CONSERVATION COMMISSION

MEETING PACKET

JANUARY 2014

TAB 1

WASHINGTON STATE
CONSERVATION COMMISSION REGULAR MEETING
DoubleTree by Hilton Hotel Seattle Airport- NW One Room
18740 International Boulevard
Seattle, WA 98188

PRELIMINARY WORK SESSION AGENDA
JANUARY 15, 2014

TIME	TAB	ITEM	LEAD
9:00 a.m. (5 minutes)	**1**	**Call to Order** • Additions/Corrections to Agenda Items *(pg. 3)*	**Chair Jim Peters**
20 minutes		**SCC Outreach Presentation** • WSCC Annual Report • WSCC Commission Website and Calendar	**Laura Johnson**
45 minutes		**District Operations** • CREP Presentation	**Carol Smith**
10 minutes		**BREAK**	
		****************PUBLIC COMMENT**************	
60 minutes	**2**	**Policy/Programs** • NWIFC Response Discussion *(pgs. 5-43)*	**Ron Shultz**
30 minutes	**3**	**Budget** • Budget Briefing *(pgs. 45-46)*	**Debbie Becker**
12:00 p.m.		**LUNCH: PLEASE RSVP TO THE CONSERVATION COMMISSION**	
12:45 p.m.		**LOAD TOUR BUS FOR KING CD TOUR**	

The times listed above are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. If you are a person with a disability and need special accommodations, please contact the Conservation Commission at 360.407.6200.

TAB 2

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: SCC Response to NWIFC Letter Regarding Conditioning of Funds

Summary: The NW Indian Fish Commission (NWIFC) has requested the Conservation Commission take certain actions so that conservation district programs work to meet water quality standards and are aligned with salmon recovery. Among the requested actions is the conditioning of Conservation Commission funds on buffer widths consistent with the NOAA Fisheries buffer table.

Attachments:

- Letter from Michael Grayum, NWIFC to Mark Clark, WSCC September 25, 2013
- Letter from Mark Clark, WSCC to Michael Grayum, NWIFC October 3, 2013
- WACD Resolution No. 2013 - 23

Action Requested:

Staff recommends the Conservation Commission not condition funding on the NOAA Fisheries buffer table, but staff recommends the Conservation Commission consider taking steps to:

- Increase landowner participation in incentive-based programs.
- Evaluate whether existing standards and practices used by conservation districts when working with landowners address natural resource concerns, and improve the process for changing the standards and practices (if necessary).
- Evaluate the current system of identifying natural resource concerns at the watershed scale and how conservation districts incorporate this information into their work plans to determine whether changes are needed in this process.
- Consider how these issues might be included in the next biennial budget development process for conservation districts and the Conservation Commission.
- Identify funding sources necessary to assist conservation districts in implementing any recommended program changes.
- Evaluate watershed scale processes to identify “lessons learned” that could inform work with conservation districts on these topics.

- Identify, evaluate, and where appropriate implement monitoring approaches that will assist in tracking progress on improving natural resources concerns and apply adaptive management principles based on monitoring results. Benchmarks would also need to be identified to determine whether progress is being made.
- Continue support for the Voluntary Stewardship Program (VSP).
- Continue to support the efforts of the Washington Association of Conservation Districts (WACD), and conservation districts individually, in their efforts to build and continue strong working relationships with tribes.

These efforts should be done in close coordination with conservation districts and other partners, including tribes, state and local governments, federal agencies, and non-governmental organizations.

Each of these recommended steps are described in more detail at the end of this memo.

Staff Contact: Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

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BACKGROUND

The letter from the NWIFC made several assertions regarding the programs of the Conservation Commission and conservation districts and whether these programs are sufficiently holistic and protective of water quality. The letter also included several specific requests of the Conservation Commission directed at the issues identified, including a request for the application of NMFS buffer recommendations to Conservation Commission programs.

Actions of other state and federal agencies to address these resources are also described in the letter, and the NWIFC states there is a “recognition that dramatic change from business-as-usual habitat management” is needed.

The NWIFC letter makes several assertions:

<u>Assertions</u>:
- Previous letters went unanswered
- Inability to ensure temperature water quality standards are addressed through all WSCC-led conservation programs
- Conservation districts are ideologically opposed to working with federal fish agency expertise, and unwilling to implement their recommendations
- Conservation districts have commented funding programs should narrow their focus to only address one or two pollutants and not be required to address all resource impacts affecting treaty resources on a stream

Requests:

- The Conservation Commission take action at the December meeting.
- Provide appropriate guidance to conservation districts consistent with applicable state and federal obligations
- Apply the NOAA Fisheries buffer table to Conservation Commission funded conservation programs.
- Communicate the importance of treaty right protection to conservation districts.

DISCUSSION

December Conservation Commission Meeting

At the Conservation Commission's December 2013 meeting, public comment was taken on the NWIFC request. There were 19 speakers, 15 of whom were with a conservation district in some capacity and 4 representing the Swinomish Tribe, U.S. EPA, and two from the Washington Cattleman's Association.

Among the comments expressed:

- Conditioning practices would negatively impact relationships with landowners.
- Conditioning practices would move our programs to become more regulatory.
- Conservation districts should not be required to address one resource issue (such as salmon habitat) over other resource concerns. In some cases it might make more sense to address other issues first.
- Need to make sure the science supports the buffer table and many are not convinced that it does.
- Possible negative consequences to continued economic viability for a producer if they are forced to adopt the buffers.
- Need to maintain trust between districts and landowners.
- Need to preserve the concept of "locally led" conservation.
- Rules in some agencies are being put in place without any collaboration or discussion.
- Need an approach that works collaboratively to achieve the common goals improving our natural resources.
- There are many positive examples among the conservation districts where they have worked with their local tribes on successful programs.
- The approach suggested would tie the hands of local planners who work with the landowners and we could lose good planners.
- Could cause landowners to get out of agriculture if they are required to give up too much of their land.
- Although good work has been done, we are not meeting existing water quality standards and we continue to see declines in key resources such as salmon habitat.
- Current approach to incentive programs will not get us to near term improvements because there is no assurance the landowner will take the necessary actions.

At the December meeting the Conservation Commission also received a resolution from the Washington Association of Conservation Districts (WACD) regarding conditioning of funds. A copy of the resolution is attached and their recommendations include asking the Conservation Commission to:

- Support a balanced system approach to natural resources management that leverages the benefits of both incentive-based and regulatory programs.
- Recognize the need to continually evaluate and improve the effectiveness of incentive-based conservation programs, and to increase participation by landowners and working lands managers in such programs.
- Oppose the requirement of any specific mandated practice as a condition of participant access to incentive-based program financial assistance. For example, WACD opposes requiring a cooperator to first install a riparian buffer practice as a condition of access to financial assistance for other conservation practices deemed to be needed under a conservation plan.
- Neither endorsing nor accepting a requirement for mandatory riparian buffers as a condition of participant access to conservation practice financial assistance.
- Continuing support for landowner choice and flexibility, and for incentive-based programs that make available to landowners and working lands managers a full suite of practices that can be applied to address natural resources concerns brought to the their attention.
- Utilize guidance by WACD/conservation districts to outline our collective pathway forward to achieve improved natural resource protection and management goals through incentive-based programs and services. Such a pathway forward should, at a minimum, identify shared natural resource concerns and goals, support outcomes set for natural resources issues, achieve high levels of landowner participation, promote landowner responsibility, engage in expanded outreach to potential participants and partners, and better target programs and services to achieve measurable improvement in natural resources at the watershed and landscape scale.

<u>What is meant by “conditioning funds”?</u>

In the course of evaluating the NWIFC request, and while discussing the issue with other state agency staff, it has become clear there are two scenarios to the conditioning of funds. These two scenarios should be distinguished when developing a policy position because each will require a different response.

The first scenario requires particular buffer widths on streams based on stream width in order to receive SCC funding. This approach is reflected in the buffer tables. The second is requiring salmon recovery issues to be addressed before receiving funds for other activities on a landowner’s property.

<u>Scenario 1 – For streamside projects where particular buffer widths are required as proposed in the NOAA Fisheries buffer table.</u>

SCC funding to conservation districts for projects to address natural resource concerns currently have certain requirements, the most prominent of which is the required use of NRCS standards and practices in the Field Office Technical Guides (FOTGs). The FOTGs are developed by NRCS in a national process for use by states. They may be modified at the state level to address state specific issues, but the modifications cannot result in a protection standard less than the national FOTG. The process to address these modifications at the state level is the state NRCS led process at the State Technical Advisory Committee (STAC).

The application of the FOTGs by district technicians involves working with landowners to address the resource concern on a site-specific basis. Each landscape is different and the planning process and FOTGs allow for consideration of the site specific characteristics when developing a plan to address the natural resource issues on the specific site.

In contrast, the application of the buffer table as recommended would require the use of mandatory buffer widths without consideration of site specific features such as soil type or slopes and gradients near streams. Nor does it take into consideration landowner management activities. The key driver in the buffer table is the stream width and stream type (such as seasonal or intermittent flows).

<u>Scenario 2 – Require addressing salmon resource concerns before providing funding for other resource issues.</u>

Currently, when conservation districts work with landowners to help the landowner develop their a farm plan for a site, the district technician will identify all natural resource conditions and concerns at the location and propose various practices that will address the concerns based on site specific circumstances. The landowner is then presented with alternatives that could include a number of different practices at various locations on the property to address the natural resource concerns. The landowner has the choice as to which practice activity they want to pursue first and when to complete all the activities in their farm plan. There are a number of factors in the landowner's decision as to which practice to pursue first. Some landowners may want to implement the entire plan. Others may be more limited in options because of their personal finances or other personal situations. Incentive programs can help with this decision by making resources available to the landowner for implementing various practices.

Concern has been raised that public funding to address natural resource issues on agricultural lands should be used more effectively to address salmon recovery issues due to the importance of the issue to the Tribes in the region. Because of the importance of this resource concern, if salmon recovery issues are identified in the evaluation of a site, public funding should first be used to address these salmon resource issue before addressing other issues.

Staff Recommendation

There are several response options for the Conservation Commission to consider:

Option 1 – Agree to the request to condition SCC funding based on the NOAA Fisheries buffer table.

Option 2 – Decline to condition SCC funding on the NOAA Fisheries buffer table.

Option 3 – Rather than condition all SCC funding, set aside some SCC funding in a specific programmatic approach that would adopt the NOAA Fisheries buffer table.

Option 4 – Decline to condition SCC funding on the NOAA Fisheries buffer table, but address the issue by examining SCC and CD program implementation and funding to determine whether improvements could be made in how natural resource conditions are addressed through SCC funded programs.

Staff recommends the Conservation Commission adopt Option 4. This recommendation includes several elements and associated recommended actions. The rationale for the recommendations and a description of the actions are detailed below.

Landowner Participation

First and foremost it should be remembered Conservation Commission programs are non-regulatory, incentive based programs. Landowners are not required to implement our programs but are incentivized to do so through the funding and through the close working relationship between the landowner and conservation district staff.

Landowner participation is critical to the success of SCC programs. Successful conservation practices on agricultural lands require not only the proper installation, but ongoing maintenance. Willing landowners and coordination with conservation district staff are what make on-the-ground practices successful over time resulting in progressively improved natural resource conditions.

Another key element to the success of incentive based programs to address natural resource concerns is allowing for site variability when describing practices in a plan. The application of a rigid buffer requirement without allowing for site variability will not necessarily be effective in producing natural resource improvements. Addressing natural resource concerns in a comprehensive manner and at the watershed scale will be most successful with the broad participation of landowners in the area. **The Conservation Commission should identify keys to increasing landowner participation by evaluating existing programs and their successes and limitations.** The results of this evaluation should be used to work with conservation districts and others for program implementation that will increase landowner participation.

Existing Standards and Practices

The value of using the existing system of NRCS FOTGs is the linkage between the use of the FOTGs and the NRCS programs that would then be available to landowners. For example, landowners who implement practices as outlined in the FOTG are able to transfer those practices across a wide variety of NRCS, FSA, and USDA programs, thereby increasing the scope and scale of conservation plan participation.

NRCS standards and practices have also been recognized as the best management practices to be used in Ecology grants as well as in local government critical areas ordinances to address agricultural activity impacts.

But there is a benefit to periodic review of the FOTGs to ensure they address natural resource concerns as we find them in our state. As part of this Option 4 recommendation, **staff recommends continued use of the NRCS FOTGs and further investigation of whether the existing NRCS standards and practices adequately address specific resource concerns should be taken to the STAC process**.

Staff recommends continued use of the STAC to address resource concerns. However, overall concerns about the effectiveness of this process may limit issue resolution. Several critical players choose not to participate in the STAC process because it's not seen as effective and it's not always clear where issues are in the process. Even those who try to participate are limited in their effectiveness because materials are not provided in a timely manner and changes are made to agreed-to products without further invitation to participate. **Improvements need to be made in the implementation of STAC to build broad trust and support in the process.**

Incorporating Watershed Scale Resource Concerns in District Plans and Budget Development

Another concern is conservation districts have been implementing incentive based programs for decades and they have not been successful in improving natural resource conditions in our watersheds. Those expressing this concern cite evidence of the current overall health of our watersheds. This can be measured by a variety of indicators such as stream listings on the Ecology and EPA Clean Water Act 303(d) lists have not improved, salmon habitat as evaluated in several studies is not improving, groundwater contamination issues persist, and there are continued closures of shellfish growing areas in the state.

As a sweeping statement it's not accurate to say incentive programs have not been successful. There are many examples of successful conservation district and Conservation Commission programs that have improved broad natural resource concerns within a watershed. These include:

- **CREP** – Studies show the Conservation Reserve Enhancement Program has been successful in reducing stream temperature and increasing streamside habitat. Key elements of success in this program have been landowner

participation, ongoing landowner maintenance of the sites, and funding incentives. CREP has demonstrated remarkable natural resource improvements at the watershed and sub-basin scales when program implementation is targeted to a specific area with the goal of maximum landowner participation.

- **Salmon Habitat Improvement** – Conservation districts are the largest recipient of funds from the Family Forest Fish Passage Program (FFFPP) which assists private forestland owners in replacing culverts and other stream crossing structures that keep trout, salmon, and other fish from reaching upstream habitat. CDs are successful in this program because of the local cooperation from a variety of entities working together with the landowners. Since 2003, nearly 200 landowners have taken advantage of the program that has replaced 244 barriers and opened more than 524 miles of stream habitat.

- **Irrigation Efficiencies** – The irrigation efficiencies program, implemented by the Conservation Commission with funding from Ecology, has successfully provided more water into streams for salmonid resources. To date, 57 irrigation efficiencies projects have returned 15,531 acre feet of water to 22 separate tributaries in seven fish critical basins.

Conservation programs generally work with individual landowners to address natural resource issues on an individual land ownership. When watershed scale issues such as whether a stream on the property is a 303(d) listed waterbody or whether there is the presence of listed species and their habitats at the site are considered, these issues are addressed at the individual landowner site scale. Unless this work with a landowner is part of a broader focused program, the individual landowner activity is not intended to solve all the issues in the entire watershed. **Addressing natural resource issues at the watershed scale will require a different approach to program implementation.**

Conservation districts are required by statute to adopt long-range and annual plans of work. When developing these plans, conservation districts use a variety of information sources, such as that provided by NRCS Local Work Groups where resource concerns are identified. These plans are then used to inform budget requests for the conservation district to the Conservation Commission and other funders and guide the work of the conservation district. **The Conservation Commission should evaluate this process to determine whether this process is conducive to addressing natural resource concerns or whether changes should be made.** This evaluation should also consider the importance of balancing the statewide interest in natural resource issues with the conservation district strength of providing locally-led conservation decisions and activities.

Identification of Fund Sources to Support Conservation District Work

A common theme expressed by conservation districts when they were asked for their comments on this topic is the impact of previous cuts to funding and limited resources to help them address these issues. For example, several districts indicated they would like to pursue different approaches to increase landowner participation, but proactive outreach takes staff time and funding to accomplish. To be successful at any of these

recommendations conservation districts will need additional resources. **The Conservation Commission in cooperation with conservation districts and others should proactively identify possible fund sources.** It should be noted the Conservation Commission has previously identified this activity as part of the agency's strategic plan.

Evaluate Watershed Scale Processes for Lessons Learned

To be successful at the watershed scale, lessons learned from existing programs would include:

1. Working with partners in the watershed to identify the critical natural resource concern to be addressed.
2. Target outreach to landowners to engage cooperatively and encourage participation.
3. Allow for site specific variability to address the natural resource concerns in a way that allows for continued agricultural production.
4. Monitor progress on the natural resource objective.
5. Provide a process where partners in the watershed evaluate the program implementation against the monitoring data and adaptively manage the programs as necessary.

Staff recommends the Commission appoint a committee to consider how the current system could be improved to make further progress at the watershed scale using and building on the lessons learned from other successful efforts.

Monitoring and Adaptive Management

In order to track progress on natural resource concerns more monitoring will need to be done. Monitoring will also assist conservation districts in identifying where implementation of landowner practices are most needed. But monitoring is complex and comes in various forms; such as implementation monitoring of individual practices, effectiveness monitoring of practices and conservation district programs, and ambient monitoring of natural resources to determine whether we are "moving the dials". Monitoring is also expensive and generally lacks sufficient funding. **The Conservation Commission should evaluate how monitoring could be used in support of the overall approach recommended in this document and how it could be funded.**

Monitoring can be particularly effective when results are used to evaluate practice and program implementation and make any necessary adjustments if results are not being achieved. This adaptive management process is critical to ensure continued progress on natural resource improvements. **The Conservation Commission should consider implementing an adaptive management process.**

Support the Voluntary Stewardship Program (VSP)

Many of these recommendations are incorporated in the existing VSP. This program utilizes a watershed-scale work group who develops a work plan to address agricultural activities and natural resource impacts. The work plan is to address landowner outreach and requires participation targets. The work group is to evaluate the watershed natural resource critical area concerns and incorporate them into the work plan. They are also to monitor progress on both program implementation and natural resource status and report on the results to the Conservation Commission once every five years. Because this program incorporates many of the recommendations to the Conservation Commission, **the Commission should specifically identify support for the VSP as a key tool in addressing the issues raised in the NWIFC letter.**

Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540
Phone (360) 438-1180 www.nwifc.org FAX (360) 753-8659

September 25, 2013

Mark Clark, Executive Director
Washington State Conservation Commission
PO Box 47721
Olympia, WA 98504-7721

Re: Request for WSCC Action to Protect Treaty Rights

Dear Mark Clark,

On behalf of the Northwest Indian Fisheries Commission (NWIFC) I would like to respectfully request that your agency take action to help protect our member-tribes' treaty rights and help meet water quality standards. Many state and federal agencies are now stepping forward to enhance the accountability of their grant programs and align their agency's efforts with protection of treaty-reserved resources. We are strongly encouraged by this forward movement, and it is our hope that your agency will join the effort. Specifically, the NWIFC would like to request that Washington State Conservation Commission (WSCC) take decisive action at the December Conservation Commission meeting, and agree to support implementation of the riparian buffer recommendations for grant programs from the National Marine Fisheries Service (NMFS). Adoption by the WSCC of the NMFS recommended interim buffer guidelines would provide assurances that WSCC administration of funds will be consistent with protecting treaty-reserved resources, including salmon and shellfish, and implementing state water quality standards.

The NWIFC and its member tribes have worked long and hard to ensure that Washington State recognizes and protects treaty rights. As often noted by long-time member and current WSCC Chair Jim Peters, state agencies have obligations to support salmon recovery, protect shellfish beds, and implement state water quality standards. These obligations come from the fishery co-manager relationship, as well as state and federal statutes. These obligations are realized when state agencies conduct their efforts in a way that is consistent with protection of our treaty rights.

In previous correspondence, the NWIFC has identified how WSCC programs do not assure treaty resource protection. As a result, the NWIFC has made numerous requests that your agency take actions

to provide the necessary assurances and alignment with treaty resource protection.[1] Unfortunately, those requests have elicited little response, let alone prompt action. For example, we are disheartened that our January 2nd, 2013 letter and request for information remains unanswered. Also troubling is the inability to ensure that temperature water quality standards get addressed through all WSCC-led conservation programs. Nevertheless, the NWIFC remains hopeful that the WSCC will carry out their conservation mission by providing appropriate guidance to conservation districts that is consistent with applicable state and federal obligations.

At the federal level, the Natural Resource Conservation Service (NRCS), the United States Environmental Protection Agency (EPA), and NMFS have now taken significant steps forward to try to align some of their programs to be consistent with salmon recovery and meeting state water quality standards. For example, NMFS has recently identified interim riparian buffer recommendations to guide the use of federal and state funds spent to address water quality and/or fish habitat protection where agricultural activities occur along streams.[2] In turn, EPA has agreed to condition NEP and § 319 funds spent to address water quality problems stemming from agricultural activities to require implementation of the NMFS-recommended riparian buffers.[3] Additionally, NRCS recognizes that its riparian guidance has been inadequate to address salmon recovery so we have been told that, consistent with its own procedures, it has developed its own requirements where the end results differ little from those called for by NMFS.

At the state level, the Department of Health (DOH) and the Department of Ecology (DOE) are also poised to take significant steps toward enhancing accountability and grant performance expectations. The DOH has undertaken efforts to provide better oversight of Pollution Identification and Control Programs, which we hope will ultimately mature into assurances that PIC programs implement pollution controls consistent with the protection of all treaty-reserved resources. Additionally, EPA and NMFS have also provided direction to DOE regarding the need to upgrade the state's Coastal Nonpoint Pollution Program (16 USC §1455b) to protect treaty reserved resources, implement water quality standards and support salmon recovery. Similar direction has also been provided regarding the state's §319 program.

Overall, these federal and state actions have been under consideration for many months and stem from the recognition that dramatic change from business-as-usual habitat management is necessary to reverse the decline of ESA-listed, treaty-reserved salmon. And again, it is our hope that the WSCC will join the effort to turn the tide.

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[1] See Letters from NWIFC to Mark Clark, Executive Director of the Washington State Conservation Commission Dated: July 12, 2011, March 2, 2012, and January 2, 2013

[2] *See* Letter from Will Stelle, NMFS, to Roylene Rides at the Door, NRCS, and Dennis McLerran, EPA (January 30, 2013 (including accompanying matrix and technical justification from the NW Fisheries Science Center. *See also* Letter from Will Stelle, NMFS, to Roylene Rides at the Door, NRCS, and Dennis McLerran, EPA (April 9, 2013) (matrix modifications).

[3] *See* Letter from Linda Anderson-Carnahan, EPA, to Josh Baldi, EPA (May 20, 2013).

The NWIFC would also like to request your support in communicating the importance of treaty right protection to conservation districts. We recognize the central role of the WSCC in coordinating with conservation districts. The NWIFC, therefore, believes that the WSCC is well suited to address some of the misunderstandings emerging from conservation districts. For instance, it has been repeatedly noted that a few select conservation districts are ideologically opposed to working with federal fish agency expertise, and are unwilling to implement their recommendations.[4] Also, some conservation districts have commented that funding programs should narrow their focus to only address one or two pollutants and not be required to address all the resource impacts affecting treaty resources on a stream.[5] The NWIFC believes that shellfish and salmon protection are not separate, water quality standards are not separate, and that riparian health, salmon productivity, and shellfish production are all interconnected. In other words, good stewardship should protect all of the treaty-reserved resources. We believe that the misunderstandings of a select few are not representative of the broader conservation community, and therefore these issues should be effectively addressed through good communication and coordination. We also believe that correcting these misunderstandings is an important task well suited for your organization.

The NWIFC recognizes that we are asking the WSCC to take a new direction, and that this type of change is not always easy. However, there has been much discussion of the tribes' requests in past years and we believe that the WSCC could provide the necessary leadership to the conservation districts to overcome any barriers that may emerge. Accordingly, we respectfully request that the WSCC adopt the NMFS-recommended riparian buffer guidelines for use in conservation district projects, plans, and practices along watercourses. Given the need to provide guidance so that conservation districts and others can make informed funding requests, we respectfully ask that the WSCC take definitive action at the December meeting.

We look forward to new leadership presence from your agency in ensuring that grant programs are aligned with treaty-resource protection, implementation of water quality standards and alignment with salmon recovery. Should you have any questions on this issue, please don't hesitate to contact myself or Jim Peters at (360) 438-1180.

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[4] For example at the Clean Samish Initiative Outreach and Education Meeting Notes June 26, 2013: "Kristi reported that SCD is unlikely to accept the EcoNet Social Marketing grant they were awarded for manure management outreach in the Thomas Creek watershed due to concerns regarding the requirement that the SCD require NOAA buffers if it takes the grant, and because less funding is being provided than was originally offered."

[5] *See* Letter from the Puget Sound Conservation Districts to the Puget Sound Partnership (March 9, 2013) (comments on themes for pathogens and nutrients and toxics lead organizations): "Unlink salmon recovery from pathogen control efforts. The coupling has unduly complicated programs resulting in dissention [sic], lost time and deterioration of working relationships that have been examples of non-point pollution success stories in the past."

