

24-2-80000-37
OR 19
Order
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FILED IN OPEN COURT
June 26 2024
WHATCOM COUNTY CLERK

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

IN THE MATTER OF THE
DETERMINATION OF RIGHTS TO THE
USE OF GROUND AND SURFACE
WATERS OF WATER RESOURCE
INVENTORY AREA 1 (WRIA 1)

) Case No.: 24-2-80000-37

**ORDER ESTABLISHING STEERING
COMMITTEE**

To provide timely input from interested parties on issues of procedure, the Court hereby establishes a Steering Committee. The Court anticipates that this Order will be incorporated into a subsequent initial administrative order. The Court orders the following.

STEERING COMMITTEE

a.) **Purpose.** The general adjudication is anticipated involve upwards of thirty thousand litigants, including State and Federal claims, Tribal claims, municipal claims, farming and agricultural interests, and individual claims. Due to the anticipated complexity of this litigation the Court believes that organized input from practitioners will better assist the Court in developing the most efficient procedures and case management standards. A steering committee will serve two primary purposes. First, to provide the Court with recommendations as to court procedures, rules, and forms. And, second, to provide a forum as the litigation proceeds to identify common interests and positions and, facilitate efficient and orderly proceedings. As such the Court will establish a Steering Committee (the Committee). The Court finds support for this approach in the *Federal Complex Civil Litigation Manual, 4th ed., §10.22 (2004).*

- 1 b.) **Establishment.** The Committee will consist of up to twelve members and
2 represent a diverse group of stakeholders. Committee membership shall, at
3 minimum, include representation from the Department of Ecology, from
4 Municipal claimants, from Tribal claimants, from Federal claimants, from
5 agricultural interests, from water districts, from attorneys representing
6 individual claimants and from unrepresented claimants. If no representative
7 from any of the aforementioned groups request to participate, the seat will
8 remain vacant until or unless a stakeholder representative requests
9 participation.
- 10 c.) **Term and Service.** Committee members will serve two-year, renewable
11 terms. The Court anticipates that committee membership will require between
12 6-8 hours of commitment from members per month. Interested parties shall
13 submit letters of interest to the Court for consideration of appointment. To
14 provide transparency and avoid any *ex parte* communication, letters must be
15 filed with the Superior Court Clerk under the primary cause number. The
16 Court will select twelve members and issue an order reflecting such selection.
17 If the committee is established prior to a formal appearance by a "party," the
18 letter of interest should establish the individuals anticipated role in the
19 litigation.
- 20 d.) **Committee Chair and Vice Chair.** The committee shall nominate three
21 individuals to the Court to consider for appointment of Chair of the
22 Committee. The Court will select from the three nominees both a Chair and a
23 Vice Chair to facilitate meetings when the Chair is absent. The Chair will be
24 responsible for facilitating meetings, and may, with majority support of the
25 committee, adopt reasonable rules to moderate committee meetings.
26 Committee meeting procedures should be published and available for public
27 transparency.
- 28 e.) **Recommendations.** The Committee shall provide recommendations to the
 Court regarding procedure and case management. The Committee shall
 designate no more than three members at any court hearing to convey
 majority and minority committee recommendations. Additionally, the
 Committee will timely file a summary of its recommendations under the
 primary cause number which, will then be posted on the Court's website for
 public review.
- f.) **Meetings.** The Committee will establish a regular meeting schedule.
 Meetings will be open for public viewing, including remote viewing through an
 online platform. The committee will provide an agenda in advance of the
 scheduled meeting and allow for non-committee input through written
 comments and/or input during the meeting. The Court will assist the

1 Committee with meeting space, technology, and administrative assistance to
2 the extent it has available resources.

3 g.) **Hearings.** The Court will establish periodic Committee Review Hearings.
4 The Committee will submit a summary of Committee recommendations by a
5 time set by the court in advance of the scheduled hearing. The Court will
6 ensure that the notice of the written recommendations and hearing will be
7 available to all parties in a docket sheet prior to the scheduled hearing. The
8 Court may, only with prior permission of the Whatcom County Council and
9 Chief Justice of the Supreme Court pursuant to CR 77, hold these hearings in
10 municipal or tribal courtrooms or other appropriate venues within Whatcom
11 County. The Court believes that this will help educate and encourage
12 participation in our rural communities.

13 h.) **Subcommittees.** To facilitate efficiency in proceedings and, to encourage
14 orderly presentation to the Court, the Committee is encouraged to create
15 subcommittees that may address common interests, motions, and court
16 presentations. The Committee is encouraged to apply the *Complex Civil
17 Litigation Manual* as guidance in recommending procedures to the Court with
18 respect to presentation and arguments.

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Date

6/26/24



Judge David E. Freeman