

Dated this 5th day of December, 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

/s/

BILL HALL, Chair

/s/

TERRY N. THOMPSON, Commissioner

/s/

DON LINDLY, Commissioner