Sincerely,

Mike Grayum, Executive Director

cc
Commissioners
Governor Jay Inslee
Dennis McLerran, US EPA Region 10
Dan Opalski, US EPA Region 10
Roylene Rides at the Door, NRCS
Maia Bellon, Department of Ecology
Will Stelle, NOAA Fisheries
Jerrod Davis, Office of Shellfish and Water Protection, WA DOH

STATE OF WASHINGTON
CONSERVATION COMMISSION
PO Box 47721 • Olympia, Washington 98504-7721 • (360) 407-6200 • FAX (360) 407-6215

October 3, 2013

Michael Grayum, Executive Director
Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98516-5540

RE: NWIFC letter to the Conservation Commission dated September 25, 2013

Dear Mr. Grayum,

Thank you for your letter of September 25, regarding implementation of grant programs at the Conservation Commission.

As you indicate in your letter, your request involves issues that will require reflection on how the Commission and conservation districts have conducted business over the past many decades and how our work has supported protection of natural resources. Because of the composition of the Commission, our relationship with conservation districts, our relationship with various partner agencies and stakeholder groups, and our broad agency mission, it will take some time to evaluate your request and prepare a response. In the meantime, please be assured this will be a priority for us. We will schedule this matter to come before the Commission at the December meeting.

We share the commitment to the protection and enhancement of our natural resources as we also work to support our state's farmers and landowners. Commission staff has briefed the full Conservation Commission on several occasions since the Treaty Rights at Risk paper was released. Staff has also briefed all conservation districts as to the concerns of the Tribes and entered into discussions with them about evaluating our work in the context of the issues raised. Your staff has received copies of these.

We recognize that balancing these needs is not always easy but a review of how we are doing is long overdue. We look forward to working with you on this matter.

If you have any questions, please don't hesitate to contact me or Ron Shultz, WSCC Policy Director at (360) 407-6200.

Sincerely,

Mark Clark
Executive Director

cc: Governor Jay Inslee
Dennis McLerran, Administrator, US EPA Region 10
Roylene Rides at the Door, NRCS State Conservationist
Will Stelle, NOAA Fisheries
Dan Opalski, US EPA Region 10
Maia Bellon, Director, WA Department of Ecology
Bud Hover, Director, WA Department of Agriculture
Jerrod Davis, Office of Shellfish and Water Protection, WA Department of Health
JT Austin, Executive Policy Advisor, Governor's Executive Policy Office

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-23

Title: Mandating Specific Practice Implementation as a Condition for Landowner Participation in Incentive-Based Conservation Programs

Background/Problem:

During the past two years, several organizations and agencies at the national and state level have pressed for changes in conservation practices implementation. This pressure is based on a perception by these entities that existing incentive-based programs and services delivered to landowners and land managers by conservation districts and partners are not effective in putting conservation on the ground, and in achieving desired results to protect natural resources. These entities propose that participants in incentive-based conservation programs be required to implement a certain mandated practice, such as a riparian buffer, as a condition of their having access to any program financial assistance.

Conservation districts, with our seventy-five years of experience in dealing with private landowners and working lands managers, are very concerned about the impact on participation likely to result from such an infusion of regulatory requirements into the collaborative planning process under incentive-based programs. Conservation districts enjoy a unique degree of trust and cooperation with landowners and working lands managers, because we offer a robust set of methods to help program participants address a wide spectrum of natural resources concerns for the lands they manage. Conservation districts recognize that a balanced approach to natural resource protection and management is necessary, and appreciate the importance of both regulatory and incentive-based programs in helping to foster durable stewardship behaviors that meet and exceed compliance objectives. Conservation districts further recognize that, for incentive-based programs, increasing landowner participation is vital to our making progress in improving the quality of natural resources.

Conservation districts believe, however, that mandating specific practice implementation as a condition of participation would severely inhibit participation by landowners and working lands managers in conservation financial assistance programs, and would threaten the effectiveness and future availability of financial assistance programs for Washington citizens. Such a loss of participation would catastrophically hamper progress in addressing natural resources concerns, and would seriously impair the application of incentive-based programs as part of this balanced system. This would leave only regulatory programs to address natural resources management and protection.

Conservation districts recognize that the conservation partnership must work collaboratively with many other entities concerned with natural resources protection, and identify and pursue shared goals with respect to water quality, improved habitat, and maintaining a viable working lands economy and landscape.

Resolution No. 2013-23 continued

Recommendation:

WACD supports a balanced system approach to natural resources management that leverages the benefits of both incentive-based and regulatory programs.

WACD recognizes the need to continually evaluate and improve the effectiveness of incentive-based conservation programs, and to increase participation by landowners and working lands managers in such programs.

WACD opposes the requirement of any specific mandated practice as a condition of participant access to incentive-based program financial assistance. For example, WACD opposes requiring a cooperator to first install a riparian buffer practice as a condition of access to financial assistance for other conservation practices deemed to be needed under a conservation plan.

WACD requests that WSCC and NRCS neither endorse nor accept a requirement for mandatory riparian buffers as a condition of participant access to conservation practice financial assistance.

WACD requests that WSCC and NRCS continue their support for landowner choice and flexibility, and for incentive-based programs that make available to landowners and working lands managers a full suite of practices that can be applied to address natural resources concerns brought to the their attention.

WACD requests that WSCC, NRCS and other agencies utilize guidance by WACD/conservation districts to outline our collective pathway forward to achieve improved natural resource protection and management goals through incentive-based programs and services. Such a pathway forward should, at a minimum, identify shared natural resource concerns and goals, support outcomes set for natural resources issues, achieve high levels of landowner participation, promote landowner responsibility, engage in expanded outreach to potential participants and partners, and better target programs and services to achieve measurable improvement in natural resources at the watershed and landscape scale.

Presented by: WACD Natural Resources Policy Committee, December 3, 2013

Assigned to: Natural Resources Policy Committee

RESOLUTION PASSED AS AMENDED

Whatcom Conservation District
6975 Hannegan Road, Lynden, WA 98264 Phone: (360) 354-2035 x 3 Fax: (360) 354-4678
e-mail: wcd@whatcomcd.org

December 1, 2013

Via Email
Washington State Conservation Commission
300 Desmond Drive SE
Lacey, WA 98503

Re: Ag/Water Quality -- Northwest Indian Fisheries Commission letter to WSCC.

Honorable Commissioners:

At their last meeting my Board unanimously directed me to convey their perspective on the above referenced matter. They see this as an opportunity to "improve the campsite" as one of our Board members is fond of saying. More importantly, it is urgent that we do if we are to remain relevant in conserving this State's natural resources. Whatcom CD has some specific suggestions on how to accomplish this. We hope that you find them compelling such that are integrated into your response to the Northwest Indian Fisheries Commission ("NWIFC").

We (WACD, Conservation Commission and Districts) have not done a sufficient job documenting and communicating our level of commitment, actions and accomplishments in protecting and enhancing water quality and salmon habitat. Neither have we established and maintained the relationships necessary to foster trust among our many stakeholders such that they have confidence in the methodology of our work. This is most recently demonstrated in the NWIFC letter to Mark Clark dated September 25, 2013 requesting Conservation Commission action to protect treaty rights that detailed numerous perceived deficiencies in our efforts. It is essential that we take this opportunity to improve our performance so as to avoid the most likely serious implication, namely, the loss of our ability to effectively deliver conservation on the ground.

Perhaps the most challenging aspect of that letter reads, "'...good stewardship should protect all of the treaty-reserved resources". Good stewardship in its fullest embodiment can indeed be demonstrated by clean water and bountiful salmonid stocks. However, not all of this is in the exclusive control of a single landowner, nor a county, nor the state, nor a sovereign tribal nation. Our reticence to embrace and adopt the pre-conditioning of all funding upon implementation of the NOAA buffer table is not a rejection of tribal treaty rights. Rather, it is an expression of the very real limitations of our influence upon landowner decision-making <u>and</u> it is our considered judgment that the strategy would be unsuccessful in achieving the expressed desired outcomes.

Board of Supervisors: Joseph Heller Terry Lenssen Larry Davis Larry Helm Richard Yoder

The paramount reason for our existence is to assist landowners and managers to make wise use of land, not just to advance their own important interests (including economic), but to benefit the entire community now and for future generations. Our collective vision for the future is one in which farmers and fishers both survive and thrive as members of our communities, all dwelling in a healthy, prosperous and tranquil watershed. Our decades of experience lead us to the conviction that this cannot be advanced, let alone attained, by the unilateral imposition of expectations that are incongruent with social, technical and economic realities. Solutions must be site-specific and in the context of the watershed itself. These realities are recognized by two prominent NOAA National Marine Fisheries Service scientists, Philip Roni & Tim Beechie, who in their most recent book, Stream and Watershed Restoration: A Guide to Restoring Riverine Processes and Habitats, 2013, write at page 7:

> "Throughout this book we emphasize the concept of process-based restoration ... which aims to address the root causes of habitat and ecosystem degradation. Our purpose in doing so is to help guide river and watershed restoration efforts toward actions that will have long-lasting positive effects ..., and to ensure that. when habitat improvement is undertaken, the site potential and watershed processes are considered. We also emphasize the importance of recognizing socio-economic and political considerations involving landowners and other stakeholders, permit and land-use issues, and education and outreach to the general public to build support for restoration. Failure to consider these factors and involve stakeholders early on can prevent even the most worthwhile and feasible projects from being implemented. " (Emphasis added)

Further, EPA's draft terms and conditions attached to National Estuary Program funding provide in part that:

> "Local conditions and local circumstances matter, and may affect the choice of the riparian buffer most effective at achieving salmon recovery. Buffer widths may be less than specified in the table in cases where there is a scientific basis for doing so and all affected tribes in the watershed agree to deviations from the NMFS guidelines or where there are physical constraints on an individual parcel insert space (e .g. transportation corridors, structures, naturally occurring conditions." (Emphasis added)

The NWIFC letter can best serve as an opportunity to reflect on and consider how our future actions and allocation of resources can be more effective in achieving mutually held values and needs. Our current disagreement over the NOAA buffer table as a successful strategy to achieving a shared vision need not impede progress. We can build on our common perspectives that are evident in the passages above. Our collective response should reflect the conservation partnership (NRCS, WSCC, WACD, CD) way of doing business.

Here is what NWIFC specifically asked the Commission to do:

- "... agree to support implementation of the riparian buffer recommendations for grant programs from the National Marine Fisheries Service (NMFS).
- "...provide appropriate guidance to conservation districts that is consistent with applicable state and federal obligations."
- "...join the effort (dramatically change from the business-as-usual habitat management] to turn the tide [of declining fish habitat] .
- "....communicate the importance of treaty right protection to conservation districts."
- "...ensure that grant programs are aligned with treaty-resource protection, implementation
- of water quality standards and alignment with salmon recovery ."

Implicit in this is that our conservation delivery system is uniquely situated to play a critical leading role in achieving the overarching goals of clean water and more high quality fish habitat on farm land. The Board of the Whatcom Conservation District urges the Commission to respond positively by committing to the following steps:

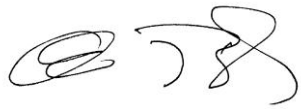
1. Convene and lead a Coordinated Resource Management process whereby key stakeholders, including the NWIFC, can present needs and collaborate on the most productive way forward towards the shared goal of clean water and healthy watersheds.
2. Work with FSA and Districts to adaptively manage the CREP program to better advance the goals of clean water and more, high quality salmon habitat. This would specifically include:
    a. Reviewing whether or not projects were installed or are or being installed strategically, relative to priorities described in local salmon recovery plans.
    b. Identify barriers to greater landowner participation in the program along high priority watercourses .
    c. Identify ways to remove the barriers to greater landowner participation along high priority watercourses.
    d. Conduct studies as to the performance of alternative vegetative prescriptions along agricultural watercourses, relative to water quality and salmonid habitat in lowland watercourses through agricultural lands.
    e. Develop recommendations so that landowners along priority participate in the program and that the vegetative prescriptions are appropriate for local, site-specific conditions.
3. Work with NRCS and Districts to adaptively manage the EQIP, PSHIP and NWQI programs to better advance the two goals of clean water and more, high quality salmon habitat. This would specifically include:
    a. Review recent past projects funded by these programs as to their efficacy in achieving these two goals'.
    b. Review Local Work Group "Plans, Ranking Sheets, Eligible Practice and Payment Caps" to see whether funding is being effectively allocated to water quality and salmonid habitat project s.

   c. Develop recommendations to Local Work Groups, as needed, to improve the allocation of these voluntary incentive program funds to most strategically achieve priority environmental benefits.
4. Explore with districts better ways to prioritize water quality and fish habitat enhancement projects, such that investments are consistent with and strategically advance local (Watershed, Shellfish Protection, Salmon Recovery, TMDL) plans.
5. Collaborate with districts on ways to better report accomplishments in terms of protecting water quality and enhancing fish habitat.
6. Work with NRCS and WADE to deliver training on tribal treaty rights and how districts can perhaps better incorporate tribal concerns into long range plans of work.
7. Request the NWIFC and NRCS to deliver training on non-tribal local, state and federal ordinances, laws, and rules and regulations and how sovereign tribal nations can perhaps better incorporate non-tribal local concerns into tribal long-range plans of work.
8. Engage NRCS , RCO and Office of Farmland Protection to redouble the effort to protect against the loss of farmland, because this is also a loss of potential fish habitat.
9. Refrain from linking or in any way conditioning the receipt of state grant or program funds upon installing specific vegetative prescriptions, unless either the legislature declares the intent to do so, or there is a statute or law specifically compelling that outcome. Urge NRCS to do the same.

We recognize that this is an ambitious path forward. However, we are confident that the conservation partnership can make the necessary changes that will improve our delivery system, the environment and establish trust that will lead to new relationships and broader partnerships. This will ultimately lead to healthier watersheds and healthier communities.

Whatcom CD board members will be attending your December meeting and will be available, along with myself, to answer questions. Please know that we are ready to assist you in any positive initiative that springs from this controversy to the extent of our available resources. Thank you for your kind consideration of our comments and suggestions.

Sincerely yours,



Executive Director

CC: Governor Jay Inslee
Mike Grayum, NWIFC Executive Director
Randy Kinley, Lummi Nation ESA/Harvest Policy Representative
Bob Kelly, Nooksack Tribal Council Chair

Mark A. Clark, WSCC Executive Director
Roylene Rides at the Door, Washington State Conservationist
Will Stelle, NOAA West Coast Regional Administrator
Dennis McLerran, US EPA R10 Administrator
Maia Bellon, Washington Dept. of Ecology Director

Carnation

Duvall

King County

North Bend

Snoqualmie

Snoqualmie Tribe

December 6, 2013

Maia Bellon
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: New Riparian Buffer Guidance for Federal Grant Programs

Dear Maia Bellon:

The Snoqualmie Watershed Forum (Forum) offers the following comments regarding the new riparian buffer requirements proposed for grant programs receiving federal funding. While we support and appreciate the critical conservation funding your agency provides, we are very concerned that the new requirements are unrealistic and will potentially deter voluntary stewardship actions by private landowners.

Our Forum is a partnership of elected officials, citizens and representatives from conservation organizations supporting salmon recovery and ecological health in the Snoqualmie and South Fork Skykomish Watersheds in King County. Member governments include King County, the Snoqualmie Tribe, and the cities of Duvall, Carnation, North Bend and Snoqualmie. The Forum allocates nearly $800,000 toward salmon recovery projects annually such as riparian buffer restoration projects constituting a critical matching source for state and federal grants.

We recently learned of the National Oceanic and Atmospheric Administration's (NOAA) riparian buffer guidance for grant programs utilizing federal funding. Department of Ecology (Ecology) in turn adopted this NOAA guidance in part by requiring a 100 foot minimum buffer on fish bearing streams and rivers. There is growing concern among restoration organizations that this minimum buffer size will limit the number of landowners able to undertake voluntary riparian planting projects. While the science supporting wide buffers is included in our Snohomish River Basin Salmon Conservation Plan (Snohomish Plan), the new requirements may stifle voluntary action critical for a successful salmon recovery effort in our watersheds.

Depending on vegetation quality and location in the watershed, various studies and best available science show that many water quality and ecological benefits are gained by smaller 35- 50 foot buffers and smaller buffers can be a landowner's critical first stewardship action leading later to larger projects. The Snohomish Plan calls for the use of "incentives and flexible approaches to encourage buffer protection." Flexibility is a key attribute of any successful grant program that provides funding to projects that take place on privately owned land. There are several factors grant agencies should incorporate into grant rules encouraging larger buffers:

1. Grant agencies such as Ecology and the Natural Resources Conservation Service (NRCS) should consider delaying the decision to implement minimum buffer sizes until agencies can conduct a more thorough review of policy implications, practicality, and effectiveness of this approach. Federal agencies should discuss this policy with project implementers, The Puget Sound Salmon Recovery Council, watershed lead entities as well as agriculture interests.

2. Consider overall parcel size and width as well as existing infrastructure to determine minimum buffers that would allow for continued economic uses of private lands. For example, small or narrow agricultural parcels could be allowed smaller buffers compared with larger wider parcels to accommodate continued agricultural production.

3. Consider adjacent public lands with large riparian buffers when determining buffers on neighboring private properties (i.e. buffer averaging).

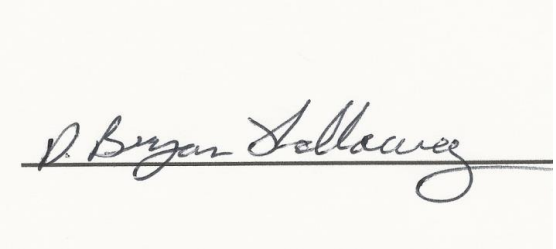
4. We encourage you to consider a cost-share approach to funding buffers that are smaller than the required minimums. Landowners could utilize local and state funding to make up the difference.

5. From our preliminary discussion with the partners in the Forum, these large buffer requirements will be difficult to implement in King County's Agricultural Production Districts and especially where Farmland Preservation easements exist.

6. This policy will directly impact our local funding program and watershed restoration goals when landowners turn down federal funds due to large minimum buffer requirements and instead look for more flexible local funding sources.

We strongly encourage you to review the new requirements and their implications to our salmon recovery efforts. There may be more effective ways to encourage higher functioning buffers on our streams and rivers. If you have questions, please contact Perry Falcone, Forum Project Coordinator, at (206) 477-4689 or perry.falcone@kingcounty.gov.

Sincerely,



Jason Walker - Forum Chair
City of Duvall Councilmember

Bryan Holloway – Forum Vice-Chair
City of Snoqualmie Councilmember

Cc:

Will Stelle, National Oceanic and Atmospheric Administration, Northwest Regional Administrator

Dennis McLerran, Environmental Protection Agency, Region 10 Administrator

Roylene Rides at the Door, Natural Resources Conservation Service, State Conservationist

Michael Grayum, Executive Director, Northwest Indian Fisheries Commission

Rick Parkin, Environmental Protection Agency

Dale Bambrick, National Oceanic and Atmospheric Administration

Kelly Susewind, Washington State Department of Ecology

Josh Baldi, Washington State Department of Ecology

Mark Isaacson, Director, King County Water and Land Resources Division

Lincoln County Conservation District

P.O. Box 46 • Davenport, Washington 99122
Phone: 509-725-4181 • FAX 509-725-4515

RECEIVED
DEC 16 2013
WSCC

December 11, 2013

Washington State Conservation Commission (WSCC)
P.O. Box 47721
Olympia, WA 98504-7721

Dear Commission Board;

The Lincoln County Conservation District does not support the Commission adopting the Northwest Indian Fisheries Commission (NWIFC) proposed Riparian Buffer Matrix. Numerous Districts spoke out at the December 5th Commission meeting with their concerns. Our district did not make a public comment but would like to submit this letter voicing our concern. WSCC Cost Share Assistance Policy #13-05 states "Cost Share Assistance provided shall only be for practices identified and installed on-the-ground as eligible NRCS practices." The full policy is attached.

Roylene Rides at the Door, NRCS State Conservationist, clearly stated at the December 5th meeting that the NRCS does not and cannot support the adoption of the proposed NWIFC buffer matrix in their NRCS practices. If NRCS doesn't support the Riparian Buffer Matrix then how can the Commission adopt the matrix? The NWIFC buffer adoption by the WSCC would clearly go against WSCC own policy. Does the Commission then rewrite its policy to state that all installed on-the-ground practices have to met NRCS practices except Riparian Buffers then a District must follow the NWIFC Buffer Matrix? It sends a mixed message, WSCC supports the standards and specs of NRCS practice standards and design but not on riparian forest buffers.

Roylene Rides at the Door presented the proper channels needed to be taken if the Northwest Indian Fisheries Commission is interested in proposing a change to NRCS practices. The Lincoln County Conservation District does not support the WSCC adopting the NWIFC Riparian Buffer Matrix. The District supports following WSCC Policy #13-05 and the sound science practices that NRCS has in place. If this illegal matrix policy is passed by the WSCC then District requests that an economic study of impacts be reviewed before the proposed buffer matrix is implemented.

Finally the District recommends increased communication with federal and state agencies that are writing rules and regulations that have a potential major impact to our natural resources at the local level. Thank you for taking the time to read and take our concerns into consideration.

Sincerely,

Tom Schultz

Tom Schultz, Chairman

RECEIVED
DEC 16 2013
WSCC

Washington State Conservation Commission

Policy #	13-05 Cost Share Assistance Policy
Applies to:	All Conservation Districts
Effective Date:	March 21, 2013

PURPOSE

This policy authorizes local conservation district boards to establish by resolution, cost-share ratios up to 100% in association with all WSCC grant cost-share funding except CREP and Irrigation Efficiencies and other programmatically prescribed cost-share limitations.

BACKGROUND

This policy is based upon resolution passed at the WACD Annual Meeting, November 28, 2012. This proposal recognizes the roles of local conservation district board of supervisors, local priorities in economic and natural resources issues, takes into consideration the ownership of the property, and is consistent with provisions of the state constitution (see page 4). This proposal enhances the ability for conservation districts to assist landowners in the development and installation of management practices and capitalizes upon the conservation district's ability to find and utilize the most appropriate methods and fund sources in achieving the desired outcome.

POLICY

Cost Share Assistance Rate of Reimbursement

- Cost Share Assistance projects on private property using SCC Funding are authorized to be reimbursed at up to a maximum of 100% of the total project costs.
- In no case shall the reimbursement exceed 100% of the total project costs, including any other source of funding for the project.

NRCS Approved Practices

- Cost Share Assistance provided shall only be for practices identified and installed on-the-ground as eligible NRCS practices.

Board of Supervisor's Resolution

- Beginning July 1, 2013 and annually thereafter, each conservation district must submit an approved board resolution to the Conservation Commission stating the rate of reimbursement for Conservation Commission funds for all NRCS practices. This will be kept on file at the Commission office and valid for 12 months.
- The board of supervisors may determine it would enhance landowner participation in a cost share eligible practice if the cost share rate for that practice is established in excess of 50-75%. This determination is to be made by resolution of the board, including a finding and description of the natural resource benefited from the cost share practice, the likelihood of increased participation, and the public benefit to be achieved should the practices be implemented.

- Conservation districts may adopt a lesser rate of reimbursement but may not exceed the Conservation Commission's authorized rate.
- The default rate if none supplied by the Board of Supervisors shall be 50%.

WSCC recommends that district avoid a practice by practice listing of the rate. WSCC requests the district consider a district-wide rate to reduce the workload and confusion at the district level.

Programs Not Covered In This Policy

- No board of supervisor's resolution stating the rate of reimbursement for Conservation Commission funds shall apply to CREP and Irrigation Efficiencies funding.
- If additional directives are issued by another entity for funds (legislature, agency) that is explicit in programmatic limitations, these directives shall supersede the board resolution.

Cooperator Labor Rate

- The landowner labor rate shall be set at a maximum of $20.00 per hour. The landowner's minor labor <16 years of age shall be consistent with Washington's established minimum wage.
- Beginning July 1, 2013 and annually thereafter, each conservation district must submit an approved board resolution to the Conservation Commission stating the districts Cooperator labor rate, not to exceed $20.00 per hour. This will be kept on file at the Commission office and valid for 12 months.

Publicly-Owned Property Eligibility

Publicly-Owned Property Definition: Title to property is held by federal, tribal, state, or local government, special purpose districts, including public utilities.

- Cost Share Assistance projects on publicly-owned property (federal, tribal, state, county, city) shall be presented to the Conservation Commission for approval prior to the accrual of any costs.
- If approved by the Conservation Commission, the rate of reimbursement shall not exceed 50%.

Reimbursements Not To Exceed 100%

- If cost sharing with other entities on the same project, the District must identify all funds used on the project and the costs being reimbursed by the other entities. This ensures the landowner will not be over-paid beyond the total project costs.

Existing Policy

- All other identified policies, procedures, and forms, for Conservation Commission funds used for Cost Share Assistance shall remain in effect. These policies and procedures are outlined within the State Conservation Commission Grants Procedure Manual.
    - Receipts outlining costs and landowner labor will continue to be required.
    - All cost share projects are required to be uploaded into the CPDS system along with before and after pictures, acres addressed, natural resource benefit, etc.
    - SCC Cost Share Assistance Agreements shall be printed from the CPDS system.

Random Audits

- Conservation Commission financial staff will do random audits to validate compliance with the agency policy and legal requirements.

District Staff Working on Projects

- Conservation district staff will be allowed to conduct project implementation work on the project but are prohibited from charging the same hours worked on multiple grants. These hours are to be reflected in the project breakdown, but are not to be used as part of the cost share reimbursement formula.
    - Conservation district personnel working in the field must have a current Compensation Rate Form on file with the Conservation Commission.
    - Conservation districts must ensure that any staff conducting work in the field and implementing projects have the correct Industrial Insurance codes and rates paid for those hours worked.

Landowner Authorization

- Conservation districts shall secure written landowner authorization allowing conservation district staff and contractors access to the property to conduct the implementation of the identified conservation practice.
- This authorization shall identify:
    - liability release,
    - who will be conducting the work,
    - the daily start and finish time,
    - the number of people expected on the site,
    - who the site supervisor will be,
    - work commence date,
    - work finish date, and
    - identify materials, equipment, and labor, to be supplied by the landowner.
- This authorization shall be kept in the conservation district official property file and available for review upon request.

Washington State Constitution Background and Support Documentation

The Washington Constitution, article VIII, sections 5 and 7[1] prohibits state and local governments from making gifts of public funds or property or lending their credit to private persons or entities. Exceptions to this rule generally include money or property to support the poor and infirm. Other exceptions are intergovernmental transactions or transfers to other government entities whose functions are wholly public.[2] The purpose of this provision in the state constitution is to prevent state funds from being used to benefit private interests without any benefit to the public.[3] Even if private interests benefit incidentally, the use of public funds is not unconstitutional if the public enjoys a substantial benefit.[4]

There is a presumption that the use of public funds is constitutional and the burden of proof is on the person challenging the presumption.[5] Washington courts have developed a two-prong analysis to determine whether there is an unconstitutional gift of public funds.[6] First, the court asks if the funds are being used to carry out a fundamental government purpose. If the answer to that question is yes, then no gift of public funds has been made. If the answer is no, and the gift is pursuant to the government's proprietary authority, then the court looks at the consideration received by the public and the donative intent of the governmental entity.[7]

A "fundamental governmental purpose" consists of an accepted and recognized fundamental, underlying function or purpose of government being served. Funds used for these purposes are not treated as gifts, because the public benefit is the consideration.[8] Courts have not explicitly defined "fundamental governmental purpose," but they have found that broad categories like police power, public safety, and environmental protection constitute fundamental governmental purposes.[9]

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1 "The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation." Const. art. VIII,§ 5.

"No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation." Const. art. VIII, § 7.

2 *Mount Spokane Skiing Corp. v. Spokane Cy.,* 86 Wn. App. 165, 176,936 P.2d 1148 (1997), *review denied,* 133 Wn.2d 1021, 948 P.2d 389 (1997); *Anderson v. O'Brien,* 84 Wn.2d 64,66--67,524 P.2d 390 (1974).

3 *Hudson v. City of Wenatchee,* 94 Wn. App. 990, 974 P.2d 342 (1999).

4 *King Cy. v. Taxpayers of King Cy.,* 133 Wn.2d, 584,596,949 P.2d 1260 (1997); *Pub. Empl. Relations Comm 'n v. City of Kennewick,* 99 Wn.2d 832,664 P.2d 1240 (1983); *City of Tacoma v. Taxpayers ofTacoma,* 108 Wn.2d 679,704--05,743 P.2d 793 (1987).

5 *Hudson,* 94 Wn. App. at 995.

6 *See CLEAN,* 133 Wn.2d at 469.

7 *CLEAN,* 133 Wn.2d at 469 (applying Const. art. VIII,§ 7).

8 *Citizens for Clean Air v. City of Spokane,* 114 Wn.2d 20, 39, 785 P.2d 447 (1990).

9 *Hudson,* 94 Wn. App. at 974; *Adult Entm 't Center, Inc. v. Pierce Cy.,* 57 Wn. App. 435,441, 788 P.2d 1102 (1990).

Clallam Conservation District
228 W. First Street, Suite H Port Angeles, WA 98362 www.clallamcd.org 360-775-3747 Fax: 360-775-3749

December 13, 2013

VIA EMAIL
Mark Clark, Executive Director Washington State Conservation Commission

Re: Mandating Practice Implementation as a Condition for Funding

Dear Mr. Clark:

Clallam Conservation District opposes the conditioning of funds to conservation districts as proposed by the Northwest Indian Fisheries Commission. We fear that mandating the implementation of certain practices – in this case, NOAA riparian buffers – as a pre-requisite to receiving financial assistance to implement other practices on farmland, will not achieve our shared goal of water quality improvement and salmon habitat restoration. Like the tribes, we want to improve water quality and restore habitat, but we think the tribes' proposal will result in less participation in conservation programs, thus less conservation practice implementation.

It is the mission of the Clallam Conservation District to help land managers conserve the natural resources under their stewardship and to restore ecosystems degraded by past management activities. We understand that ultimately, it is up to each individual land manager to determine and carry out their stewardship behavior. We provide incentives in the form of technical and financial assistance to help them make the decisions and adopt the behaviors that will provide benefits for the greater society, including future generations.

In recent years it has become fashionable to talk of partnering; however, conservation districts have always recognized and valued the role of partners, none more so than that of private land managers. When it comes to conservation on private land, success can only be realized through a win-win approach – a win for the land manager and a win for the environment. Our decades of experience working with private land managers has taught us that anything short of win-win will ultimately fail.

We have partnered on the implementation of many outstanding projects over the years. All but a handful of the projects occurred on private property, and few, if any would have happened without the ability to provide financial incentives to the landowners. And had we required the landowners to install large riparian buffers as a condition for receiving cost-share assistance for other practices, we believe many would not have participated.

Largely due to the assistance we provided, water quality has improved in Dungeness Bay, opening up many acres of shellfish beds that were previously closed to commercial harvest. This has occurred despite the fact that the Department of Ecology continues to rely on data that are many years old for their list of impaired water bodies. Described below are a few particular noteworthy projects:

Cameron Farms Irrigation Efficiencies and Water Quality Project
Cameron Farms is a pioneer farming operation in the Dungeness Valley that today includes mostly beef cattle and hay production. A Dungeness Irrigation District irrigation ditch running through the middle of one of their main pasture operations was sampled as part of a Dungeness Bay TMDL study and tested high for fecal coliform bacteria. The ditch discharged tailwater into a small stream that drains to Dungeness Bay and shellfish growing areas. Clallam Conservation District worked with the Camerons to develop a conservation

plan. Fence installation to keep cattle out of the ditch was determined to be an impractical alternative due to the irrigation system layout and because the ditch was the only water source for the livestock. A 35-foot fence setback would have been out of the question. Working with the Camerons and the irrigation district, in 2008 we were able to obtain enough funding from multiple sources, including the Irrigation Efficiencies Program, NRCS Environmental Quality Incentives Program, and an EPA grant administered by the Jamestown S'Klallam Tribe, to pipe the ditch through the entire length of the farm. A gravity-fed water line was also installed to provide an alternative source of stock water.

Sadilek Farm Plan Implementation

For over 30 years, Ken and Louise Sadilek raised cattle, cut hay and managed timber on their 200 plus acres in Clallam Bay. In 2002, they sought out the assistance of Clallam Conservation District to help them achieve their goal of leaving the land in better shape than it was when they acquired it. After helping them develop a conservation plan, they enrolled 15.6 acres along the Clallam River into the Conservation Reserve Enhancement Program (CREP). A restored riparian forest buffer averaging 113 feet in width was protected from livestock by a fence, and an alternative upland water source was developed for livestock watering. Roughly 1,000 linear feet of Clallam River riparian area were not enrolled into CREP due to streambank erosion; however, we partnered with the NRCS and Lower Elwha Klallam Tribe to secure technical and financial assistance for a streambank stabilization project that included Tribal crew-installed log jams, riparian vegetation, and fencing. The river had been the cattle's primary source of winter drinking water, so we provided assistance to install gutters and downspouts on the barns to collect roof water in a cistern that supplies a stock tank. In addition to providing an alternative source of stock water, this diverted roof water out of the winter feeding area, thus protecting water quality. The new stock watering systems also enabled the Sadileks to practice rotational grazing. And, through the Family Fish Forest Passage Program, we replaced a fish passage barrier on one of the logging roads, opening 0.37 miles of fish habitat.

Jimmycomelately Creek and Estuary Restoration Project

In 2000, Clallam Conservation District partnered with the Jamestown S'Klallam Tribe and numerous other agencies and organizations on a comprehensive restoration project on the lower mile of Jimmycomelately Creek and its estuary in Sequim Bay. Acknowledged as the most effective organization to work with private landowners, our role focused on the design and construction of a new, naturally meandering stream channel across private property. We also prepared the revegetation plans for tribal and private properties and enrolled the affected parties in CREP to help cover the costs of riparian restoration and maintenance. The efforts of our partners centered on construction of a new US 101 Highway bridge and estuary restoration, all of which occurred on property acquired by the Tribe and the Washington departments of Fish & Wildlife and Transportation. The Jimmycomelatey Creek and Estuary Restoration Project is viewed by many as a model of interagency cooperation and ecosystem restoration.

If you have any questions or concerns, please do not hesitate to contact our manager Joe Holtrop at 360-775-3747 or joe.holtrop@clallamcd.org.

Respectfully,

Joseph F. Murray

Joseph F. Murray
Chair

Washington Association of Wheat Growers
109 E. First Ave. • Ritzville, WA • 99169 • Phone (509) 659-0610 • Fax (509) 659-4302

December 3, 2013

Washington State Conservation Commission
300 Desmond Drive SE
Lacey, WA 98503

Mr. Clark, Chairman Peters and WSCC board members,

On behalf of the Washington Association of Wheat Growers, I strongly encourage you to oppose mandating specific practice implementation as a condition for landowner participation in incentive-based conservation programs.

We are concerned that these conditions will make it too costly and harmful for agricultural producers to participate in various conservation programs, leading to less benefit to the environment. WAWG is working to increase participation in conservation programs that benefit water and air quality. Mandating that extensive buffers be a condition for participation in these programs will be an extreme discouragement to farmers, especially in Eastern Washington where there is already limited access to watershed conservation funding.

WAWG opposes a federal or state agency requiring that a landowner install a prescribed practice on their land as a precondition to receiving any other federal or state cost share funding.

WAWG also encourages increased communication with federal and state agencies that are writing rules and regulations, standards and technical guidance that have a potential major impact to our natural resources at the local level.

The wheat growers of Washington look forward to being your partner in protecting water quality. We feel, however, that mandating extreme buffers as a condition to voluntary conservation programs makes no sense to improve water quality in our state.

Sincerely,

Nicole Berg
WAWG President

From: Al [mailto:alelatham@gmail.com]
Sent: Wednesday, January 01, 2014 8:51 PM
To: Dana Ecelberger; Smith, Carol (SCC)
Subject: 20' buffer

Hi – attached is a set of photo's of a 20' buffer along Chimacum Cr., initially planted in 1986. Pictures taken from filled in gravel trap looking downstream. In the top photo, and if you're in the creek, you (or the fish) don't realize it's only a 20' buffer. I think this illustrates the benefits that can be realized with smaller buffers than many are requiring. We took Norm Dicks out here years ago and had various buffer widths staked out, up to 250'. He looked at the 20' buffer and said something along the lines of it looked adequate and 250' was huge overkill. You can tell when the coho are up there by the eagles hanging out in the trees. Unfortunately this year so far we have had very little rain, and the flows are the same as summer low flow so few coho have gotten up this far (about River mile 9.5).
Anyway, thought this might be of interest. Al

Three photos of 20 ft. wide buffer on Chmacum Cr.. Initial planting was in 1986. Photos taken 1/1/2013 during period of low flow. Full canopy over creek providing shade cover and woody debris.

January 6, 2014

Jim Peters
Washington State Conservation Commission
PO Box 47721
Olympia, WA 98504-7721

Re: Conditioning of conservation practices.

Dear Mr. Peters,

The Okanogan Conservation District Board of Supervisors directed me to send you the following as our testament on the conditioning of conservation practices by policy. The Okanogan Conservation District is resolutely opposed to the conditioning of cost-share funds provided by the Conservation Commission as a condition for eligibility of funding. Furthermore, we are opposed to the unilateral alteration of conservation practice standards without a full vetting through the pre-existing USDA Natural Resources Conservation Service process for updating conservation practices. Site specific planning based upon voluntary, cooperative relationships, is the fundamental key to the success of conservation districts and our cooperators.

Conditioning practices as suggested by the Northwest Indian Fisheries Commission in a letter to the Conservation Commission in September 2013 will only work to distance conservation districts from the very landowners with whom we are working so diligently to install site-specific conservation practices. Requiring landowners to install an un-related conservation practice to be eligible for cost-share for another practice is an acrimonious action that will only lead to decreased participation and fewer resources conserved. Many landowners already distrust the intentions of state and federal agencies, which negatively impacts their support for public funding of conservation practices and their willingness to participate in incentive-based programs.

We are fully aware of the ecological conditions present in our watersheds and have worked mightily alongside private landowners, agencies, and not-for profit organizations for more than 70 years to improve the health of natural resources in Okanogan County. The Washington Governor's Salmon Recovery Office 2012 State of Salmon Executive Summary (page 2) states, "Washington's actions are beginning to pay off. Salmon are responding and returning to Washington waters in greater numbers in several areas around the state." The same document continues with, "The "Washington Way" is this state's community driven, locally based approach to recover salmon. This unique approach has served as a powerful example of successful salmon recovery implementation on the West Coast." The Governor's office recognizes that challenges remain, but the solution is working and that solution is based upon local, collaborative, incentive-based approaches.

The USDA Natural Resources Conservation Service maintains a trusted and proven process for reviewing technical planning and design standards for conservation practices. We emphatically stand with NRCS and their process for maintaining viable, effective, and reasonable technical standards, and encourage you and the rest of the Conservation Commission to do the same.

We believe that reviewing the technical standards using a collaborative, science-based process will lead to greater mutual understanding of the current resource issues and trends, and allow us to achieve common goals of clean water, healthy watersheds, and productive lands.

We urge you and the members of the Commission to hold on to the inveterate foundation on which effective, voluntary conservation is achieved in Washington State. That is to say we should embrace the site specific conservation plans developed by local conservation districts and NRCS planners in collaboration with landowners, using all available knowledge and resources. We are concerned that bowing to the current demand will open a Pandora's Box of demands from other agencies to change the most effective system in Washington State for achieving the greatest conservation. The emerging trend of conditioning funding for incentive-based practices upon regulatory elements must be curtailed immediately to ensure landowners have options that work for them, and keep them engaged in the conservation of natural resources. To do otherwise is to grant others the ability to seek and attain the authority to make conservation districts regulatory by policy.

We recommend that the Washington State Conservation Commission engage the Northwest Indian Fisheries Commission, your fellow agencies, and others to develop the necessary financial, policy, and social support for conservation districts to implement our backlog of projects and programs. Furthermore, we need the support and funding to conduct follow-up monitoring, to implement adaptive management as part of the planning process, which will ensure practices are working and meeting objectives.

We hope the Conservation Commission will continue to work with partner agencies, tribes, and conservation districts to develop the necessary resources for landowners to be effective and proud stewards of their lands. To that extent we fully support the resolution on this subject as it was passed most recently at the Washington Association of Conservation Districts Annual Meeting and which we have attached here for reference.

Sincerely,

Craig T. Nelson
District Manager

Cc: Mark Clark, Washington State Conservation Commission Executive Director (by e-mail),
Alan Stromberger, Washington Association of Conservation Districts President (by e-mail),
Jim DeTro, Okanogan County Commissioner (by e-mail),
Sheila Kennedy, Okanogan County Commissioner (by e-mail),
Ray Campbell, Okanogan County Commissioner (by e-mail),
Linda Evans-Parlette, Washington State Senator (by e-mail),
Brian Dansel, Washington State Senator-Elect (by e-mail),
Joel Kretz, Washington State Representative (by e-mail),
Shelly Short, Washington State Representative (by e-mail),
Cary Condotta, Washington State Representative (by e-mail),
Brad Hawkins, Washington State Representative (by e-mail)

Stevens County Conservation District
232 Williams Lake Road - Colville WA 99114
Phone: (509) 685-0937 ext. 3 - Fax: (509) 684-1982
E-mail: SCCD@co.stevens.wa.us

January 7, 2014

Washington State Conservation Commission (WSCC)
P.O. Box 47721
Olympia WA 98504-7721

The Stevens County Conservation District (SCCD) does not support the Commission adopting the Northwest Indian Fisheries Commission (NWIFC) proposed Riparian Buffer Matrix and the conditioning of implementation funds.

Conservation Districts have a long history of working with the land managers and have gained their trust and respect. With this knowledge and experience we are sure that adoption of the NWIFC proposal will reduce or eliminate voluntary participation in financial assistance programs that protect natural resources.

Also adoption of this proposal does not conform to WSCC Cost Share Assistance Policy # 13-05. This policy states Cost Share Assistance provided shall only be for practices identified and installed on-the ground as eligible NRCS practices. Deviating from this policy will make it more difficult for technicians to develop workable plans, landowners reluctant to implement and will be inconsistent with NRCS programs.

SCCD strongly recommends that the Commission work with NRCS through their process to change standards before changing the Conservation Commission's cost share assistance policy.

Sincerely Andy Kroiss

Andy Kroiss

Chairman
Stevens County Conservation District, Board of Supervisors

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

December 18, 2013

Re: Action on Conditioned Practices: Resolution 2013-23

In 2012 Cascadia Conservation District in Chelan County implemented perhaps our largest single project to date. Cascadia teamed with several partners, most notable the Bureau of Reclamation (BOR), Bonneville Power Administration (BPA) and USFWS, to design and construct a fish habitat restoration project while also implementing on farm Best Management Practices (BMPs). Specific elements installed at the Tyee Ranch included instream log habitat structures (11), side channel development/re-activation (1,600 linear feet in three separate channels), riparian restoration (1,200 linear feet, 2.8 acres), livestock exclusion fencing (2.2 miles, allows pasture management and protection of the stream bank/water quality) and development of an alternative water source. The instream habitat restoration covered approximately 1 contiguous river mile. As a result of this and similar restoration actions taken in the same reach of the Entiat River these restoration projects collectively are considered at the reach scale.

Documentation of the results of this effort relative to fish presence, use and population at the location of the structures is document through a BPA funded monitoring of restoration efforts in the Entiat called the Integrated Status and Effectiveness Monitoring Program (ISEMP). A link to the site that contains data collected at the Tyee Ranch site is found at http://www.isemp.org/watershed.php?sub=1. An additional link with project details http://www.salmonrecovery.gov/Habitat/CaseStudyTyeeRestoration2012.aspx This monitoring effort is biological and physical in nature so it tracks both biological (fish) response to the structures and the physical affects to the river from the structures (scour, deposition, etc.).

The monitoring effort itself includes several partners. In addition to ourselves, other partners include the United States Fish and Wildlife Service (USFWS), Yakama Nation (YN), Upper Columbia Salmon Recovery Board (UCSRB), United States Forest Service (USFS), Terraqua (private consultant), and the Washington State Department of Fish and Wildlife (WDFW).

This is only one of the most recent and highest profile projects completed by Cascadia and we are already in the planning process for 2014 and 2016 habitat restoration projects in the Entiat Valley. This is in addition to other similar efforts in other parts of the Conservation District.

Please contact me if you have any questions or need further detail as I am happy to share more information about these or other natural resource efforts in Chelan County.

Respectfully,

Michael J. Rickel

TAB 3

2013-15 Omnibus Budget -- 2014 Supplemental

Conservation Commission (471)

(Dollars in Thousands)

	Governor New Law (12/17/2013)			Agency Request (12/10/2013)			Difference		
	FTEs	Near GF-S	Total Budgeted	FTEs	Near GF-S	Total Budgeted	FTEs	Near GF-S	Total Budgeted
2013-15 Original Appropriations	17.1	13,579	16,880	17.1	13,579	16,880	0.0	0	0
2013-15 Maintenance Level	17.1	13,579	16,880	17.1	13,579	16,880	0.0	0	0
Policy Other Changes:									
1. Attorney General Legal Services	0.0	1	1	0.0	0	0	0.0	1	1
2. Addressing Livestock Inputs	0.0	0	0	0.2	2,500	2,500	-0.2	-2,500	-2,500
3. Firewise - Defensible Communities	0.0	0	0	0.7	3,513	3,513	-0.7	-3,513	-3,513
4. Voluntary Stewardship Program	0.0	0	0	0.5	1,020	1,020	-0.5	-1,020	-1,020
5. Imp Puget Sound District Activities	0.0	0	0	0.0	55	55	0.0	-55	-55
Policy -- Other Total	0.0	1	1	1.4	7,088	7,088	-1.4	-7,087	-7,087
Policy Comp Changes:									
6. State Employee Health Insurance	0.0	-19	-19	0.0	0	0	0.0	-19	-19
Policy -- Comp Total	0.0	-19	-19	0.0	0	0	0.0	-19	-19
Total Policy Changes	0.0	-18	-18	1.4	7,088	7,088	-1.4	-7,106	-7,106
2013-15 Revised Appropriations	17.1	13,561	16,862	18.5	20,667	23,968	-1.4	-7,106	-7,106

Comments for version: Governor New Law (12/17/2013)

1. Attorney General Legal Services - - The agency's budget is adjusted to align with increased billing levels for legal services in the 2013 -15 Biennium because of an increased use of legal services in certain agencies and enhanced recruitment and retention efforts in the Office of the Attorney General. (General Fund-State, Other Funds)

6. State Employee Health Insurance - - Funding for state employee health insurance is adjusted from $763 per month per employee to $703 per month per employee in Fiscal Year 2015. (General Fund-State, Other Funds)

15-17 Budget Development Timeline

DATE	Activity	Notes
December 17, 2013	• Governor Inslee Releases Proposed Supplemental for 2015	
January 13, 2014	• Legislature begins 60-day Session February 11th is ½ way March 13th is scheduled Sine Die	Down 1 financial staff thru May. Requires Senior Team, policy & fiscal Staff
January 15-16, 2014	• SCC Meeting, Seattle	Requires Senior Team
January 27-28, 2014	• WACD Legislative Days, Olympia	
February		Legislative policy & fiscal activity
March 19-20, 2014	• SCC Meeting, Dayton Draft 15-17 Budget Concepts FY15 Allocations	Requires Senior Team
April 2014	• Instructions to SCC from OFM on allotments, performance measures, any budget changes, etc., based upon action by Legislature and signature of Governor. • Instructions to SCC from OFM for 15-17 Budget and Strategic Plan	Requires Senior Team Review and activity by fiscal staff
May 13-15, 2014	• SCC Strategic Planning & Meeting, Skamokawa Final Budget Development Concepts	Requires Senior Team
June 2014	• WADE Training, Leavenworth • Conservation Districts Develop & Submit 15-17 Budget	Requires Senior Team and most members of SCC staff Requires RMs, Senior Team
July 1, 2014	• FY15 begins	Requires fiscal staff
July 16-17, 2014	• SCC Meeting, Okanogan Final 15-17 Proposed Budget Request	Requires Senior Team
August 25, 2014	• SCC Special Meeting Final Passage of 15-17 Budget Proposal	Prior to this date requires Senior Team, select members of staff, and all fiscal and admin staff
September 2, 2014	• Final 15-17 Budget Submitted to OFM	Requires fiscal and admin staff
December 18, 2014	• Governor Inslee Releases Proposed 15-17 Budget	
January 12, 2015	• Legislature Begins 105-day Session	
June 30, 2015	• End of 13-15 Biennium - End of FY15	
July 1, 2015	• Begin 15-17 Biennium - FY16 Begins	

TAB 4

WASHINGTON STATE
CONSERVATION COMMISSION REGULAR MEETING
DoubleTree by Hilton Hotel Seattle Airport- NW One Room
18740 International Boulevard
Seattle, WA 98188

PRELIMINARY BUSINESS MEETING AGENDA
JANUARY 16, 2014

TIME	TAB	ITEM	LEAD	ACTION/INFO
9:00 a.m.	4	**Call to Order**		
		• Additions/Corrections to Agenda Items *(pgs. 48-49)*	Chair Peters	**Action**
20 minutes		**Introductions**	All	
**********		**PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS **********		
5 minutes	**5**	**Consent Agenda**		
		• Approval of the WSCC December 5, 2013 Business Meeting Minutes *(pgs. 51-59)*	Chair Peters	**Action**
10 minutes	**6**	**Commission Operations**		
		• Commission Motion Procedures *(pgs. 61-62)*	Chair Peters	**Information**
45 minutes	**7**	**Policy/Programs**		
		• NWIFC Response *(pgs. 64-65)*	Ron Shultz	**Action**
		• Commission Member Compensation Policy *(pgs. 66-69)*	Ron Shultz	**Action**
		• VSP Report Update *(pgs. 70-72)*	Ron Shultz	**Information**
15 minutes		**BREAK**		
20 minutes		**Policy/Programs- continued**		
		• Legislative Update *(pgs. 82-84)*	Ron Shultz	**Information**
		• Election Proviso Report *(pgs. 85-113)*	Ron Shultz	**Information**
25 minutes	**8**	**District Operations**		
		• Adams CD Update *(pgs. 115-119*	Ray Ledgerwood	**Information**
		• Regional Manager Report *(pgs. 120-123))*	Ray Ledgerwood/ Stu Trefry	**Information**
		• District Technical Capacity Group Update *(pgs. 124-133))*	Ray Ledgerwood	**Information**

30 minutes	**9**	**Budget**		
		• Category 3 Funding Subcommittee *(pgs. 135-137)*	Mark Clark	**Action**
		• Shellfish Funding *(pgs. 138-139))*	Ron Shultz	**Action**
12:00 (30 min)		**LUNCH: PLEASE RSVP TO THE CONSERVATION COMMISSION**		
30 minutes		**Budget- continued**		
		• Legislative Budget Update *(pgs. 140-145)*	Ron Shultz/ Debbie Becker	**Information**
45 minutes	**10**	**WACD Resolutions** *(pgs. 147-177)*	Alan Stromberger, WACD President	**Information**
		Adjourn	Chair Peters	

NEXT MEETING:

Conservation District Tour **hosted by Colombia/Pomeroy** will be on March 19, 2014 and the **Conservation Commission Regular Business Meeting** will be held on March 20, 2014.

Location: Best Western Plus Dayton Hotel and Suites
507 E. Main Street
Dayton, WA 99328

The times listed above are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. If you are a person with a disability and need special accommodations, please contact the Conservation Commission at 360.407.6200.

TAB 5

Washington State Conservation Commission Regular Business Meeting

DRAFT MINUTES

Cle Elum, Washington
December 5, 2013

The Washington State Conservation Commission (Commission/WSCC) met in regular session on December 5, 2013, in Cle Elum, Washington. Commissioner Peters called the meeting to order at 9:02 a.m.

COMMISSIONERS PRESENT
Jim Peters, Chair
Larry Davis, West Region
Lynn Brown, Central Region
Lynn Bahrych, Member
Clinton O'Keefe, East Region
Jim Kropf, WSU-Puyallup, Commissioner
George Tuttle, Dept. of Agriculture
Alan Stromberger, WA Association of Conservation Districts (WACD)
Tom Tebb, on behalf of Commissioner Kelly Susewind, Department of Ecology (DOE)

COMMISSION STAFF PRESENT
Mark Clark, Executive Director
Debbie Becker, Financial Services Manager
Ray Ledgerwood, Program Facilitator
Ron Shultz, Policy Director
Bill Eller, Central WA Regional Manager
Lori Gonzalez, Administrative Assistant
Carol Smith, CREP Manager

PARTNERS REPRESENTED AT THIS MEETING:
Roylene Rides-at-the Door, Natural Resources Conservation Service (NRCS)
Dave Vogel, WACD
Linda Carnahan-Anderson, Environmental Protection Agency (EPA)
Rod Hamilton, Farm Service Agency (FSA)

65+ GUESTS ATTENDED:
(Please see sign in sheet **ATTACHMENT A**)

Motion by Commissioner Brown to approve the agenda with the additions of energy landscape update from Harold Crose, NRCS, and an executive session toward the end of the day to discuss the performance of an employee. Seconded by Commissioner O'Keefe. Motion passed.

Consent Agenda

Discussion and corrections made by Commissioner Brown regarding the September 19, 2013 meeting minutes.

Motion by Commissioner Davis to approve the September 19, 2013 meeting minutes as corrected. Commissioner Stromberger seconded. Motion passed.

Energy Program

Harold Crose, NRCS staff, provided an update on the Agricultural Energy Program. They have partnered with various entities to build the tools needed to build the energy audit evaluations. The group is looking into Environmental Quality Incentive Program-(EQIP) in Washington State to see what practices are available to producers for cost share to conserve energy on their farm. Mr. Crose explained there is not enough technical expertise to go out on farms and conduct energy audits. NRCS is conducting a pilot to include conservation districts to become the technical service providers and assist in these efforts. Pilot would be at no cost to the CDs. The CDs will benefit by getting the technical and program knowledge and experience. There are several former NRCS employees who could be brought in to assist in educating the CDs. NRCS will continue to put the platform together.

Ag/Water Quality Discussion

The Northwest Indian Fisheries Commission (NWIFC) submitted letters to the Conservation Commission in September 2013 requesting the Commission to take action to help protect member tribes' treaty rights and help meet water quality standards. They requested the Commission take action at the December meeting. Mr. Shultz, SCC Policy Director, walked through the NWIFC letter and letters accompanying from Director Mark Clark, WSCC, and other federal agencies. The NWIFC letter made several assertions, as well as several requests. One request from NWIFC is to condition Commission funding to districts on the NOAA Fisheries riparian buffer table. The table has been revised several times with various buffer widths. A newly revised copy was provided at the Commission meeting.

Mr. Shultz recommended the Commission take no action at the December meeting to allow the new commission members the opportunity to more fully understand the issues prior to action. This will also allow commission staff to continue to engage with stakeholders, conservation districts and other entities on tribal treaty rights to prepare a response letter.

Public Comment

Chair Peters opened up the discussion for public comment regarding the NWIFC letter. Each guest was allowed three minutes to speak. Written statements were encouraged to be submitted to commission staff for the official record.

Written statements were submitted by: Robin Flem, Columbia Conservation District Supervisor- See ***ATTACHMENT B*** and Monte Marti on behalf of the Puget Sound Caucus of Conservation Districts- See ***ATTACHMENT C.***

Public comment regarding the NWIFC letter was provided by: Craig Nelson, Okanogan CD; Roger Wristen, Cascadia CD; Mike Tobin, No. Yakima CD; Anna Lael, Kittitas CD; Jack Field, Cattlemen's Association; Jennifer Boie, Palouse CD; Robin Flem, Columbia CD; Walt Edelen, Spokane CD; Monti Marti, Snohomish CD on behalf of the Puget Sound District Caucus; Mark Craven, Snohomish CD; Dave Guenther, Klickitat CD; Randy Kelly, Okanogan; John Keatley, Cowlitz CD; Brandy Reed, King CD; Dean Hellie, Stevens Co. CD; Max Prinsen, King CD; Larry Wasserman, Swinomish Indian Tribe; Vic Stokes, owner operator; and John Baugher, Clark, CD. Public comment ended.

Commissioners agreed to have the commission staff continue to work with districts and stakeholders for a response letter to the NWIFC. Action may take place at the January meeting in King County. Director Clark asked Mr. Peters how staff can work in the interim with the tribes. The Commission does not want to appear non responsive. Chair Peters requested staff on staff communication between the Commission and NWIFC to ask clarifying questions and proceed from there.

Mr. Shultz mentioned there will be an outreach meeting with all conservation districts to discuss in detail options for Commission consideration. This meeting is scheduled for December 19 in Ellensburg.

Attendance at National Association of Conservation District Annual (NACD) Meeting

Motion by Commissioner Brown to approve the Executive Director, Chair and Vice Chair to attend the NACD Annual Meeting in February. Seconded by Commissioner Bahrych. Motion passed.

Good Governance and Procedure Checklist

Ray Ledgerwood, SCC staff, presented the changes made to the Good Governance Policy and Procedure checklist. In September, Ray asked for the opportunity to reach out to the districts to incorporate their comments. Districts provided and staff included a summary in the meeting packets on how those comments were used.

Motion by Commissioner Brown to accept the staff recommendation to approve the proposed Good Governance Policy, Procedure and Checklist. Commissioner Bahrych seconded. Motion passed.

Conservation District Supervisor Appointment

The Pierce Conservation District currently has a vacancy for appointed supervisor to fill the remaining mid-term of Mr. David Batker who resigned in early December. Commissioner Brown called the applicant and Chair of the Pierce CD board to discuss the application submitted to the Commission.

Motion by Commissioner Brown to appoint Scott Gruber to take the vacant position of David Batker on the Pierce Conservation District board. Commissioner Davis seconded. Motion passed.

Annexation of the City of Orting into Pierce Conservation District

Motion by Commissioner Stromberger to approve the petition for annexation of the incorporated City of Orting into the district boundaries of the Pierce Conservation District, pursuant to RCW 89.08.010(4). Commissioner O'Keefe seconded. Motion passed.

Conservation Easement Policy

Josh Giuntoli, Office of Farmland Preservation (OFP) staff, presented the proposed final policy. Districts were provided the opportunity to submit comments of the proposed policy. Mr. Giuntoli provided a summary of comments received. This policy is to establish the process by which the SCC would seek or hold an interest in real property for the purposes of farmland preservation.

Motion by Commissioner Bahrych to accept the proposed Washington State Conservation Commission Easement Policy 13-24. Commissioner O'Keefe seconded. Motion passed.

Administrative Efficiencies Proviso

Ray Ledgerwood, SCC staff, provided an overview of the Administrative Efficiencies Report that was brought about by a state budget proviso. The report is due to the Legislature by December 10, 2013.

The report includes information on consolidations and administrative efficiencies that have been implemented by the Conservation Districts and Conservation Commission.

Elections Proviso

Ron Shultz, SCC staff, briefed the Commission on the status of the Elections report brought about by a state budget proviso. The Elections report is also due to the Legislature on December. Staff will meet with Representative Hudgens to seek an extension for the report deadline. Meetings will continue with the Elections Workgroup to find different options for elections. The Commissioners agreed to have the draft report sent out for both district and Commissioner comment with a set deadline and use the comments received in developing the final report for submittal to the Legislature.

Non-Shellfish Funding

The subcommittee that was created at the September Commission meeting, based upon the direction of the Commission, presented on the subcommittee ranking and evaluation results along with the current allocation funding provided to conservation districts. There were projects the group identified and had questions which needed further research and guidance. The group provided several options for consideration. In order to move rather quickly, the Commission appointed a group of Commissioners (Bahrych, Brown and Tuttle) to assist staff in moving forward, seek clarification, and provide direction on the questionable projects. The subcommittee will meet and seek further information to get the funds out and projects implemented.

Shellfish Funding

Ron Shultz provided an update on the shellfish funding. $900k in projects has been approved so far. The challenge has been the conditions on the money and managing the politics around this money and the stakeholders. The projects approved under shellfish were able to exhibit they met the criteria to use the funding. A form was sent out to each district to fill out and identify how the criteria for the funding met the projects they submitted. The committee will continue to work and come back in January.

Nominating Committee

Motion by Commissioner Davis to elect Jim Peters as Chair for another term and Clinton O'Keefe to serve as Vice-Chair of the Conservation Commission. Seconded by Commissioner Stromberger. Motion passed.

The Commission Board went into executive session at 3:10 p.m., consistent with RCW 42.30.110, for the purpose of discussing the performance of an employee. 30 minutes announced. Return at 3:40 p.m.

Returned from executive session at 3:40 p.m. as announced.

Chair Peters adjourned meeting at 3:41 p.m.

Washington State
Conservation Commission

Thursday, December 5, 2013
Regular Business Meeting at Suncadia Lodge in Cle Elum, WA

Name	Department/Agency/District
Larry Brewer	WSCC
Kathleen Whalen	~~WA~~ Thurston CD
Craig Nelson	Okanogan CD
Monte Marti	Snohomish C.D.
George Tuttle	gtuttle@agr.wa.gov
Erica Van Natta	SCD
Sarah Richards	Whidbey CD
Bryan Mello	Pierce CD
Mark Craven	Sno SD
Wendy Pare	Supervisor Skagit
Dave Vogel	WACD
Jeff Rock	Supervisor SDCD
Barney Ross	King CD
Jerry Scheele	Spokane CD
Linda Anderson-Cunningham	EPA - Region 10
Rick Parkin	" "
Dean Hellie	Stevens CD
Sherrie Copeland	NRCS
SARA HEMPHILL	King CD
Guenther	WACD/CKCD
Jennifer Boie	Palouse CD
Terry Holloway	POCD
Dana Ecklberger	Jefferson CD
ROBIN FLEM	Columbia CD

Washington State
Conservation Commission

Thursday, December 5, 2013
Regular Business Meeting at Suncadia Lodge in Cle Elum, WA

Name	Department/Agency/District
Dirk Van Slingerren	South Yakima CD
Roger Wristen	Chelan CD (Cascadia)
Tom Tebb	Ecology - CRO
Janelle Moses	South yakima C.D.
Harold Crose	Grant C.D.
Elsa Bowen	Lincoln CD
Anna Lael	Kittitas Co. CD
Joe Holtrop	Clallam CD
Mark Moore	kittitas CD
JOHN BAUGHER	CLARK CD
JOHN KEATLEY	COWLITZ C.D.
LEE JR HEMMER	Foster Creek CD
Eddie Johnson	Lincoln CCD
JACKIE LOVELY	KITSAP
John W. FLOYD	POCD
Jim Weber	NWIFC
Mary Brinsen	KCD
JOSH GIUSTOLI	WSCC
Laura Johnson	WSCC
[illegible]	SCD
Terry Stuenzi	POCD
Jim Armstrong	SCD
Ben Ray	ECY
Karen Bishop	Whidbey CD

Washington State
Conservation Commission

Thursday, December 5, 2013
Regular Business Meeting at Suncadia Lodge in Cle Elum, WA

Name	Department/Agency/District
DAN WARWOOD	PRLCD
Larry Wasserman	Swinomish Tribe
Randy Kelley	OKANOGAN CD
Michael Tobin	North Yakima CD.
Vicki Carter	Spokane CD
Dan L Bekzi	Whatcom CD
Jon Merz	Foster Creek CD
Tom Miller	Spokane CD
VIC STOKES	WASH. CATTLEMEN'S ASSOC.
Michael Rickel	Cascadia CD
Alan Chapman	LNR

ATTACHMENT B- Written public comment submitted

Comments made by Monte Marti, Snohomish CD, during the public comment period at the December 5, 2013 Washington State Conservation Commission meeting:

On behalf of the Puget Sound Conservation District caucus, we appreciate all of the diversity of comments expressed this morning and yesterday at the WACD meeting. And it is obvious that none of us is satisfied with the status quo.

- It is clear that we have shared goals and different mandates,
- Therefore, we have an opportunity to collaborate and build on our strengths.

In order to have a productive relationship going forward, we request the Commission staff review the record of incentive based conservation and bring that information back to the January including:

- What and how it works?
- What role monitoring plays in the success of the programs?
- How we get to scale?
- What role does regulation play in the process?

These are the kinds of questions that will set the stage for a productive conversation and help us all achieve our shared goals.

The Puget Sound conservation districts are excited about this opportunity. We look forward to working with all parties in a positive and collaborative approach.

On a personal basis, I am excited about the opportunity to serve on the WACD Tribal Outreach Task Force. This could be another forum for positive and collaborative manner.

ATTACHMENT C- Written Comment submitted

Comments made by Robin Flem, Supervisor, Columbia County CD, during the public comment period at the December 5, 2013 Washington State Conservation Commission meeting:

I spoke against the adoption of the buffers because of the impact it would have on our customers, the landowners, desire to participate in our VOLUNTARY programs offered by our district and their partners.

There is already a deep rooted distrust of the government and the CD's ability to help as locally-led would be negatively impacted by a mandatory requirement.

Joe Lemire (sp?) lives in our district and the severity of the ruling has already been shown to have a reduction or hesitation of landowners willingness to participate on a voluntary basis. The decision cut us off at the knees in maintaining the trust we have built up over the decades.

Until there is peer reviewed scientific studies that prove these buffers are the only way to achieve the water quality goals, I suggest the WSCC reject the numerically set boundaries and set up a voluntary program to encourage progress towards the shared goals.

To force landowners into a blanket, mandatory program will reduce participation and in the long run have an overall detrimental impact on our district's conservation as a whole.

Robin Flem
Supervisor
Columbia County CD
360.507.1655
Robin.flem@gmail.com

TAB 6

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members

FROM: Mark Clark, Executive Director

SUBJECT: Commission Motion Process

Summary: Clarification and adjustments to the process for making motions at Commission meetings are proposed. The process for reporting meeting motions after Commission meetings is also proposed.

Action: None requested.

Discussion:

At the December Commission meeting, questions came up as to whether motions at the September meeting had been correctly captured. As a result, several motions passed in September were amended at the December meeting. The amended motions were related to the process for allocating funding to districts. Motions passed in September served as the basis for allocation decisions made between September and December raising the questions as to whether the December amendments altered any of the funding decisions made after September. While these motions were amended, they did not affect the outcome of implementation done by the Commission staff.

To avoid the potential for confusion or inaccurate motions in future Commission meetings, the following process is proposed for the recording of motions entertained during a Commission meeting:

1. Motion made by Commission member.
2. Motion seconded by Commission member.
3. Motion is typed by Commission staff and projected on the screen.
4. Chair to verbally read motion on screen to reflect the action being requested.
5. If affected staff person to implement the action has a question to clarify what is being asked, they may do so at this time.
6. Discussion and amendments would follow in the usual format prior to final action by board.

After the Commission Meeting:

1. Commission staff will send out motions and actions from what was projected to all Commission members for review of accuracy.
2. Commission members will have 7 business days to comment.

Note: Actions will not be implemented by staff until after the 7 business day comment period.

If during this period there is a motion needing correction that affects the implementation of the action, notification to the Executive Director is required. The Executive Director will notify the Chair to assess if a Special Meeting is needed to clarify, to implement immediately, or if an amendment can be made at the next regular business meeting.

TAB 7

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: NWIFC Response Action Item

Summary: At its work session, the Conservation Commission discussed the response to the NWIFC request. The information in this tab relating to the action requested is duplicated from the previous memo for discussion and action purposes.

Staff Contact: Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

Action Requested:

Staff recommends the Conservation Commission not condition funding on the NOAA Fisheries buffer table, but staff recommends the Conservation Commission consider taking steps to:

- Increase landowner participation in incentive-based programs.
- Evaluate whether existing standards and practices used by conservation districts when working with landowners address natural resource concerns, and improve the process for changing the standards and practices (if necessary).
- Evaluate the current system of identifying natural resource concerns at the watershed scale and how conservation districts incorporate this information into their work plans to determine whether changes are needed in this process.
- Consider how these issues might be included in the next biennial budget development process for conservation districts and the Conservation Commission.
- Identify funding sources necessary to assist conservation districts in implementing any recommended program changes.
- Evaluate watershed scale processes to identify “lessons learned” that could inform work with conservation districts on these topics.

- Identify, evaluate, and where appropriate implement monitoring approaches that will assist in tracking progress on improving natural resources concerns and apply adaptive management principles based on monitoring results. Benchmarks would also need to be identified to determine whether progress is being made.

- Continue support for the Voluntary Stewardship Program (VSP).

- Continue to support the efforts of the Washington Association of Conservation Districts (WACD), and conservation districts individually, in their efforts to build and continue strong working relationships with tribes.

These efforts should be done in close coordination with conservation districts and other partners, including tribes, state and local governments, federal agencies, and non-governmental organizations.

Each of these recommended steps are described in more detail at the end of the memo in Tab 2 of the meeting packet.

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members

FROM: Ron Shultz, Policy Director

SUBJECT: Commission Member Compensation Policy

Summary: Commission staff has updated the Commission Member Compensation Policy to be consistent with RCW 43.03.250.

Action Requested: Adopt policy #14-01 Commission Member Compensation.

Staff Contact:
Ron Shultz, Policy Director rshultz@scc.wa.gov
Megan Finkenbinder, Program Specialist mfinkenbinder@scc.wa.gov

Background:

RCW 89.08.040 was revised in 2009 classifying the Commission as a Class four group. RCW 43.03.250- Class four groups (as am ended by 2011 c 5) states in part:

> (1)A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:
>
> (a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;
>
> (b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and
>
> (c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year. A class four group as stated above in RCW 43.03.250(2) “is eligible to receive compensation in an amount not to exceed one hundred dollars..” .

A Class four board member is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during with the member attends an official meeting. The commission compensation policy has been updated to the one hundred dollar amount and the current process for approval.

Policy #	14-01 Commission Member Compensation
Applies to:	The following members on the Conservation Commission; Governor Appointees, Regional Representatives and Washington Association of Conservation Districts President
Effective Date:	January 1, 2014

PURPOSE

This policy is to define the process for authorization of Commission Members compensation as defined in RCW 43.03.250.

RCW 43.03.250(2) & (3) states:

(2) Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

BACKGROUND

RCW 89.08.040 Members – Compensation and travel expenses – Records, rules, hearings, etc. was revised in 2009 to include the State Conservation Commission under the definition of a class four group. RCW 43.03.250 – Compensation of members of part-time boards and commissions – Class four groups (as amended by 2011 c 5) states in part:

(1)A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:

(a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;

(b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and

(c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year.A class four group as stated above in RCW 43.03.250(2) “is eligible to receive compensation in an amount not to exceed one hundred dollars..” .

POLICY

This policy may be reviewed to ensure consistency in following the guidelines set forth in this policy.

When a member performs statutory duties approved by the chairperson of the group, he or she will be compensated per RCW 43.03.250.

As stated in RCW 43.03.050(2), a member is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

A member may waive compensation by a formal written denial letter addressed to the State Conservation Commission.

Travel days are not compensated unless an official meeting is attended or the member is performing statutory duties approved by the chairperson of the group.

PROCEDURE

The following activities are preauthorized by the chairperson for compensation because the member is serving as a representative of the Washington State Conservation Commission in these capacities:

1. Regular and special Commission meetings, including teleconferences.
2. Washington Association of Conservation Districts (WACD) meetings, this includes Officers and Directors, Taskforces, Special Committees and teleconferences.
3. Local Work Group meetings.
4. Attending meetings of conservation districts in Washington State for the purpose of furthering the vision, mission and values of the Conservation Commission as specified in the agency strategic plan.

Commission members seeking compensation for activities beyond a regular or special Commission meeting are encouraged to provide a report on those activities where information may be of interest to the Commission. Commission staff may develop a form for this report.

Authorization by the Chairperson

Authorization is given by the chairperson for all other in or out of state attendance at regional or national meetings as representatives of the agency not included in the above activities by motion passed by the governing board, or by a memo. Examples include: National Association of Conservation Districts Annual Conference, National Association of State Conservation Agencies Annual Conference, etc.

Compensation Payment

It will be the individual member's responsibility to notify Conservation Commission staff of any meetings or activities they have attended or participated in by means of submitting a compensation request (see Attachment A). Compensation requests are to be submitted at the end of each month when an approved activity has been performed or fulfilled.

Within ten (10) business days, Conservation Commission staff will submit the request for compensation to the Department of Enterprise Services Payroll division.

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: VSP Report Update

Summary: Two counties have been funded to implement the VSP and are moving forward. There has been legislation introduced to change the deadline for county participation in VSP.

Action Requested: None, information only.

Staff Contact: Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

Description:

Funding was provided in the 2013-15 operating budget for two counties (Thurston and Chelan) to implement the Voluntary Stewardship Program (VSP). Counties are not required to implement the program unless funding is provided, so the remaining 26 counties have not begun implementation because no funding has been available.

By August 1, 2015 the Conservation Commission is to report to the Governor and legislature as to which counties have been funded under the VSP and are implementing the program. Those counties not funded by June 30, 2015 will be required to revert to the "traditional GMA" route to review and, if necessary, revise their critical areas ordinances to address impacts from agricultural activities.

This 2015 deadline was an important point in the Ruckelshaus Process negotiations. Representatives of the environmental community and tribes did not want to delay action on addressing agricultural impacts to critical areas. If counties do not need to implement VSP until funding is provided, they argued, agricultural interests could delay the process by blocking funding. Therefore they insisted on the 2015 deadline to move the work to the GMA process if VSP is not being implemented.

Since the passage of VSP, funding for only the two counties has been provided by the state. Commission staff continues to seek funding at both the state and federal levels but budgets are still tight. The Commission requested supplemental funding for five additional counties in the current session. The Governor did not fund this request.

Counties and agricultural interests are particularly concerned about the upcoming 2015 deadline. They see a return to the “traditional GMA” route as a path to costly litigation. Representative Dean Takko, chair of the House Local Government Committee, has also expressed concern about the 2015 deadline. Committee staff asked Commission staff if the Conservation Commission would propose agency request legislation this session to extend the 2015 deadline. Commission staff responded that this was a particular item of negotiation and should go through the negotiated process. Since the parties have not re-opened this question, the Commission would not be proposing legislation.

On January 9, 2014 Representative Takko introduced legislation to extend the deadline for VSP from 2015 to 2021. A copy of this legislation is attached. Commission staff has not taken a position on the bill pending a meeting of the Ruckelshaus Process parties to discuss the proposal. Tentatively Commission staff would recommend supporting the bill but urging the parties to negotiate the point to see if a common agreement can be reached before the end of session.

H-3144.2

HOUSE BILL 2187

State of Washington 63rd Legislature 2014 Regular Session

By Representative Takko

Prefiled 01/09/14.

AN ACT Relating to extending the date by which counties participating in the voluntary stewardship program must review and, if necessary, revise development regulations that apply to critical areas in areas used for agricultural activities; and amending RCW 36.70A.710 and 36.70A.130.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 36.70A.710 and 2011 c 360 s 4 are each amended to read as follows:

(1)(a) As an alternative to protecting critical areas in areas used for agricultural activities through development regulations adopted under RCW 36.70A.060, the legislative authority of a county may elect to protect such critical areas through the program.

(b) In order to participate in the program, within six months after July 22, 2011, the legislative authority of a county must adopt an ordinance or resolution that:

(i) Elects to have the county participate in the program;

(ii) Identifies the watersheds that will participate in the program; and

(iii) Based on the criteria in subsection (4) of this section, nominates watersheds for consideration by the commission as state priority watersheds.

(2) Before adopting the ordinance or resolution under subsection (1) of this section, the county must (a) confer with tribes, and environmental and agricultural interests; and (b) provide notice following the public participation and notice provisions of RCW 36.70A.035 to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.

(3) In identifying watersheds to participate in the program, a county must consider:

(a) The role of farming within the watershed, including the number and acreage of farms, the economic value of crops and livestock, and the risk of the conversion of farmland;

(b) The overall likelihood of completing a successful program in the watershed; and

(c) Existing watershed programs, including those of other jurisdictions in which the watershed has territory.

(4) In identifying priority watersheds, a county must consider the following:

(a) The role of farming within the watershed, including the number and acreage of farms, the economic value of crops and livestock, and the risk of the conversion of farmland;

(b) The importance of salmonid resources in the watershed;

(c) An evaluation of the biological diversity of wildlife species and their habitats in the geographic region including their significance and vulnerability;

(d) The presence of leadership within the watershed that is representative and inclusive of the interests in the watershed;

(e) Integration of regional watershed strategies, including the availability of a data and scientific review structure related to all types of critical areas;

(f) The presence of a local watershed group that is willing and capable of overseeing a successful program, and that has the operational structures to administer the program effectively, including professional technical assistance staff, and monitoring and adaptive management structures; and

(g) The overall likelihood of completing a successful program in the watershed.

(5) Except as otherwise provided in subsection (9) of this section, beginning with the effective date of the ordinance or resolution adopted under subsection (1) of this section, the program applies to all unincorporated property upon which agricultural activities occur within a participating watershed.

(6)(a) Except as otherwise provided in (b) of this subsection, within two years after July 22, 2011, a county must review and, if necessary, revise development regulations adopted under this chapter to protect critical areas as they specifically apply to agricultural activities:

(i) If the county has not elected to participate in the program, for all unincorporated areas; or

(ii) If the county has elected to participate in the program, for any watershed not participating in the program.

(b) A county that between July 1, 2003, and June 30, 2007, in accordance with RCW 36.70A.130 completed the review of its development regulations as required by RCW 36.70A.130 to protect critical areas as they specifically apply to agricultural activities, and that elected under subsection (1) of this section to participate in the program, is not required to review and revise ((~~its~~)) those development regulations until ((~~required by RCW 36.70A.130~~)) June 1, 2021, or the applicable date established in RCW 36.70A.130(5), whichever is later.

(c) After the review and amendment required under (a) of this subsection, RCW 36.70A.130 applies to the subsequent review and amendment of development regulations adopted under this chapter to protect critical areas as they specifically apply to agricultural activities.

(7)(a) A county that has made the election under subsection (1) of this section may withdraw a participating watershed from the program by adopting an ordinance or resolution withdrawing the watershed from the program. A county may withdraw a watershed from the program at the end of three years, five years, or eight years after receipt of funding, or any time after ten years from receipt of funding.

(b) Within eighteen months after withdrawing a participating watershed from the program, the county must review and, if necessary, revise its development regulations that protect critical areas in that

watershed as they specifically apply to agricultural activities. The development regulations must protect the critical area functions and values as they existed on July 22, 2011. RCW 36.70A.130 applies to the subsequent review and amendment of development regulations adopted under this chapter to protect critical areas as they specifically apply to agricultural activities.

(8) A county that has made the election under subsection (1) of this section is eligible for a share of the funding made available to implement the program, subject to funding availability from the state.

(9) A county that has made the election under subsection (1) of this section is not required to implement the program in a participating watershed until adequate funding for the program in that watershed is provided to the county.

Sec. 2. RCW 36.70A.130 and 2012 c 191 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the

population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year, except that, until December 31, 2015, the program shall provide for consideration of amendments of an urban growth area in accordance with RCW 36.70A.1301 once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW ((~~43.21C.031(2)~~)) 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this

subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section and RCW 36.70A.710(6)(b), following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in

subsection (4) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(d) A county or city that is subject to a deadline established in subsection (4)(d) of this section and that meets the criteria established in (b) or (c) of this subsection may comply with the requirements of subsection (4)(d) of this section at any time within the thirty-six months after the extension provided in (b) or (c) of this subsection.

(e) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(f) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(g) State agencies are encouraged to provide technical assistance

to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section;

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

--- END ---

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Legislative Update

Summary: The 2014 Legislative Session begins Monday, January 13 and is a short, 60-day session. They will take up supplemental operating and capital budgets as well as a transportation budget. Other bills will pop up during the course of the session.

Action Requested: None, information only.

Staff Contact: Ron Shultz, Policy Director, (360) 407-7507 rshultz@scc.wa.gov

Description:

The 2014 Legislative Session begins Monday, January 13 and runs to March 13. This is a short, 60-day session. The major issues before the legislature are supplemental operating and capital budgets and a transportation budget.

There will be policy bills of interest. There are rumors of legislation to change Ecology's potential-to-pollute authority and other bills to address the Lemire decision. We have not seen these bills yet.

Other bills of interest (some have been introduced and have a bill number, others are still draft):

HB 2187 - Will extend the deadline for VSP implementation from 2015 to 2021.

Recommended Position: Support, but want the parties involved in the Ruckelshaus Process to agree to the change.

Draft: Regarding Management of the Milwaukee Road Corridor - This State Parks request bill addresses use issues at the John Wayne Iron Horse Trail between Cle Elum and Ellensburg. Farmers have been using the trail and motorized use is prohibited. The bill would allow more flexibility for State Parks to work with landowners and trail users. Commission staff has been working with State Parks on the issue.

Recommended Position: Support.

Draft – Current Use Valuation for Farm and Agricultural Land - Over the past few years, county assessors have become more aggressive in reviewing a landowner's Open Space-Ag designation to make sure the landowner still qualifies for the exemption. This enhanced review has led to several landowners being removed from the program due to strict interpretation of the statute. This draft bill would address the issue of one landowner with several contiguous parcels. Currently, to take advantage of the Open Space-Ag exemption the landowner must have 20 or more acres engaged in agricultural production that produces an income. The 20 acre requirement is for the single parcel being 20 acres or more. If the landowner has several smaller parcels under 20 acres the exemption is not allowed.

The bill would allow a landowner to qualify for the Open Space-Ag exemption where they have several parcels, each under 20 acres, but when taken contiguously would total 20 or more acres. The bill would also inclusion of agricultural activities that do not directly produce gross income to be considered for the exemption.

Recommended Position: Support. This approach would help address the growing issue of smaller parcel agricultural activities, particularly in western Washington.

Draft – Open Space Fairness - Last session there was a bill to allow a residence to be included in the calculation of the land in agricultural use. Currently residences are not included which puts smaller acreage farms at a disadvantage. This bill would again allow residences to be included in the calculation. The bill also calls for a study of agriculture and farming trends statewide, including the economic impacts and acreage characteristics of farming. The study would be done by the Joint Legislative Audit and Review Committee (JLARC).

Recommended Position: Support. Commission staff has been working with stakeholders for several months on bill drafts. We are also recommending the study be done by the SCC at the Office of Farmland Preservation.

Draft – Water Quality Trading - In 2007 the legislature provided funding to the Conservation Commission to conduct a study of conservation markets and their value to farmers as a tool for farmland preservation. Funding was also provided to conduct two pilot projects. When the budget cuts began in 2008-09, the Commission completed the study but cut the pilot projects. This bill would have the Commission revisit the report and, using the report as the base, expand the study to the potential for water quality trading. The Commission is to work with Ecology on this effort. As a part of this effort we are to identify three possible pilot projects for future implementation.

Recommended Position: Support. The Dairy Federation is particularly interested in this bill as a way to help address their water quality issues. It will also be helpful where jurisdictions must meet water quality standards from their waste treatment facilities and these facilities are located in agricultural areas (such as the Yakima River basin). This bill would be a logical extension of our previous work in this area.

DRAFT - 2014 Session Cutoff Calendar

	Date	Day of Week	Day of Session	
January	13	M	1	— Jan 13: First day of session.
	14	T	2	
	15	W	3	
	16	Th	4	
	17	F	5	
	18	S	6	
	19	Su	7	
	20	M	8	
	21	T	9	
	22	W	10	
	23	Th	11	
	24	F	12	
	25	S	13	
	26	Su	14	
	27	M	15	
	28	T	16	
	29	W	17	
	30	Th	18	
	31	F	19	
February	1	S	20	
	2	Su	21	
	3	M	22	
	4	T	23	
	5	W	24	
	6	Th	25	
	7	F	26	
	8	S	27	— Feb 7: Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.
	9	Su	28	
	10	M	29	
	11	T	30	
	12	W	31	— Feb 11: Last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
	13	Th	32	
	14	F	33	
	15	S	34	
	16	Su	35	
	17	M	36	
	18	T	37	
	19	W	38	— Feb 18: Last day to consider bills in house of origin (5 p.m.).
	20	Th	39	
	21	F	40	
	22	S	41	
	23	Su	42	
	24	M	43	
	25	T	44	
	26	W	45	
	27	Th	46	
	28	F	47	
March	1	S	48	
	2	Su	49	— Feb 28: Last day to read in committee reports from opposite house of origin, except fiscal bills.
	3	M	50	
	4	T	51	
	5	W	52	— Mar 3: Last day to read in fiscal committee reports from opposite house of origin.
	6	Th	53	
	7	F	54	
	8	S	55	
	9	Su	56	
	10	M	57	
	11	T	58	
	12	W	59	
	13	Th	60	

The Governor has 5 days, excluding Sundays, to take action on any bill passed by the Legislature, provided adjournment does not occur within those 5 days. For bills passed within 5 days of the end of session, the Governor has 20 days to take action on them.

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Election Proviso Report

Summary:

A proviso was included in the Conservation Commission's 2013-15 operating budget requiring a report to the legislature on the conservation district election process and make recommendations for any changes. The report was due December 10, 2013.

Action Requested: None. Information only.

Staff Contact: Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

Description:

The final 2013-15 operating budget for the Conservation Commission included the following proviso:

> The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

As indicated, the report was due December 10, but because of the length of the legislative session Commission staff was not sure the proviso would appear in the budget until June 30. This reduced the time available to complete the report by two months. As a result, the report was not completed by the deadline.

Commission staff met with Representative Zack Hudgins, the legislator with particular interest in the proviso and discussed the reasons for the late report and a new deadline. Representative Hudgins understood the need for the extension and agreed to provide more time to complete the report. No new deadline was established. After reviewing

the current draft of the report he suggested some additional steps before completing the report for the legislature:

- He asked that we work with other state agency staff who have completed processes where various options were evaluated to find out how they ranked and scored options. He liked the criteria in the draft report but wasn't sure about the process the work group used to score and rank the options.

- He is particularly interested in what conservation districts would offer to do to improve elections. He wanted to provide sufficient time to allow conservation district boards to review and comment on the report before providing it to the legislature.

Attached to this memo is the most recent version of the draft report following a December 13, 2013 meeting of the Election Proviso Work Group. This work group consists of the following members:

- Dave Vogel and Alan Stromberger, WACD
- Lori Augino, State Elections Officer, Washington Secretary of State's Office
- Susan Eidenschink, League of Women Voters
- Craig Nelson, WADE
- Larry Davis, Whatcom Conservation District and State Conservation Commission
- Bill Eller and Megan Finkenbinder, Conservation Commission Staff

The next steps for this process are for Commission staff to meet with other agency staff as recommended by Representative Hudgins. Commission staff will also reach out to conservation districts for their review and comment on the report.

There is no due date for the report but our target is to have the report completed by September 2014 at the latest.

INTRODUCTION

During the 2013 legislative session concerns were raised regarding the method of election for the elected members of conservation district boards of supervisors. Issues discussed include the timing of elections, method and process for elections, participation by the public. The result of these discussions was the inclusion of a proviso in the 2013-15 operating budget for the Conservation Commission, stating:

> The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

Conservation Commission staff convened a work group of stakeholders to review and discuss the proviso and consider options for conservation district elections. The work group consisted of representatives of the Washington Association of Conservation Districts (WACD), the Washington Secretary of State's Office, and the League of Women Voters. Other entities, including agricultural representatives and the Association of Counties were invited to participate but due to work load constraints requested they be engaged in a reviewer capacity.

Conservation districts recognize that this report and its consideration by the Washington Legislature represents an opportunity to consider how to improve the supervisor election process in a manner that preserves the unique role and function of member conservation districts while improving the opportunity for citizens to participate in elections and district activities. To that end, conservation districts' state association, WACD, has pledged to work with the Conservation Commission and the Legislature in evaluating options that work for conservation districts and their local citizens, considering the varied population, finances, and relationships of conservation districts and their local communities.

BACKGROUND

Conservation Commission and Conservation Districts Formed to Assist Farmers

Beginning in 1932, persistent drought conditions on the Great Plains caused widespread crop failures and exposed the region's soil to blowing wind. A large dust storm on May 11, 1934 swept fine soil particles over Washington, D.C. and three hundred miles out into the Atlantic Ocean. More intense and frequent storms swept the Plains in 1935.

Investigations by federal agencies found the dust storms were caused by a combination of severe drought and decades of poor farming practices. Farmers in the Great Plains states used deep furrow plows to turn the thick natural prairie grass sod to reach soils for planting crops. The loss of the grass sod exposed the soil and made it vulnerable to dry weather conditions. The pace of this process quickened in the early twentieth century with the widespread use of tractors rather than the slower and less powerful horse driven plows.

Based on this information, staff at the US Department of Agriculture (USDA) convinced President Roosevelt and Congress that a comprehensive program of farmer education was needed to reverse the ecological conditions on the Plains. The concept of the Soil and Water Conservation Service was formed with each state to have Soil and Water Conservation Districts governed by a state based Soil and Water Conservation Commission.

On March 6, 1935 and again on March 21, dust clouds passed over Washington DC and darkened the sky just as Congress commenced hearings on a proposed soil conservation law. The result was the Soil Conservation Act (PL 74-46), which President Roosevelt signed on April 27, 1935, creating the Soil Conservation Service (SCS) in the USDA.

Founding Principles

In a 1983 interview with Philip Glick, one of the authors of the Soil Conservation Act and someone intimately familiar with the intention behind the structure of the Soil and Water Conservation Districts, discussed the purpose of the conservation districts. When they wrote the federal law, the authors were struggling with how to have a structure that included a federal and state component, but they also recognized the need for a strong and accountable local element to the governance structure in conservation districts. Their goal was to "figure out some way in which local units, individual farmers, the counties and the states can come in and feel just as much responsible for the problems of erosion control as do the SCS [Soil Conservation Service] technicians today."[1] The way to do this, they concluded, was to put into law local soil conservation districts which would:

[1] "The Preparation of the Standard State Soil Conservation Districts Law: An Interview with Philip M. Glick", U.S. Department of Agriculture, Soil Conservation Service, 1990 (hereafter "Glick Interview"), at p 25.

> "…be able to be established by a majority vote of approval by the farmers in the proposed boundaries of the district. Let them vote a district in. Let no district come into existence unless the farmers want it and approve it in a formal referendum…***Let the district be governed by supervisors whom the farmers themselves will elect. We'll have these districts functioning as local units of government, established by the people, governed by the people through their elected supervisors***, and then these districts should be given the complete authority to plan, to develop erosion control plans that are district wide. And carry them out."[2] [Emphasis added]

The benefit of such an approach, they reasoned, is there would be "[l]ocal initiative, local action, local responsibility, local planning, and local conservation guided and assisted by the states and by the Federal Government."[3]

Although some of the original thinking for the board of supervisors of the conservation districts considered having all five board members elected, this approach was abandonded in favor of having a mix of three elected and two appointed by the state committee or commission. The rationale behind this was to have:

> "…a blend of democratic representation through elected supervisors and technical expertise so that at least two members of every single district board of supervisors, and of state soil conservation committees, would be people chosen because of their professional knowledge of the erosion control problem, and because of their knowledge of what techniques, machinery, equipment, supplies, practices would be needed to carry out the erosion control plan."[4]

Explicit in this approach was that there is a mixed objective in the governance of conservation districts, to have both the elected accountability to landowners (customers), and the distinction of special knowledge and role for two members appointed by state-level authorities. Originally the special knowledge was related to soil sciences because of soil and water conservation districts being a response to the Dust Bowl. Over time, the specialties have changed and varied based on the resource issues that have come up in each district. This governance structure has served successfully for over 70 years to bring about an effective and unique working relationship and trust between the nation's 3000 conservation districts and local landowners and land managers, as they have partnered to put conservation on the ground throughout the nation.

[2] Glick Interview at 25.
[3] Glick Interview at 25.
[4] Glick Interview at 27.

Washington State Takes Action

In Washington the need for improved management and conservation of lands was emphasized in a 1942 report from the National Resources Planning Board, in which it was noted:

> "The necessity for conservation is recognized in the management of all Federal lands, and this principle is receiving increasing recognition from the States. The problem of providing for the proper disposition and management of the large areas that have reverted to the counties though tax foreclosures, however, is still a pressing one. **Government cooperation with owners or tenants to guide them in determining suitable land use and to assist them in establishing farms of adequate size and in adopting good farm management practices will facilitate the conservation of the land in private ownership.**" [Emphasis added.] [5]

The report identified a number of recommendations to sustain and grow economic activity including the need to provide farmers with competent advice and assistance. "Otherwise their needs will not be met and the region may find itself saddled with an unstable and inadequate farm economy."[6]

Conservation Commission and Conservation District Structure

The Washington State Conservation Commission was created in March 1939 through legislation mirroring the model statute enacted four years earlier by Congress. The Conservation Commission is a ten-member board with a mix of agencies, conservation district representatives, and appointees. There are four state entities – WSU Extension and representatives of the departments of Ecology, Agriculture, and Natural Resources. There are four representatives of conservation districts, one each from three regions and the president of the Washington Association of Conservation Districts (WACD). Two Commission members are appointed by the Governor.

The Conservation Commission has a number of duties and responsibilities both as a state agency and in an oversight role of the conservation districts.[7] Among the duties relating to conservation districts are responsibilities to keep the various conservation districts organized and informed as to the activities of the other conservation districts, assist conservation districts with audits, provide guidance and technical assistance on administrative activities, and compile budget

[5] "Development of Resources and of Economic Opportunity in the Pacific Northwest" Report of the Pacific Northwest Regional Planning Commission to the National Resources Planning Board, October 1942 (emphasis added)
[6] Id at 14
[7] RCW 89.08.070

information from the conservation districts for the governor and legislature and allocate funds received.

In addition to establishing the Conservation Commission, the statute provided for the method by which local conservation districts could be established and set forth the governing structure for conservation districts that remains in place to this day. In establishing the district structure the legislature adopted the form set out in the model statute indicating an acceptance of the rational for the structure as it relates to local control balanced with state engagement to provide the technical and state interest. By the end of 1940 there were eight conservation districts in the state. The idea quickly spread and just ten years later there were 57 conservation districts. By 1967, seventy-eight conservation districts had been established.

Duties and Responsibilities of Conservation District Supervisors

Conservation districts are units of local government (municipal entities) established under state law to carry out natural resource management programs at the local level.[8]
relating to protection, conservation, and sustainability of natural resources in association with human activity. Although much district work focuses primarily on agricultural activities, districts are authorized in statute to provide technical assistance and implement natural resource projects in rural, suburban and urban areas.[9]

Each conservation district in Washington State has a board consisting of three elected and two appointed supervisors. The appointed supervisors are appointed by the Conservation Commission. The elected supervisors are elected at the local level. The term of office for each supervisor is three years.[10] Supervisors serve without compensation; they are volunteers.[11]

The conservation district board of supervisors has a wide range of duties and responsibilities outlined in state statute. These are included in this report at Appendix A.

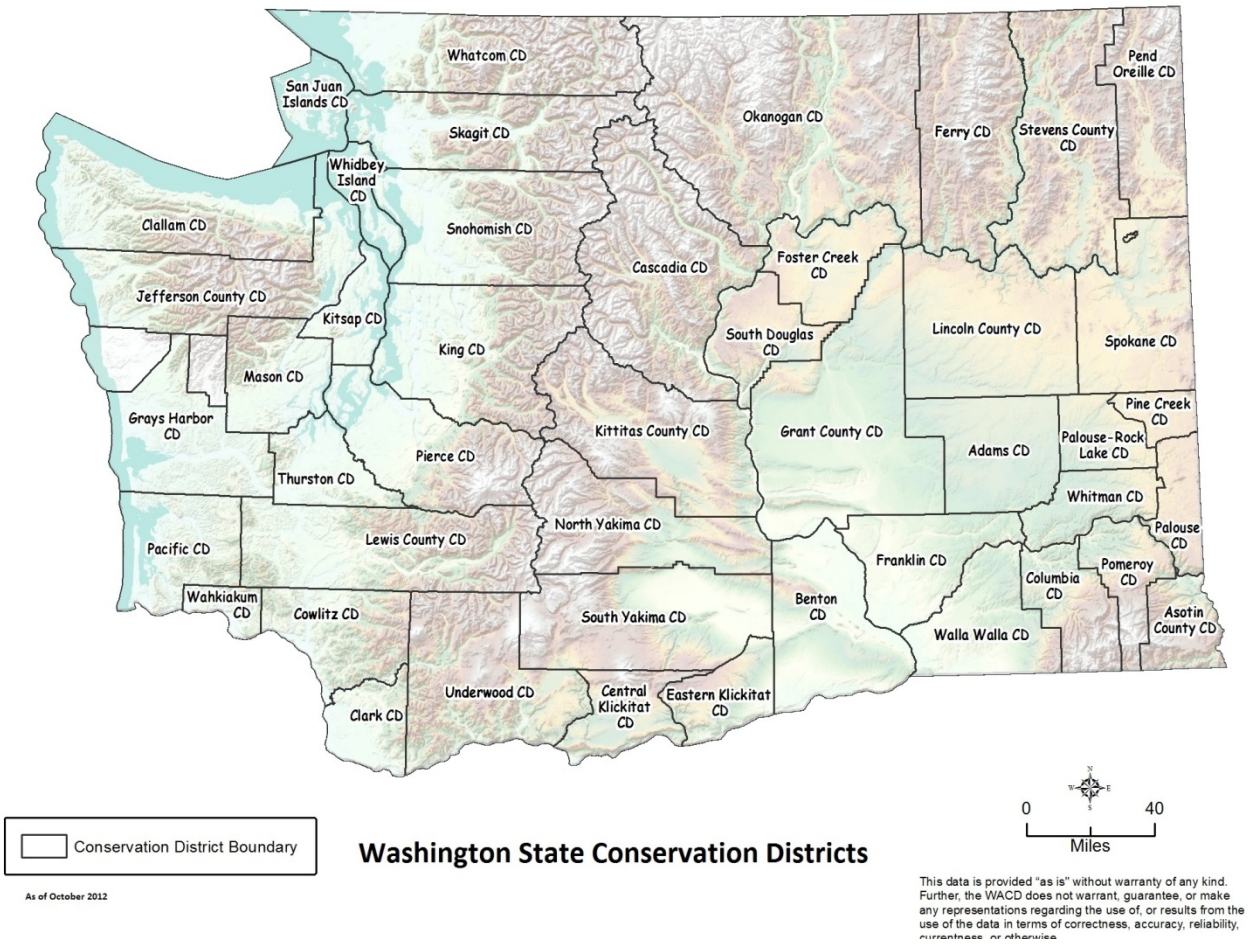
Funding and Taxing Authority

Conservation districts are specifically precluded from having the authority to levy taxes or issue bonds.[12] Conservation districts are funded through a variety of sources, including: allocation from the Conservation Commission for operational activities funded through the state general fund; project funding provided by the Conservation Commission through state capital funds; grants from other state and federal agencies; local governments through either general appropriation or as a part of a local stormwater assessment or levy.

[8] RCW 89.08.220
[9] RCW 89.08.010
[10] RCW 89.08.200
[11] Id.
[12] RCW 89.08.220

Assessments or Rates and Charges Authority

Assessments for the support of conservation district activities are authorized by statute.[13] Under the assessment statute, the county legislative authority must impose the assessment.[14] The process for the assessment is initiated when the conservation district prepares an assessment roll to implement what would be the county approved assessment.[15] The assessment is for "activities and programs to conserve natural resources, including soil and water".[16] The assessment funds are statutorily earmarked for use by the district.[17] In 2012, the legislature passed legislation allowing conservation districts to propose a system of rates and charges to fund district activities. As with the assessment, rates and charges must also be approved by the county legislative authority.[18]



[13] RCW 89.08.400
[14] RCW 89.08.400(2)
[15] RCW 89.08.400(4)
[16] RCW 89.08.400(1)
[17] AGO 2006 No. 8 (When asked in a legislative inquiry whether assessment funds are to be used only by the district for statutory purposes, the AGO concluded "yes" and added: "The statute is explicit on this point and requires no further discussion.")
[18] RCW 89.08.405

CONSERVATION DISTRICT ELECTIONS

Background and Administration of Elections

District elections do not fall under the state statute for general elections (Title 29A RCW) unless specifically identified in the Conservation Commission statute. In fact, RCW 29A.04.330(1)(b) specifically exempts conservation districts from general and special elections requirements. Instead, the Conservation Commission is charged with establishing procedures for the elections.[19] To assist conservation districts and the public with the election of conservation district board members, the Conservation Commission established a rule,[20] a manual[21], and standard forms for conservation districts to use in their elections.

The rationale behind this exemption has been the technical nature of the work of conservation districts with landowners. Policy makers have been of the opinion that the expertise required of conservation district supervisors make general election of these members impractical. Among the duties of a supervisor are the review and approval of landowner contracts for the installation of management practices and approval of conservation plans. These activities require a level of experience and expertise in agricultural practices.[22]

Current Election Process

Each year, the conservation district board is required to give due notice to the public by resolution of two significant election activities. First, the board is required to notify the public that the board intends to take action at a board meeting to establish the time, place and manner of the election. After giving notice to the public that this action will be taken at a regularly scheduled board meeting, the board then holds the meeting, collecting public input as to the time, place and manner of the election. During that meeting, the board adopts the official election resolution. By rule, conservation district elections must occur within the first three months of the calendar year.[23]

The conservation district board is then required to give due notice to the public of the adopted election resolution of the date in the first quarter of each calendar year when that district's election will be conducted.[24] There is no set date specified under law or rule, so when setting this date for the election, each conservation district acts independently of all other conservation districts. There may be as many different dates for the election as there are districts. However, the contents of the election resolution are specified by the Conservation Commission.[25] The

[19] RCW 89.08.190
[20] WAC 135-110: Election and Replacement of Conservation District Supervisors
[21] *Election Manual: Election and Appointment Procedures for Conservation District Supervisors*, Revised August 2011, Proposed revisions November 2013
[22] See RCW 89.08.160 requiring the appointment of two supervisors, one a landowner or operator of a farm "who shall be qualified and experienced to perform the specialized skilled services required of them".
[23] WAC 135-110-200
[24] RCW 89.08.190
[25] WAC 135-110-210

resolution, among other things, specifies the time within which individuals interested in being a candidate for a supervisor position must submit candidate materials to the conservation district. Required candidate information is set forth by the Conservation Commission in the election WAC.[26]

Each conservation district is required to conduct the election consistent with the WAC and Election Manual developed by the Conservation Commission. Each conservation district is required to use the standard forms the Conservation Commission created for the election process. Each conservation district has an election supervisor responsible for the conduct of the election. Elections are overseen by Conservation Commission staff.

Conservation districts have the option to choose to hold a traditional "in person" election where voters must go to the voting location to vote, hold a mail-in election where voters mail in their ballots after requesting them from the conservation district, or some other method that is approved by the Conservation Commission (i.e. electronic voting as King Conservation District has done in the recent past). Conservation districts can also combine the three types of elections to fit their voters' needs (i.e. hold a combined "in-person" and mail-in election) so long as Conservation Commission procedure is followed. Regardless of which option is chosen, a polling site is always available for voters to use during an election. The conservation district election resolution sets forth the time and place for the election, which may be conducted at the conservation district office, at another location, or both. The resolution must also specify how voters may obtain a mail-in ballot.

Once polling is closed, the conservation district election supervisor counts and retains the ballots. The conservation district election supervisor may release unofficial election results but the Conservation Commission is required to announce the final results and certify the election at a public meeting of the Conservation Commission each May for each conservation district.[27]

Concerns with District Elections

Concerns over the process for the conservation district elections have been raised[28] and these concerns cover issues such as the need for open and representative government, voting representation, lack of voter participation in supervisor elections, the landowner requirements, and accountability for state funds.[29] Over the years the unique form of election for conservation district supervisors has led to some anomalies and instances of very low voter participation. However, none of these errors led to a substantial noncompliance with election procedure which would have necessitated the invalidation of the election. All of these issues were corrected within acceptable timeframes by conservation district election supervisors or the Conservation Commission election officer.

[26] WAC 135-110-320
[27] RCW 89.08.190
[28] "Washington State Conservation Districts: A Report by the League of Women Voters of Washington", Published by the League of Women Voters of Washington Education Fund, May 2011
[29] WACD Past Presidents Task Force, April 12, 2012

In the most recent election cycle the most frequent errors in the election process included:[30]

Minor Election Form procedural errors:

- Errors filling out the election forms.
- Returning the forms late or incomplete.
- Using old, out-of-date forms instead of new forms available to the districts.
- Providing the wrong forms to prospective candidates.
- Failure to properly fill out the checklist created for districts to use when they attempt to use WAC 135-110-370 to automatically reelect an incumbent.

Lack of Compliance with WAC Chapter 135-110:

- Submitting original forms to the Conservation Commission, instead of copies. 135-110-130.
- Lack of proper notice of the intent to adopt an election resolution. 135-110-210, 135-110-220 (for the most part, this error was not the fault of conservation districts per se, but rather newspapers' or publications' lack of following conservation district directions on how to publish the notice).
- Lack of proper notice of the election. 135-110-210, 135-110-220. See explanation in the preceding bullet.
- Failure to adopt in the election notice all the requirements for the election. 135-110-210.

Again, these errors were corrected by the conservation district election officer in consultation with Conservation Commission staff, and did not have an impact on the outcome of any election.

The most frequently cited deficiency of the conservation district election process is the lack of participation by voters. Low voter turnout has been an issue for many years, and not just in conservation district elections. Again, the originators of the model conservation district law anticipated potential difficulties in candidate recruitment and voter participation, by specifying that existing board supervisors retain their seat until their successor is qualified and elected. This was included because it was understood that local landowners may not exhibit high interest in supervisor positions and elections where the conservation district is functioning well. It also recognizes the challenges of getting local citizens to participate in the election process.

In 2009, the most votes cast in conservation district elections include:

Votes Cast	Conservation Districts
2,775	King
345	Pierce
209	South Yakima
174	Clallam
120	Thurston

[30] Information on the results of the 2013 elections is from: Memo From Bill Eller, WSCC Election Supervisor to Mark Clark, WSCC Executive Director, May 6, 2013.

And the least votes in the 2009 elections include:

Votes Cast	Conservation Districts
0	Moses Lake, Pend Oreille, Warden
5	Mason
6	Pacific, Underwood
7	Benton, Grant, Grays Harbor
8	North Yakima, Whitman

Previous Efforts to Address Concerns with District Elections

In 1999, a change was made in statute that required voters in a conservation district election must be registered voters of the county and reside within the conservation district. This replaced the provision that "land occupiers" are eligible voters. Land occupier is defined as any person, firm, or political subdivision who holds title or is in possession of any lands within the conservation district whether owner, lessee, renter, tenant or otherwise. This change reflected a national trend to shift from land occupiers to registered voters for conservation district elections.

Elections for the year 2000 were conducted under the revised conservation district statutes and conflicting legal interpretations arose as to whether conservation district elections were to continue under the conservation district statutes or in accordance with the state general election law. Based on an Attorney General's Office opinion which stated the 1999 legislation moved conservation districts to the general election ballot, elections held in the year 2001 were conducted under the general election law.

This experience of having the conservation district elections on the general election ballot in 2001 afforded an interesting learning opportunity applicable to this current evaluation of election options. Looking at several aspects of the district general election experience related to the issues discussed in this report, found the following:

1. *Voter Participation*
   Since not all conservation districts conduct elections every year, in 2001 there were 22 of 49 conservation districts with elections subject to the new law. Since these elections did appear on the general ballot voter participation did increase over previous years.

2. *Candidate Participation*
   Among the 22 conservation districts holding elections in 2001, five of the elections were contested. This does not appear to be a wide variation in the number of contested races versus unopposed races as compared to conservation district elections conducted by the current, not general election method. It's also very difficult to draw any conclusions from

this one year perspective whether remaining on the general election ballot would have increased the contested races.

3. Costs

Under the general election law, each participating entity is required to pay a prorated share of the cost of primary and general elections. Conservation districts participating in the 2001 election were subjected to these requirements. For some of the smaller conservation districts the cost of the election exceeded their annual budgets. Appendix A compares costs for conservation district elections between the 2001 general election and the 2010 election which was not on the general election ballot. The 2001 general election experience provided cost data that can be compared with the current system. The total cost of the 2001 general election for the 22 participating districts was $317,529. The total cost of the election in 2010 under the current system for all 49 conservation districts was $157,253.

4. Candidate Disclosure

Additionally, there was an issue whether the three elected conservation district supervisors are subject to campaign disclosure and personal financing reporting requirements since they were to be part of the general election statute requiring such disclosure. The supervisors appointed by the state are exempt from public disclosure requirements as are the members of the Conservation Commission. This arrangement created an imbalance of disclosure requirements among the members of the same board.

Based on the concerns raised in the experience of conservation district elections on the general election ballot, legislation was passed in 2002 to clarify the intent of the Legislature in regards to the 1999 amendments. Under the 2002 law, conservation district elections are to be conducted under procedures contained in the conservation district statutes, and not under the general election laws, and further, that there be no change in the applicability of the public disclosure laws to conservation district supervisors from those that existed prior to the 1999 amendments. The legislation also specifically excluded conservation districts under the general election statutes. Elections of conservation district supervisors held pursuant to the conservation district laws are not considered a general or special election for the purpose of campaign disclosure or personal financial affairs reporting requirements.

OTHER LOCAL AND SPECIAL PURPOSE DISTRICT ELECTION PROCESSES

During the summer and fall of 2012, the Legislature's Joint Select Committee on Junior Taxing Districts met to evaluate the broad array of junior taxing districts and municipal corporations for the purpose of evaluating their provided services and making recommendations on the

appropriateness of consolidating services into a general purpose local government.[31] The Joint Select Committee identified potential recommendations on a number of areas relating to governance of the several local entities, and options for financing.[32] In addition to this wide body of work, committee staff compiled a useful list of all local special purpose districts and municipal corporations. The list was compiled into a table with information on the statutory authority, structure, purpose, and financing authority for each entity.

A portion of the table is included below in Appendix B as a comparison of the conservation district structure and authority with other similar local entities. It's useful to compare conservation districts and their authorities, particularly in their taxing and assessment authority, with other similarly purposed entities.

Irrigation Districts

- Established for the purposes of the construction or purchase of works for the irrigation of land within the district area; the reconstruction, repair or improvement of existing irrigation structures; the operation or maintenance of existing irrigation works; and for other related purposes.[33]
- "All elections of irrigation districts, general or special, for any district purpose and in any county of the state shall be called, noticed, and conducted in accordance with the laws of the state, specifically relating to irrigation districts."[34]
- Elections are held the second Tuesday of December each year and a director's term is three years with directors serving until replaced.[35]
- For irrigation districts of two hundred thousand acres, voters include individuals over 18 and a U.S. resident who holds title to land in the district. Such voters are given one vote for the first 10 acres and one vote for all land over 10 acres.
- An agent of a corporation owning land within the district may also vote on behalf of the corporation.[36]
- For irrigation districts with less than two hundred thousand acres the voter eligibility is the same for individuals as with districts with more than 200,000 acres but voting by corporate entities is more complicated. Also, because an individual may have multiple votes based on their individual status, corporate status, and land ownership within the district, there are limitations on any one individual not being able to control more than 49% of the vote in a district.[37]

[31] 3ESHB 2127 sec 101 and 102 (2012) The full title of the committee is the Joint Select Committee on Junior Taxing Districts, Municipal Corporations, and Local Government Finance.
[32] See the committee's web page at: http://www.leg.wa.gov/jointcommittees/jscjtd/Pages/default.aspx (last accessed November 2013)
[33] RCW 87.03.010
[34] RCW 87.03.030
[35] RCW 89.08.080
[36] RCW 87.03.045
[37] RCW 87.03.051

- Absentee voting is allowed[38] and if only one candidate is nominated it's not necessary to hold the election.[39]
- Notice of the election is posted 15 days prior to the election in three public locations in the district area. Elections may occur at one or more locations with the hours specified in statute.[40]

Weed Districts

- Meeting of electors is to be held either the last Monday in February, or may be changed to any time in December, January, or February by the board.
- Every person who is a landowner within the district and a qualified elector of the state shall be entitled to vote.
- Vote occurs at the board meeting on the day and time specified by the board. Must be present to vote and the name of each person voting is taken down by the board clerk.
- Results are announced at the meeting.
- Board members serve until replaced.[41]

Flood Control Districts

- Elections are conducted under the special district creation and operation statutes.[42]
- Elections are held within the district area on the first Tuesday after the first Monday in February in each even-numbered year.[43]
- County auditor provides elections services and is to be reimbursed by the district for the costs.[44]
- The owner of land located in the district and who is an eligible voter shall receive two votes. Land owned by multiple interests are allowed two votes for each eligible owner. Corporations and partnerships owning land in the district area are given two votes.
- Governmental entities with land in the district area are also given two votes.[45]

CRITERIA TO EVALUATE OPTIONS FOR POSSIBLE ALTERNATIVE CONSERVATION DISTRICT ELECTIONS

When discussing the current conservation district election process, the Election Proviso Work Group (Work Group) determined a set of agreed upon criteria would be helpful to evaluate not

[38] RCW 87.03.031-034
[39] RCW 87.03.075
[40] RCW 87.03.085-110
[41] RCW 17.04.070
[42] RCW 86.09.235
[43] RCW 85.38.100
[44] RCW 85.38.120
[45] RCW 85.38.105

only the current system, but also any possible alternatives. The group discussed various features of what would consider to be a successful election in the context of the unique nature and work of conservation districts. A fundamental principle of the Work Group was any alternative should not diminish the ability of conservation districts to maintain their unique relationship with landowners and their capacity to work with landowners to get important conservation work on the ground.

When evaluating the election options the criteria were scored on a scale of 1 – 10 with 1 being the least compatible with the criteria and 10 being the most. A score of 5 would be no difference or no change from the current system.

The criteria developed by the Work Group include the following, in no priority order:

1. Participation

The issue of voter participation and voter turnout has been a common topic when discussing conservation district elections. As noted, the number of voters in conservation district elections can vary from extremely low to relatively high if there is a contested race. The Work Group considers voter participation to be important, but in particular they believe the critical factor is whether the election process provides better **opportunities** for voters to participate. All we can really do in any election is create the opportunity for someone to vote if they desire; we cannot make them vote, or guarantee a specified level of voter participation. One Work Group member brought up the recent 2013 election as an example. The election is a statewide mail-in ballot and every registered voter received a ballot in the mail. But voter turnout was, according to one new source, the lowest in a decade at 44%.[46]

Criteria: Degree to which the option increases **opportunities** for voter participation in the election.

2. Increasing awareness of conservation district

Engagement with landowners is the core of conservation district work. A conservation district election is an excellent opportunity for members of the conservation district community to be made aware the work of the conservation district and engage in the operation of the conservation district. Some election options may increase this visibility, while others may work against the opportunity to communicate with the broader community.

Criteria: Degree to which the option increases opportunities to communicate broadly the

[46] "State's 2013 voter turnout lowest in a decade", Seattle Times, November 15, 2013

work of the conservation district and engage the local community.

3. Cost of election

Running an election can be a very expensive proposition. Whether the cost is borne by the conservation district or by the county auditor, there are expenses to cover when an election is held. Costs of elections compete with funding available to put conservation on the ground, and to assist local landowners in stewardship. There are a number of options by which to address the cost issue (i.e., who pays what costs).

Criteria: Degree to which the option remains affordable for the conservation district, and allows maximum application of district funding to be applied toward conservation work on the ground.

4. Promote or encourage volunteer participation for conservation district boards

Conservation districts depend upon the full engagement of dedicated and knowledgeable volunteers to serve on conservation district boards. Board members serve without compensation and must dedicate many long hours to conservation district work. Many conservation district board members are landowners or land managers who have farm operations and businesses to run. Elections can be expensive for the candidates or can require a level of financial disclosure that some may find burdensome and a barrier to seeking a volunteer and public service office. The method of the election can also be a barrier to potential candidates if information about when the election will occur or the process to file as a candidate is difficult to find out.

Criteria: Degree to which the option encourages participation as a candidate.

5. Maintaining the working and trust relationship with landowners and other community stakeholders

As described in this report a fundamental value and strength of conservation districts is their relationship with the landowners and land managers across the state. The successful implementation of incentive-based programs necessarily requires the cooperation and engagement of the landowner. The farmer must have a level of trust with the conservation district staff who will be working with them on their land. Any option considered for the election process **must** maintain this fundamental feature of conservation districts.

Criteria: Degree to which the option maintains or enhances the trust relationship with the landowners.

6. Help build and support accountability

Generally, elections provide accountability to those who elect the officials by providing a vehicle for change if the electorate is dissatisfied. Of course, the opposite is true as well. If the electorate is satisfied with the elected body, they can retain the officials. The point is there is a level of direct accountability to the electorate. This is especially true if the entity has authority to impose taxes, fees, or levy an assessment. Since conservation districts implement projects and activities that also meet the priority needs of local and state governments there is also a degree of accountability to those other units and levels of government as to how the work is being done. Some of this accountability can be achieved in the form of grant contracts. But there may also be other forms of accountability such as representation of the agency at the district. Election alternatives considered should place a high value on this combination of different levels of conservation district accountability.

Criteria:

6a. Degree to which the option provides accountability for local residents.

6b. Degree to which the option provides accountability to other units and levels of government.

7. Not diminishing locally-led purpose of district

As described in this report, a foundational principle of conservation districts is locally led conservation working closely with the farmers on the land. Although conservation districts can provide valuable assistance to, and be tool for, accomplishing state and federal resource priorities, the real focus and drive of their work is to lead solutions locally.

Criteria: Degree to which the option maintains or enhances locally led conservation.

OPTIONS FOR POSSIBLE ALTERNATIVE CONSERVATION DISTRICT ELECTIONS

The work group applied the criteria outlined above to the following election options:

1. No change to the current system.

2. Keep the current system but hold all district elections on the same day or over several days.

3. Keep the current system but divide each conservation district into three areas with one supervisor elected for each area.

4. Keep the current system but eliminate the landowner / operator requirement.

5. Keep the current system but have all five board members elected.

6. Keep the current system but have the election run by the county auditor.

7. Place district election for three board members on the general election ballot.

8. Place district election on the general election ballot for all five board members.

9. County commissioners / council appoint three or all five of the district board members.

In addition to the options evaluated, reviewers suggested several hybrid approaches should be considered. These include:

Combine general election options with greater authority to impose assessment or raise funds by other means. This option would make conservation districts consistent with port districts and school districts, each having authority to levy a property tax. It would also be consistent with addressing concerns raised regarding accountability to the electorate for funds raised and spent. The downside would be the creation of yet another special purpose district with revenue generating authority, and the cost issues would still have to be addressed.

Selection of election option could be the choice of a conservation district. A conservation district board could choose whether to maintain the current or modified election system, or could choose to go on the general election ballot with additional authority noted above.

Vary election approach based on the population of a conservation district. For smaller conservation districts the option of appearing on the general election ballot may not be feasible for a number of reasons. Another approach may be to set various population thresholds where, once each threshold is reached, the election process becomes more dependent on the general election ballot.

Appendix A - Conservation District Election Cost Data Comparing 2010 and 2001

District	2010 Election Costs	2001 Primary Election Costs	2001 General Election Costs	2001 Total Election Costs	2001 Number of Votes Cast	2001 Average Cost per Vote (general)	Notes
Adams	$1,000	$0	$0	$0	0		No 2001 Election
Asotin County	$2,000	$0	$152	$152	213	$0.72	
Benton	$3,500	$0	$14,800	$14,800	18,673	$0.79	
Central Klickitat	$479		$1,550	$1,550	1,883	$0.82	
Chelan County	$900			$0			No 2001 Election
Clallam	$650	$23,392	**$8,422**	$31,813	16,092	$0.52	
Clark County	$1,000		$48,687	$48,687	33,822	$1.44	
Columbia	$1,054	$0	$1,186	$1,186	1,087	$1.09	
Cowlitz	$3,574			$0			No 2001 Election
Eastern Klickitat	$604		$162	$162	203	$0.80	
Ferry	$350	$0	$0	$0			No 2001 Election
Foster Creek	$1,000		$618	$618	618	$1.00	
Franklin	$3,500			$0			No 2001 Election
Grays Harbor	$100			$0			No 2001 Election
Jefferson County	$1,000		$4,346	$4,346	4,894	$0.89	
King	100,000			$0			No 2001 Election
Kitsap	$200		$40,093	$40,093	31,632	$1.27	
Kittitas County	$1,500			$0			No 2001 Election
Lewis County	$1,000	$0	$11,634	$11,634	11,147	$1.04	
Lincoln County	$750	$0	$0	$0			No 2001 Election
Mason	$1,000	$0	$9,300	$9,300	9,786	$0.95	
Moses Lake	$300			$0			No 2001 Election
North Yakima	$2,237			$0			No 2001 Election
Okanogan	$1,000			$0			No 2001 Election
Othello				$0			No 2001 Election
Pacific	$500		$5,400	$5,400	3,008	$1.80	Estimate, no bill from auditor as of 01-09-02
Palouse	$572	$0	$0	$0			No 2001 Election
Palouse-Rock Lake	$1,095	$0	$0	$0			No 2001 Election
Pend Oreille	$80	$0	$0	$0			No 2001 Election
Pierce County	$3,336			$0			No 2001 Election
Pine Creek	$750	$0	$0	$0			No 2001 Election
Pomeroy	$100	$0	$376	$376	221	$1.70	
San Juan county	$2,500			$0			No 2001 Election
Skagit	$1,000		**$17,963**	$17,963	17,819	$1.01	
Snohomish	$1,860		**$2,484**	$2,484	100,577	$0.02	Note: Island county charge, Snohomish County did not charge for election
South Douglas	$119			$0			No 2001 Election
South Yakima	$1,000			$0			No 2001 Election
Spokane County	$1,598	$0	$28,500	$28,500	34,853	$0.82	
Stevens County	$1,200	$0	$0	$0			No 2001 Election
Thurston	$771		**$44,759**	$44,759	60,254	$0.74	
Underwood	$1,530		$4,000	$4,000	1,141	$3.51	
Upper Grant				$0			No 2001 Election
Wahkiakum	$2,358			$0			No 2001 Election
Walla Walla County	$3,000	$18,031	$3,664	$21,695	3,022	$1.21	
Warden	$300			$0			No 2001 Election
Whatcom	$1,222		**$20,442**	$20,442	24,195	$0.84	
Whidbey Island	$2,164		**$7,566**	$7,566	10,367	$0.73	
Whitman	$1,500	$0	$0	$0			No 2001 Election
		2001 Primary Election Costs	2001 General Election Costs	2001 Total Election Costs	2001 Votes cast in General Election	2001 Average Cost per Vote (general)	Notes
Statewide Totals	$157,253	$41,423	$276,106	$317,529	385,507	$0.96	Average cost per vote for 2001 does not include Snohomish CD

Appendix B - Table of Special Purpose Districts

District & Designation	Enabling Statute (RCW)	Purpose	Governance	Funding	Property Tax Authority?	Fees and Charges Authority?	Assessment Authority?	Number in Operation	Election Method
Conservation Districts ***(Public body corporate and politic)***	Ch. 89.08 RCW	Conserve soil resources, prevent flood water and sediment damages.	Board of 5 supervisors, 3 elected, 2 appointed by state commission.	Special assessment (uniform rate per acre; or flat rate per parcel plus uniform rate per acre amount). Max per acre rate of $0.10 per acre; max per parcel rate of $5 or $10, depending on county size); grants from the state conservation commission. RCW 89.08.400; RCW 89.08.410.	No	No	Yes	47	Conducted by districts, overseen by SCC. Exempt from general election statute
Irrigation Districts ***(Municipal Corporation)***	Ch. 87.03 RCW	Provide irrigation of land, develop electrical generating facilities, purchase and sell electricity, provide street lighting, sewer and domestic water system.	Board of directors, 3 or 5 elected directors.	Benefit assessments; general obligation bonds; revenue bonds; local improvement districts; rates and charges for services and assistance provided by district. RCW 87.03.200; RCW 87.03.240; RCW 87.03.480-.527; 87.03.0175.	No	Yes	Yes	98*	Elections governed by irrigation district election laws. 87.03.030 and exempt from general election 29A.04.330(1)(b)
Agricultural Pest Districts	Ch. 17.12 RCW	Destroy/exterminate animals that destroy/interfere with agricultural plants or products.	Supervision by agricultural expert or commissioner of district acting ex officio. *No independent governing board.	Property tax or benefit assessment. RCW 17.12.050; RCW 17.12.080	Yes	No	Yes		Not applicable.
Horticultural Pest and Disease Board	Ch. 15.09 RCW	Provide funds for inspecting and disinfecting horticultural or agricultural produces and horticultural premises.	Horticultural pest and disease board, 4 appt by county 1 by Director of Agriculture.	Contributions from county general fund; horticultural tax; assessment; RCW 15.09.131; RCW 15.08.260	Yes	No	Yes		Not applicable.
Weed Districts	Ch. 17.04 RCW	Control, prevent and exterminate weed found detrimental to crops, fruit trees, shrubs, foliage or other agricultural plants or foliage.	Board of directors, 3 elected directors.	Benefit assessment. RCW 17.04.240	No	No	Yes	11	Election exempt under 29A.04.330(1)(b) since voter must be landowner. 17.04.070 specific process.

District & Designation	Enabling Statute (RCW)	Purpose	Governance	Funding	Property Tax Authority?	Fees and Charges Authority?	Assessment Authority?	Number in Operation	Election Method
Diking and Drainage Districts (Powers of a corporation for public purpose) Statute applies to: diking district; drainage district; diking, drainage, and/or sewerage improvement district; intercounty diking and drainage district; consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or flood control district.	Title 85 RCW, Ch. 85.38 -Creation and Operation	Construct. straighten, widen, deepen, and improve all rivers, watercourses or streams causing overflow damage to land in district.	Governing body composed of 3 elected members.	Special assessments; special assessment bonds or notes (if the county legislative authority authorizes their issuance); rates and charges payable by owners within the district. RCW 85.38.150; RCW 85.38.230; RCW 85.38.145.	No	No	Yes	108*	Special election conducted by county auditor. 85.38.120 District reimburses auditor for costs.
Port Districts (Municipal Corporation)	Title 53 RCW	Acquire, construct, maintain, operate, develop and regulate system of harbor improvements, rail and water transfer and terminal facilities; air transfer, or terminal facilities, other storage and handling facilities. Acquire and construct toll bridges and tunnels and beltline railways, industrial development districts.	Port commission of 3 or 5 elected members from commissioner districts.	Regular levy of up to $0.45 per $1,000; regular levy of up to $0.45 per $1,000 for dredging, canal construction, or land leveling or filling purposes, upon voter approval; regular levy of up to $0.45 per $1,000 for industrial development purposes; general obligation bonds; revenue bonds; rates and charges for use of docks, wharves, warehouses, quays, and piers. RCW 53.36.020; RCW 53.36.070; RCW 53.36.100; 53.47.040; 53.08.070.	Yes	Yes	No	75	On general election ballot. 53.12.061
Fire Protection Districts (Municipal Corporation)	Title 52 RCW	Eliminate fire hazards and protect life and property outside cities/towns except where cities/towns have annexed.	Board of fire commissioners; 3 or 5 elected commissioners.	Regular levies (3 different levies with each a max of $0.50 per $1,000); excess levy of $0.50 per $1,000; benefit charges upon voter approval, general obligation bonds, and local improvement districts. Collection of reasonable charges for emergency medical services. See generally Ch. 52.16 RCW; RCW 52.12.131.	Yes	Yes	Yes	367	Consistent with general election statute. 52.14.060

District & Designation	Enabling Statute (RCW)	Purpose	Governance	Funding	Property Tax Authority?	Fees and Charges Authority?	Assessment Authority?	Number in Operation	Election Method
Air Pollution Control Authorities *(Municipal Corporation)*	Ch. 70.94 RCW	State-wide program of air pollution prevention and control	Board of directors, appointed; composition designated by statute.	Excess levy of up to $0.25 per $1,000; fees collected for operating permits for air contaminant sources (collected if authority delegated by Department of Ecology). RCW 70.94.091; RCW 70.94.162.	Yes	Yes	No	7	Appointed board.
Lake and Beach Management Districts	Ch. 36.61 RCW; RCW 35.21.403	Lake and beach improvement & maintenance.	Not specified.	Special assessment or rates and charges. RCW 36.61.020.	No	Yes	Yes		Not specified
Shellfish Protection Districts - "Clean Water Districts"	Ch. 90.72 RCW	Protect shellfish industry from pollution.	County legislative authority.	Contributions from county; inspection fees and service fees; charges or rates specified in protection program; federal, state, or private grants. RCW 90.72.070.	No	Yes	No		Not specified
Flood Control Districts - (*Body corporate, powers of a corporation for public purposes*)	See Ch. 85.38 for Formation and Organization of District	Straighten, widen, deepen and improve all rivers, watercourses or streams, construct diking system to protect land from overflow	Governing body composed of 3 elected members	See funding sources listed for diking and drainage districts (ch. 85.38 RCW).	No	Yes	Yes	13	Exempt from general election by 29A.04.330(1)(d)
Transportation Benefit District (*Quasi Municipal Corporation*)	Ch. 36.73 RCW, RCW 35.21.225 for city	Help public-private sectors address public transportation.	County or city legislative authority acting ex officio or interlocal agreement if more than one jurisdiction.	Excess levy; other voter approved taxes and fees, including a sales and use tax of up to 0.2%, a vehicle fee of up to $100 per vehicle, a fee or charge on building construction, and vehicle tolls; general obligation and revenue bonds; local improvement districts; grants and donations. RCW 36.73.040; RCW 36.73.060; RCW 36.73.065; RCW 36.73.080; RCW 36.73.110.	Yes	Yes	Yes	13	Not applicable
Flood Control Zone Districts (*Quasi Municipal Corporation*)	Ch. 86.15 RCW	Undertaking, operating, or maintaining flood control projects/storm water control projects for areas of the county.	Board of county commissioners; option to elect 3 zone supervisors if district over 2000 residents.	Regular levy of up to $0.50 per $1,000; excess levies; assessments; general obligation bonds; service charges pertaining to storm water control and flood control improvements. RCW 36.89.080; RCW 86.15.160; RCW 86.15.176; RCW 84.52.052; RCW 84.52.054.	Yes	Yes	Yes	9	Consistent with general election statute

District & Designation	Enabling Statute (RCW)	Purpose	Governance	Funding	Property Tax Authority?	Fees and Charges Authority?	Assessment Authority?	Number in Operation	Election Method
Cemetery Districts ***(Municipal Corporation)***	Ch. 68.52 RCW	Acquire, establish, maintain, manage, improve and operate cemeteries and conduct businesses of a cemetery.	Cemetery board, 3 elected cemetery commissioners	Regular levy of up to $0.1125 per $1,000; general obligation bonds. RCW 68.52.290 RCW 68.52.310.	Yes	No	No	104	Consistent with general election statute
Health Districts	Ch. 70.46 RCW	Provide health services within the district.	Board of representatives appointed by county legislative authority. If district is in more than one county, the board must have at least 5 or 7 members (with each county appointed at least 2 members). RCW 70.46.020.	Funds from county and state; License and permit fees. RCW 70.46.085; RCW 70.46.120.	No	Yes	No	11	Not applicable
Mosquito Control Districts	Ch. 17.28 RCW	Abatement or exterminate mosquitoes.	Appointed board of 5 trustees - composition set by statute.	Excess levy of up to $0.50 per $1,000 upon voter approval; assessments; general obligation bonds. RCW 17.28.255; RCW 17.28.252.	Yes	No	Yes	18	Not applicable
Regional Library Districts	RCW 27.12.080	Free public library maintained by two or more counties or other governmental units.	Board of 5 or 7 trustees appointed by joint action of legislative authorities.	Expenses apportioned between or among the contracting parties. RCW 27.12.080.	No	No	No	See note for Inter-County Rural Library District.	Not applicable
Rural County Library Districts ***(Municipal Corporation)***	RCW 27.12.040 - 070	Library serving all the area of a county not included within the area of incorporated cities and towns.	Board of 5 trustees appointed by county commissioners.	Regular levy of up to $0.50 per $1,000; excess levies; general obligation bonds. RCW 27.12.050; 27.12.222.	Yes	No	No	See note for Inter-County Rural Library District.	Not applicable
Park & Recreation Districts ***(Municipal Corporation)***	Ch. 36.69 RCW	Provide leisure time activities, facilities, and recreational facilities.	Board of 5 elected commissioners.	Regular levy of up to $0.60 per $1,000 upon voter approval; excess levy; general obligation bonds; revenue bonds; local improvement districts; fees, rates, and rentals for the use of facilities . RCW 36.69.140; RCW 36.69.145; RCW 36.69.200; RCW 36.69.350; RCW 36.69.130.	Yes	Yes	Yes	43	Consistent with general election statute

District & Designation	Enabling Statute (RCW)	Purpose	Governance	Funding	Property Tax Authority?	Fees and Charges Authority?	Assessment Authority?	Number in Operation	Election Method
Public Utility Districts *(Municipal Corporation)*	Title 54 RCW	Conserve water & power resources; supply public utility service including water and electricity, sewer, telecommunications.	Election commission of 3 or 5 commissioner districts.	Regular Levy of up to $0.45 per $1,000; general obligation bonds; revenue bonds; rates and charges for services; local improvement guaranty fund. RCW 54.16.080; Chapter 54.24 RCW.	Yes	Yes	No	27	Consistent with general election statute
Water-Sewer Districts (water-sewer district, water district, sewer district) *(Municipal Corporation)*	Title 57 RCW (districts reclassified, formerly Sewer Title 56, Water Title 57), reclassification 1997	Furnish ample supply of water; purchase and maintenance of fire fighting equipment; furnish wastewater collection; provide street lighting.	3,5,or 7 elected members.	Excess levy of $1.25 per $1,000 of assessed value authorized at time of formation; general obligation and revenue bonds; local improvement districts; fees and charges for services. RCW 57.04.050; Chapter 57.08 RCW; Chapter 57.16 RCW; Chapter 57.20 RCW.	Yes	Yes	Yes	191*	Consistent with general election statute
Public Transportation Benefit Area (*Municipal Corporation*)	Ch. 36.57A RCW	Provide public transportation services with defined area.	Selected by participants; membership set out in statutes.	Motor vehicle excise tax and sales and use tax (for passenger ferry services); rates and charges for services. RCW 36.57A.090; RCW 36.57A.210; RCW 82.80.130; RCW 82.14.440.	No	Yes	No	20	Not applicable
County Road District	RCW 36.75.060	Provide revenue to establish, lay out, construct, alter, repair, improve and maintain county roads.	Not specified.	Regular levy. RCW 36.82.040.	Yes	No	Yes	39	Not applicable

Notes:

This table was originally developed by staff at the House of Representatives Office of Program Research, September 19, 2012

House staff initially completed this table using information provided by the Municipal Research and Services Center,

specifically the chart located at http://www.mrsc.org/subjects/governance/spd/spdchart0112.pdf) and directly from statute where noted.

Appendix C

RCW 89.08.220 - Corporate status and powers of district.

A conservation district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess. shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of chapter 184, Laws of 1973 1st ex. sess.:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of chapter 184, Laws of 1973 1st ex. sess. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of chapter 184, Laws of 1973 1st ex. sess.; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of chapter 184, Laws of 1973 1st ex. sess.;

(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of floodplains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under chapter 184, Laws of 1973 1st ex. sess. in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of chapter 184, Laws 1973 1st ex. sess.;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with chapter 184, Laws of 1973 1st ex. sess. and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under chapter 184, Laws of 1973 1st ex. sess.;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

[1999 c 305 § 8; 1973 1st ex.s. c 184 § 23; 1963 c 110 § 1; 1961 c 240 § 13; 1955 c 304 § 23. Prior: (i) 1939 c 187 § 8; RRS § 10726-8. (ii) 1939 c 187 § 13; RRS § 10726-13.]

TAB 8

Adams CD Assistance **updated 1/7/14**

Goal: Adams CD with a smooth operating business getting the maximum conservation work done in their district through assistance with Adams CD Supervisors and Manager.

Item	Notes	Next Steps	Status
7. Staff communication and other issues such as rebuilding landowner trust. (was #7)	Brewer facilitated a working session with Adams CD staff in April 2013	Follow-up on actions from a staff work session **1/8/14 Staff changes have improved staff communications.** **-Plans are being developed to rebuild landowner trust.**	ongoing
8. Medical benefits amount, process of paying, composite rate of pay, reporting to IRS (was #8)	Brewer worked with manager and bookkeeping staff regarding limitations and tax consideration of medical benefits for district manager	Follow-up ongoing and during next internal audit 6/5/13 – Staff and one supervisor working on pay issues. 6/20/13 Board approved adding some limited benefits for all staff. -Franklin CD Admin assistant will be providing account services to ACD and is currently updating ACD quick books. -Board auditor is aware of the taxable medical benefits and will see that needed corrections are made. **1/8/14 Bookkeeping issues and payroll issues were resolved when the Franklin CD Admin person and a CPA corrected and updated the ACD books at the end of June.** **-New bookkeeper is being properly trained with assistance from the Franklin CD Admin person.**	ongoing
11. Tort Claim for damages surrounding fencing project on W. Olesen. (was #11)	District was served with papers regarding a tort claim for damages ENDURIS is working on Tort Claim with filing attorney. District Board taking a wait-and-see approach at present	6/20/13 Enduris working with ACD on tort claim coverage and amounts **1/8 Enduris still working with Olesen's attorney on the tort claim having made another offer this past Fall.**	ongoing
A. Change of Manager	Existing employee, Cara Hulce has taken over as interim Manager, replacing Greg Schuler who resigned for both personal and work reasons.	**1/8/14 Provide manager training**	ongoing

B. EPA Cost Share Concerns	-As a result of a citizens complaint, EPA reviewed a number of cost shared projects from 2 DOE grants (which involved EPA funds) and found some signature issues of concern. -EPA will approach DOE concerning the issue, since DOE is responsible for overseeing the distribution of the EPA funds.	**12/19/13 As a result, EPA has asked DOE to return $42,689 of EPA funds.** **-There are 30 projects, involving approx nine landowners. (including 12 projects that are Olesen's & Goude's)** **-DOE is appealing the return of funds based on a plan that ACD will get the original cost share agreements resigned and a verification that the funded BMPs are still functional.**	ongoing
C.DOE reimbursement request from ACD	DOE is requesting ACD reimbursement of about $10,000 for Cost share work done on Paul Goude, where the cost shared fence has been removed.	**1/8/14 ACD has drafted and will be send a letter to Mr Goude to reimburse ACD for the fence cost share.**	ongoing
D. SAO issue of ACD financial instability	Possibly need to develop a long term strategy to deal with this issue.	**1/8/14 ACD to address this issue during the ACD Long Range Planning Development this year**	ongoing

Completed Items

1. Citizens Hotline Client Assertion 1: Allowing the Washington Conservation Corp (WCC) to complete the fence construction projects circumvents the competitive bid process.	SAO concluded these projects are not considered public works, and competitive bid requirements are not applicable	No further action needed	Completed

2. Citizens Hotline Client Assertion 2: Fences were not constructed in accordance with Natural Resources Conservation Service (NRCS) specifications.	SAO concluded the fences did not meet NRCS specification, per the cost sharing assistance agreement. Verbal commitment from Ecology leaders (Atkins & Susewind) regarding making "right" the construction of fence to NRCS specification Request by WSCC ED for summary of cost share projects, grant sources, cost share by land owners	District and Brewer would follow-up with Ecology regarding logistics of repairing and/or replacing fence to NRCS Specifications **5/16/13 – Board approved policy that will tighten up ACD oversight of future projects to insure they are installed according to specs as stated in Cost Share agreements**.	Done (ongoing following of new ACD policy)
3. Citizens Hotline Client Assertion 3: The fences were constructed on landowner's property without a valid contract. Furthermore, contracts were created after the fact with forged signatures.	Who should follow up with what action regarding forged signatures	Clark will contact SAO regarding action that SAO will take. Brewer has been working with supervisors regarding improved district operations to assure that the contracts are signed appropriately District decision on forged signatures 6/5/13 – ACD Chair said the board will consider adopting an action at the June board meeting. 6/20/13 – ACD board decision to seek legal advice on how or if to pursue charges. **1/8/14 – See EPA cost share concerns Issue" below**	Done (Moved into an EPA Cost Share pendingItem)
4. Citizens Hotline Client Assertion 4: Landowners were not provided adequate documentation to support costs charged to them for the fence	SAO concluded the documentation was inadequate to support costs charged for the fence construction projects.	Brewer has been working with supervisors regarding improved district operations to assure support cost accounting is occurring **5/16/13 – Board approved policy that will tighten up ACD oversight of future projects to insure that landowners are fully aware of costs, landowner installation and maintenance requirements, and other aspects of a practices implementation.**	Done (ongoing following of new policy)

construction projects.			
5. Legislators concern over the above assertions from Citizen Hotline report by SAO	Legislators demanding "grower made whole and not hear about this again" Representative suggesting a meeting with Ecology, Producer, District, WSCC on responsibility for the quality of fencing Meeting held with Representative, Ecology leaders, Clark, lawyer for producer	Follow-up with Representative by Clark on standards, making grower right, 1010 legislation on technical assistance before regulatory agency fines 5/16/13 – Board approved policy that will tighten up ACD oversight of future projects to insure that communications with Landowner is thorough and complete, so there is not a repeat of past problems**.** **Sep 2013 Call with ACD Manager, State Representative, DOE, and WSCC provided enough status and enough landowner follow up information, that no further legislative updates are being asked for.**	Done
6. Letter from Conservation District Board regarding what has been done to correct the cost share operational items	Brewer has worked with the board and manager on a letter describing actions taken and planned for correcting the assertions in the SAO Citizens Hotline report	Continue to work with board on letter to SAO and others (WSCC, Legislators) **6/5/13 ACD letter to SAO referencing actions taken to address the hotline report.**	Done
9a. Water quality sampling work being done in Whitman CD without concurrence	Manager met with Whitman CD in May…Supervisors from Whitman CD did not want water quality sampling or cost share done by Adams CD in their district	Adams CD will go back to Ecology sponsors regarding lack of concurrence about work in Whitman CD May 2013 – ACD staff called and subsequently attended Whitman board meeting prior to working in Whitman CD and were asked to not do so at this time, which ACD is honoring. 6/20/13 – Brewer explained the district jurisdictions to local DOE inspector. **1/8/14 ACD will not do the sampling in Whitman CD and has informed DOE.**	Done
9b. Water quality cost share work being done in Whitman CD without	Manager met with Whitman CD in May…Supervisors from Whitman CD did not want water quality sampling or cost share done by Adams CD in	Adams CD will go back to Ecology sponsors regarding lack of concurrence about work in Whitman CD May 2013 – ACD staff called and subsequently attended Whitman board meeting prior to working in Whitman CD and were asked to not do so at this time, which ACD is honoring.	Done

concurrence	their district	6/20/13 – Brewer explained the district jurisdictions to local DOE inspector. **1/8/14 ACD has an MOU from Whitman CD for Cost sharing on a single landowner located in Whitman CD**	
10.Complaint from Whitman CD Supervisor regarding allowing cost share match allowed for work not done during grant period	Research this complaint leads to Ecology grant person allowing off stream water development to be cost shared before fencing (with fencing promised by landowner to be done the next year). …Adams CD doing business in Whitman CD	Work with Ecology to discuss district jurisdictions. Follow-up with both boards regarding work in other district 6/5/13 Whitman is currently considering an MOU with ACD on some working across CD lines. 6/20/13 – Brewer explained the district jurisdictions to local DOE inspector.	June 2013

January 2014 Commission Meeting

District Operations Staff Report (September through December 2013)

Looking Ahead

- Program Priorities & CPDS Data Review with Districts
- Supervisor Elections & Appointments
- 'More' Cooperative Working Agreement Signings
- Sharing of Examples, Templates, Information
- NRCS Field Office Leases
- District Operations Issues Resolution

Conservation Implementation Assistance

- Coordinated Resource Management Task Force monthly net meetings: including action plan review and follow-up work; participation and facilitation on logistics, for the October 2 & 3 CRM Executive Committee Meeting & Tour (Brewer & Ledgerwood)
- Assisting District Technical Employees with development of a white paper on building conservation district technical capacity throughout the state. (Brewer & Ledgerwood)
- Washington Rangeland Committee Meeting participation & follow-up (Brewer)
- NRCS State Technical Advisory Committee participation and meetings on nutrient management standard (Brewer & Smith)
- Work with WSCC Financial Staff and Peter Bautista on District TSP Task Order questions and issues (Ledgerwood)
- Underwood CD project tour participation featuring stream restoration project on the Little Wind River primarily funded by BPA with In-stream work and engineered log jams to create pool and riffle, also removed a blockage at the confluence with the Wind River. In the past WCFW had found less than four redds in this area. After the phase one project they counted 17 redds and this year we saw over 100 fish just on the tour. (Ogden)
- Chehalis River Basin Flood Authority meetings and tour for the chair of the flood authority and Chehalis Basin Strategy Policy Workshop put on by the Chehalis Basin Flood Authority and the Governor's Chehalis Basin Work Group. (Ogden)
- Participated in Minnesota Conservation Planning Webinar which explained a planning process that captures on farm resource improvements based upon "on farm indices" rather than governmental measurements. Using the on farm measurement system, improvements on a Watershed scale (Called Watershed Intelligence) can be captured to see how much the conservation "dial was moved". (Brewer)
- Worked with Whitman County CD employees on Ecology letters to livestock producers and CREP program delivery (Ledgerwood & Brewer)
- Worked with Harold Crose, former NRCS employee on Energy Teleconference for central Washington CD's on concept of retired NRCS employees hired on by CD's to work through the backlog of 140 energy audit applications and then train CD staff in energy audits so that the CD's can become technical service providers to handle the energy audits in the future themselves. (Eller & Culp)
- Continued work with Bob Lee, Senate Agriculture Committee staff, and Ron Shultz on information gathering on certainty programs implemented in 17 states. The request was generated from the CRM Executive Committee Meeting & Tour. Responded to questions regarding Ecology letters to livestock producers in eastern Washington. (Ledgerwood & Shultz)
- Participated in a joint agency coordination meeting on Whitman County CREP program...Carol Smith and Rod Hamilton provided advice to the group of 20 staff that attended from FSA, NRCS, Conservation Districts, WDFW, WSCC on CREP implementation, rules and eligibility. (Ledgerwood & Smith)
- Distributed the NRCS approved policy on allowing non-collocated Conservation Districts to do work on NRCS programs utilizing either or both the Technical Service Provider (TSP) TECHREG system and/or WSCC-NRCS task orders. Co-located Conservation Districts still can do work under the WSCC-NRCS task order system. (Finkenbinder, Culp, & Ledgerwood)
- Developed a session design and participated in a meeting with Ecology Eastern WA staff (Chad Atkins), Extension (Tip Hudson), Lincoln CD (Lundgren & Bowen), Stevens CD (Hellie) managers to discuss recommended changes and follow-up to Ecology Eastern WA letters. (Brewer & Ledgerwood)
- Work on questions related to the engineering program and participated in area engineering cluster meetings (Trefry and all)
- Working with Tracy Hanger and District Technical Employees Work Group on finding a few conservation districts to do a phosphorus pilot project using the new NRCS standards. (Ledgerwood)

- Worked with Laura Johnson on a website established within our Commission website for CRM. (Brewer & Ledgerwood)
- Responded to Representative Schmick request for information on Ecology letters to Eastern WA producers. (Ledgerwood)
- Worked with RMs and Megan Finkenbinder on contacts for district employees during the federal office closures. (Finkenbinder & all)
- Yakima River Basin Water Enhancement Project (YRBWEP) Workgroup meeting where updates were given on the status of the Committee activities, including communications & technical work, and a celebration was conducted for the passage of the Yakima Policy Bill 2SSB 5367 last legislative session which provided $100M for the Teanaway acquisition and set some guidelines for DNR and WDFW's joint management of the first-in-the-state "Community Forest" that is the Teanaway acquisition lands. Public testimony received at the meeting continues to focus on opposing the expansion of Bumping Lake dam. (Eller)

District Operations Assistance

- Long Range Planning Facilitation & Assistance – Pomeroy, Central Klickitat, Eastern Klickitat
- Work with NRCS leaders on TECHREG eligibility, Cooperative Working Agreements, field office leases with 23 effected conservation districts
- Audit scheduling and questions – several districts (Ogden)
- Work with Tina Watkins from SAO (State Auditor's Office) to go over the final Schedule 22 and instructions for the process. (Ogden)
- Implementation Monitoring Completed – Palouse Rock Lake, Kittitas County, Kitsap, Whidbey Island, South Yakima, Benton, Franklin, Lincoln, Pacific
- Good Governance revised evaluation, policy and procedure recommendations completed and approved at December WSCC meeting, then distributed to all conservation districts.
- District Entrance & Exit Audit participation - Palouse
- Completed work on Efficiencies Report to the legislature by the 12.10.13 deadline brought about by a budget proviso in FY2013-15 budget. (Ledgerwood)
- Monthly Quick Notes developed by Trefry and distributed by each Regional Manager. (Trefry)
- North Central Managers networking meeting. (Eller)
- District Employee Hiring Assistance – Jefferson, Clark
- Ecology Grant Status Review – Adams
- Resolution Assistance – Grant County, Whitman, Palouse,
- Category 3 Project Review and Priorities – all districts, special assistance in Kittitas, Clark
- Conservation Easement & Acquisition assistance – Eastern Klickitat, Central Klickitat, Pierce
- Cost-share program issue assistance – Asotin, Grays Harbor, Grant County, Spokane
- Envirothon Funding questions – Okanogan, Skagit, South Douglas
- New Supervisor & New Employee Orientations completed – Central Klickitat, Thurston, Jefferson, Thurston, South Douglas
- District Employee Training - Whitman
- Supervisor questions – Pierce, Central Klickitat
- Office space questions – Central Klickitat, Cascadia
- Personnel management questions – Okanogan, Grant County, San Juan, Foster Creek, Franklin
- Dairy lagoon issue – South Yakima
- Donations & District Complaint Forms – Cascadia
- District Administrative Efficiencies questions – Whitman, Palouse
- Cooperative Working Agreement w NRCS questions - Wahkiakum
- District evaluation of consolidation and partnering options for increasing districts efficiencies - Palouse
- General District Operations Assistance – Walla Walla, Adams, Lincoln, Pend Oreille, Palouse Rock Lake, Franklin, Clark, Pacific, Grays Harbor, Underwood, Clallam, Mason, Skagit, King, Pierce, Whidbey Island, Jefferson County, Asotin, Ferry, Pomeroy, Benton, Palouse, Lincoln, Columbia, Stevens, Lewis, Cowlitz, Snohomish, San Juan Island, Kitsap, Clallam, Whatcom, Mason

District Capacity Building

- Facilitated public input sessions for Palouse and Whitman CDs (Ledgerwood)
- Set up a working site for district operations files, example templates, materials, training materials and references for easy access for use to answer districts questions and needs (all)
- Puget Sound Conservation District Caucus participation and facilitation assistance (Trefry)
- Worked with SST and Laura Johnson on Annual Report and Report for WACD. (all)
- Prepared for and facilitated meetings of the Path Forward process' Communication, Partnership Building, and Public Outreach group (Trefry & Johnson)
- District Operations Brief on Debarment Requirements developed and distributed to Districts (Finkenbinder)
- District Operations Brief research and drafting on prevailing wage with MRCS and L&I (Trefry)
- District Operations Brief research on document to assist districts in creating a system of rates and charges. (Trefry)
- Completed work with DAPH staff and some district folks on Cultural Resource guidance options that have been forwarded to Mark Clark (Brewer)
- District Technical Employee work group assistance, including NMP & CNMP training for district employees from NRCS (Brewer & Ledgerwood)
- NACD Urban and Community Conservation resource policy group (Trefry)
- Supervisor training & leadership development program with WACD (Ledgerwood)
- Participated in the WACD Natural Resources Committee & Strategic Direction 2021 Group in Ellensburg...topics included conditioning of funding, FY15 Supplemental Budget request

Supervisor Elections & Appointments

- Set up, prepared presentation and facilitated the election webinar. (Eller)
- Updated elections monitoring database and processed first election form from Clark (Eller)
- Worked with Ron Shultz on Elections Proviso paper for State Legislature (Eller)
- Elections issues and forms assistance – Whitman, Okanogan, King, Foster Creek, Thurston, Whatcom, Whidbey Island, Cascadia, Kittitas County, South Douglas, Columbia, Clark
- Election Boot Camps – Whitman, Grays Harbor, Pacific
- Developed PowerPoint presentation entitled "Washington State's Tools for Elections of District Board Members" for NASCA webinar (Eller)
- Created an elections web page on our Commission web site including; webinar recording, webinar PowerPoint, election manual, election calculator, and election forms.(Finkenbinder, Johnson, Eller)
- Moved the election materials (data) from my computer to a shared location for easy access to the data by other Commission staff. (Eller)
- Developed a responsiveness document for the Election Manual changes. There were nearly 30 comments. Most were directed at the proposed changes, some wanted to make changes beyond the scope of what was proposed – Those will be held over for the larger election discussion. (Eller)

Commission Operations

- Public records requests processing (Finkenbinder & all)
- Completion of State IT Security Training Course (all)
- Completion of personnel evaluations (all)
- Commission Meeting logistics and material preparation (Trefry for January, Gonzalez, and all)
- WSCC RM Meeting held in October. Topics covered included; area meetings follow-up, schedule 22 review and draft, action plans, NASCA field staff ideas, awards procedures, implementation monitoring, emergency management planning - WSCC & Districts, leave & evaluations, Good Governance Pathway to the Future actions and meetings.
- Updated, with the help of the regional managers, the Commission's comprehensive emergency management plan (CEMP) and continuity of operations (COOP) plans. We also were able to run though the plans and what might happen in the event of a disaster (Eller)
- Produced the quarterly compliance report for Governor's Directive #12-20 that the Emergency Management Division is managing (Eller)

Commission Operations (continued)

- Interagency Emergency Management including: Emergency Management Division (EMD) is working through public records request disclosure issues with its web-based internet access for state agencies to communicate with the emergency operations center during a disaster or emergency. Likely they will ask state agencies to sign a user agreement crafted by the attorney general. EMD is revising the state comprehensive emergency management plan. EMD will ask all state agencies to scale their CEMPs around catastrophic incidents – specifically how to increase staffing at the EOC during a catastrophe (Eller)

District Communication Exchange with Commission

- Contacts with district chairs, managers employees, by telephone, personal visits and District Board Meetings - Walla Walla, Stevens, Ferry, Eastern Klickitat, South Yakima, Kittitas, Palouse, Pine Creek, Whitman, Clark, Kitsap, Adams, Cascadia, Pend Oreille, Asotin, Grant County, Foster Creek, Grays Harbor, Jefferson, Pierce, Central Klickitat, Okanogan, Lewis, San Juan, Whidbey Island, Palouse Rock Lake, Skagit, Lewis, Pomeroy, Columbia, South Douglas, Wahkiakum.

Partnering

- Washington Conservation Society strategic planning facilitation and participation (Ledgerwood)
- Participated in meeting with regional DOE and some eastern CDs (Ledgerwood & Brewer)
- Participated in the WACD Annual Meeting including: planning and facilitating the Local Work Group Visioning Session; facilitating the Leaders One-on-One session with District Supervisors; assistance with meeting logistics and AV (all)
- Monthly webinars of the NACD Urban & Community policy group (Trefry)
- Presented a PowerPoint presentation on disaster planning for conservation districts to NACD's Urban and Community Resource Policy Group which highlighted the October 2013 Federal Gov't shutdown as an example of a disaster that most wouldn't consider a disaster and the need for CD's to plan for disasters. I used the WSCC CEMP and COOP as an example of a possible template that CD's could use to begin the planning process (Eller)
- Gave a presentation on Livestock and Water Quality for the Washington Cattlemen's Association Annual Meeting in Pasco in November 2013 along with serving on a panel with Chad Atkins and Kelly Susewind from Ecology. (Ledgerwood)
- Contacted Jack Field, Washington Cattleman Association regarding follow-up services by Conservation Districts for livestock producers receiving letters from Department of Ecology in Eastern WA. (Ledgerwood)
- Worked on the Area Meetings Supervisor Information Packet including district operations and 2021 segments...participated in all WACD Area Meetings with discussion of state budget development, consolidation as a voluntary action, Envirothon, communicating the work of Districts to the general public, buffer width compliance, forest health. (all)
- Collecting information on other states conservation foundations for the Washington Conservation Society
- Represented NASCA on the monthly teleconference of the NACD Urban and Community Conservation Resource Policy Group and participated in the NACD Urban and Community webinar on Green Infrastructure which featured George Boggs
- Forest Leadership Team (FLT) meeting from the Gifford Pinchot National Forest (GPNF). The FLT invited the Pinchot Partners (PP) to attend the tour to look at future projects on the GPNF and start the collaborative process early in the planning process. One of the projects was a road that was decommissioned 20 years ago and ripped out. Now they have discovered that this is the only way to access 1000 acres of timber ready to be harvested. (Ogden)
- Participated on the national webinar of NRCS and EPA on the National Water Quality Initiative. (Eller)
- Assisted the Washington Agriculture & Forestry Education Foundation by finalizing the agenda for their Columbia River Seminar (Trefry)
- Worked on an issue where WDFW is no longer providing the OK for streamlined JARPA (Trefry)
- Produced the Commission's comprehensive emergency management plan (CEMP) for my counterpart in Kentucky (fulfilling a request for CEMP examples); reviewed our CEMP for the RM training session next week, and am in the process of revising and updating the CEMP for our use and modifying it for use as a template for CD's to use in their own operations (Eller)

JANUARY 6, 2014 (V3)

TO: WACD AND WSCC MEMBERS

FROM: WACD TECHNICAL PROFICIENCY & PLANNING COMMITTEE

SUBJECT: TECHNICAL LEADERSHIP, IMPLEMENTATION EXPERTISE, RESEARCH, & QUALITY ASSURANCE REGARDING 20-21 ACTION PLAN

SUMMARY

Presented in this paper are the WACD Tech Workgroup's recommendations to the Washington State Conservation Commission on how to address the Technical Leadership, Implementation Expertise, Research and Quality Assurance strategic area of the 20-21 Path Forward Action Plan.

These recommendations emphasize the need for a coordinated, statewide effort to continue to both strengthen and develop the quality and professionalism of our technical staff and our work products, while also ensuring our work results in meaningful changes in conservation behavior. These goals are more important than ever. Equally important is the documentation and assurance regarding improvements to water quality and other natural resource stewardship outcomes we are targeting for ourselves and for our partners.

The Individual recommendations for **Technical Leadership, Implementation Expertise, Research, & Quality Assurance** fall into six specific strategic sub-areas:

1. Tools, Proficiencies and Certification
2. Training Opportunities, Needs and Pathways
3. Quality Assurance
4. Research, Implementation, and Effectiveness Monitoring of Conservation Systems
5. Technical Expertise in Statewide Policy and Programs
6. Workload and Budget

In the "Recommendations" section below, goals for each sub-area are described and the core activities for the dedicated staff are outlined.

Essential for implementing the following recommendations and vision is dedicated state-level staffing to lead and coordinate this body of work. These recommendations also recognize that great progress will come with continued widespread engagement and leadership from individual Conservation District supervisors, managers, and staff from across the Washington State Conservation District system. We have also identified the possible and appropriate staff willing to help coordinate these separate strategic areas.

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BACKGROUND

Conservation District technical expertise development has long been an important goal of the WACD Technical Employee Work Group ("Tech Workgroup"). It has gained additional focus lately as Conservation Districts have begun bringing stewardship solutions into coordinated work with regulatory agency partners, including critical areas codes, Voluntary Stewardship Projects, and technical assistance related to referrals from area regulatory agencies. Technical expertise development has also been identified and supported by the 20-21 Action Plan, a document that outlines the future direction of CD work across the State.

The 20-21 Action Plan recommendations were a product from several statewide sessions convened by Conservation Commission staff and WACD leadership, with Conservation District supervisors, managers, and other lead staff. This plan identified 14 separate strategy foci that were grouped into four broad, strategic areas:

1. Communications, Partnership Building and Public Outreach
2. Strategic Direction
3. **Technical Leadership, Implementation Expertise, Research and Quality Assurance**
4. Policy and Funding

The Commission, at their September 2013 meeting, tasked the WACD Tech Workgroup to develop a pathway towards addressing the top technical recommendations from the 20-21 Action Plan: Technical Leadership, Implementation Expertise, Research and Quality Assurance. The WACD Tech Work Group was selected for this work because it has over the last 5 years, it has lead a number of professional development projects, ranging from standardizing conservation plan formats, inventorying staff proficiencies and training needs, and most recently, piloting a Conservation District professional certification for Dairy Nutrient Management Planning.

RECOMMENDATIONS

Overall Goal:

The ultimate goal of the Technical Workgroups recommendations is to ensure that conservation districts have the proper technical expertise to consistently plan and implement conservation programs.

Vision:

Landowners and their communities will make decisions to meet a higher level of natural resource protection and stewardship based on the technical assistance, programs, tools, and guidance they receive from CDs. Districts are recognized for their proficient staff with the technical knowledge and expertise necessary to assist landowners. Districts continually strive to improve technical assistance delivery through research and development. Consistency and performance is promoted among CDs and staff statewide through training and certification. Evaluation of the

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effectiveness of work and services will demonstrate improvement of natural resources. An overarching structure exists that supports leadership in this area.

Guiding Principles:

- Individual CDs and their Boards are accountable for District performance and employee development.
- Landowners are the ultimate land-use decision makers.
- Actively seek collaboration and partnership, internally and externally.
- Focus on strengths, roles, and motivations of Districts, employees, landowners, and partners.
- District accountability is recognized by other Districts, commission, and outside partners.
- Social networks and behaviors of landowners are critical to achieving conservation results.
- Staff are well-trained and proficient in their areas of expertise.

Recommendation Sub-Areas:

1. **Tools, Proficiencies and Certification**

   Goal: To ensure that each conservation planner has awareness of and access to tools, expectations, and certifications that are used within their discipline.

   Exceptional technical staff development begins with a solid commitment from CD staff and supervisors to support each technical employee from before the date of hire. The activities in this section involve cataloging and communicating existing resources available to technical staff and developing new materials as needed. The Tech Work group will support CD management and staff in this commitment by:

   - **Developing model job descriptions** that clearly outline expectations in the areas of technical knowledge, planning process, social context awareness, and quality and content of work products;
   - Developing and distributing **lists of required proficiencies and expectations** for each discipline area;
   - Providing **materials and support to orient new hires** and assess their initial skill levels;
   - Providing **information on ethics and liability** considerations in planning and technical assistance;
   - Ensuring that technical employees, have convenient **access to training** appropriate to their discipline, from a variety of sources and delivery methods;
   - Ensuring that technical employees have convenient **access to necessary tools for conducting site assessments and evaluations**

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- **Coordinating job shadowing and mentoring** opportunities with personnel experienced in their discipline
- Providing model training plans and **guidance on planning models** appropriate for differing land uses, scales of operation, levels of complexity, landowner education, etc.;
- Providing guidance for following NRCS standards, uses of engineered solutions, innovative adaptations and demonstrated conservation management practices;
- Providing **certification opportunities** to verify skills in particular disciplines (e.g., Dairy NMP, Small Farms);
- Developing and communicating to CD staff the various **funding structures, grant opportunities**, and ties to good governance procedures to support employee training and certification needs;
- Developing and communicating **model performance evaluation materials**, schedules, and incentives for implementing evaluation plans;
- Creating and maintaining a **list of experts** by discipline for purposes of mentoring, peer-to-peer training, and technical input on policy and programs.

Core activities

- Model job descriptions.
- New hire orientations and related materials.
- Coordinate basic training and special certification programs and trainings.
- Coordinate inter-District mentoring and job shadowing opportunities.
- Coordinate development and distribution of planning models.
- Coordinate development and distribution of proficiency lists.
- Provide training for implementation of NRCS standards and alternative conservation practice standards.
- Develop, maintain, and communicate model performance evaluations and plans.
- Create and maintain list of experts by discipline.

2. Training Opportunities, Needs and Pathways

Goal: To provide all CD staff with access to high quality training related to their professional development needs and recognize those who complete training.

Districts across the state should be oriented to and participating in coordinated professional development planning. Elements of this work include needs surveying, information sharing, and partner collaboration and communication. Work would build upon ongoing surveying of employee training needs and opportunity posting (i.e., training calendar).

Through this effort, there will be strong coordination and communication between CDs, NRCS, WADE, WACD, the Commission, and other partners to support the professional development needs of District staff.

Some of the key outcomes of this work will include coordination and delivery of CD professional certifications, peer to peer mentoring, and other training offerings, including key contributions to WADE Conference coordination.

Core Activities

- Establish and coordinate CD orientation process. Provide professional development planning for employees, awareness training for supervisors, and integration training for managers.
- Manage/maintain training needs inventory of all technical staff and their proficiencies; use inventory to identify training needs.
- Utilize information clearinghouse and facilitate communication.
- Lead collaboration and partnership work.
- Coordinate peer to peer mentoring.
- Manage certification processes.
- Coordinate training offerings.
- Establish and maintain communication with and between CDs on professional development opportunities.
- Ensure all CD staff have access to training opportunities.

3. Research, Implementation, and Effectiveness Monitoring of Conservation Systems

Goals: To demonstrate change in conservation systems resulting from conservation planning and implementation of programs and practices through effectiveness monitoring. To provide a scientific basis for guidance, supplement our knowledge base, and answer specific conservation questions by conducting or supporting research.

The purpose of this work is to address emerging needs and issues through use of high quality data and information collection.

Strategies for a successful implementation process will need to be outlined, including techniques for optimizing landowner participation in conservation programs and plan development.

In order to develop a monitoring program, the next phase of this effort will involve exploring opportunities to develop monitoring programs to be used by CD's and landowners. These will include improving systems for implementation monitoring (assessing levels of Conservation Management Practice implementation and program participation and specific data such as Conservation Practice cost), as well as effectiveness monitoring.

Implementation monitoring will occur through improved tools and protocols for data collection on BMP implementation and program participation. A system will be developed to assist districts with consistent reporting of information to the Commission, such as participation rates, acres planned, and practices implemented.

A strategy for effectiveness monitoring will be developed to show the effect of conservation practices on natural resource outcomes. This may include a variety of levels of targeted monitoring including scales ranging from site, field, farm, sub-basin to watershed.

This effort will provide support for research projects that are identified and implemented by individual Conservation Districts or by interdisciplinary teams. A central clearinghouse will be provided for information on funding sources, technical capacity within specific districts, resources available for CD employees conducting research (e.g., land, databases, equipment, etc.), capabilities needed for programs, logistics, and liability of partnerships with outside agencies. Efforts will be coordinated to increase the capacity of CD employees to conduct research through training in research protocols and the development of standard operating procedures (SOP).

As part of research and monitoring efforts, a forum will be created for sharing information statewide. A central clearinghouse will be needed to house all research projects and programs that individual CDs are participating in, and a process will need to be developed that allows for information to be shared easily and effectively, including monitoring tools, research results, case studies, and success (or failure) stories.

Partnerships between CDs and with other partners (e.g., WSU, NRCS, private industry, etc.) will be critical for the success of monitoring and research efforts. Part of this effort will be development of partnerships, protocols for projects, and programs within Conservation Districts and with outside partners including the understanding of logistics and liabilities involved in partnerships with outside agencies including regulatory agencies.

Another important part of effectiveness monitoring will be focused on outreach and education to landowners. CDs will be provided with templates for successful outreach programs including development of educational materials and dissemination of information (e.g., newsletters, field days, webinars, mailers, and distribution lists). Success of outreach and education efforts will be measured through surveys, land evaluations, and feedback from participants. Successful outreach materials will be shared with Districts through a central clearinghouse.

Coordinate with statewide programs to acknowledge good land owner behavior (certainty program) in various areas of conservation (e.g., nutrient management, stream protection, riparian, etc.).

Identify sources of funding for research and monitoring efforts. Grant funding can be sought from outside agencies (e.g., DOE, EPA, NRCS CIG) or field trials/demonstrations through CSP. Establishment of a dedicated funding pool for research will be explored with the Commission.

Core Activities

- Develop tools and SOPs to support monitoring activities
- Provide organizational support for research projects

- Identify and coordinate with research partners
- Coordinate central clearinghouse for monitoring and research activities and results
- Identify sources of funding for research and demonstration projects
- Develop templates for outreach and education programs for content delivery to landowners

4. Quality Assurance

Goals: To promote and maintain a consistently high level of proficiency and quality in programs and technical assistance across districts. To provide a way to demonstrate quality assurance to our partners, including landowners.

It is incumbent upon Districts to maintain a consistently high level of proficiency and quality in programs and technical assistance, as well as demonstrate this to our partners, particularly landowners. A Quality Assurance Plan (QAP) is recommended to support and assess each District's performance in the fields of leadership, training, planning, research, and outreach efforts. A QAP would include establishing a defined standard to follow, along with Quality Assurance Reviews (QAR) to evaluate the adequacy of the work being done by District technical staff.

The Tech Workgroup, along with local District experts in each of the planning disciplines, could assist Districts in setting up, evaluating and adapting plans designed to address the priorities of each District and the needs of the local landowners. An internal process by which Districts can consistently ground truth planning and design products also will be established. Where districts do not have the ability to accomplish this, technical staff from neighboring districts could provide mentoring and technical adequacy review prior to the work product being released to the landowner or other partner.

<u>Core Activities</u>

- Periodic spot-checks, or QARs, of planning and implementation products will be performed.
- Where a deficiency is identified, a pathway will be provided to correct the deficiency.

5. Technical Expertise in Statewide Policy and Programs

Goal: Coordinate engagement by CD technical experts in federal, state and local policies and programs related to conservation activities.

A wealth of knowledge and experience exists within CDs across the state, including both employees, managers, and supervisors. Great benefit can come from accessing this valuable expertise to help inform conservation policy and program development.

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A process will be developed to coordinate district technical engagement in federal, state and local conservation policy and program development. This can include activities such as review of proposed technical materials (NRCS, etc.), program procedures, proposed policies, rules and regulations development, and feedback on implementation of such activities.

Districts will work together with partners on statewide technical activities. A clearly defined communication system will be established with responsible parties. Selection and coordination of appropriate staff will be conducted by the Tech Workgroup utilizing a catalog of experts (e.g., CD staff, mangers, supervisors, WSCC, WACD) assembled for the State (see Strategic Area 1). Communication lines will be maintained between the Tech Workgroup, district experts, and partners and stakeholder groups (e.g., NRCS, WSDA, EPA, DOE, tribes, DNR, etc.). Relationships with partner agencies and coordinate participation of district experts and stakeholders in policy decisions will be maintained. This will provide a single, clear communication channel for staff participating in policy and program processes.

To support the process, a database of case studies of successful policy and program involvement by districts will be compiled to demonstrate effectiveness. Examples include: riparian buffer discussion, nutrient management, 3 directors talks, NRCS training coordination, etc. Documentation of involvement and monitoring of outcomes will be used to refine the process and improve response time and effectiveness.

Core Activities

- Develop and maintain relationships with partner and stakeholder groups.
- Communicate regularly with point people in agencies and CDs.
- Keep current on topics, issues, policies, and programs around the state.
- Help maintain catalog of experts
- Provide regular feedback to partners.
- Strive to continually improve process.

6. Workload & Budget

Goal: Support and staff this effort workload to implement these recommendations. Below is an outline of needs, with some suggestions on how to build out the appropriate staffing:

A. Estimated workload and options
   2+ FTEs (maybe 1 office and 1+ field person)
   1 coordinator & other done by various District Staff

B. Housing Options

WADE

Positive

1. Independent – Employee ran organization 501.3.c ???
2. Closer connection with existing WADE training
3. Already formed and enhance WADE purpose.

4. Potential growth for manager and admin training & certification

Negative
1. Uncertainty about capacity & 501.32.c.
2. Need to build support with partners
3. No existing staff

WSCC

Positive
1. Proven track record
2. Career path for people hired
3. Employment process already established
4. Synergy of working with other WSCC staff
5. Admin support
6. Line item in WSCC budget
7. Space available

Negative
1. Subject to FTE cutbacks & budget reductions
2. Too much structure
3. Districts perception of WSCC control
Need to build support with partners
4. Decisions affect WSCC hierarchy
5. Subject to FOIA

Single District

Positive
1. Select proven CD with capacity and track record
2. Good business procedures in place
3. Perception could be good
4. More centralized to state
5. Employment process already established

Negative
1. Build relations with partners
2. Potential conflict of interest
3. Could be perceived as more local than statewide decision making
4. Subject to FOIA

WACD

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Positive

1. Proven track record
2. 501.c.(6) already
3. Statewide level decision making
3. Employment process already established
4. Space available for 1 person

Negative

1. Capacity
2. Negative Perception by some CDs
3. Lack of acceptance by some CDs

Ideas: WACD would house sections 1,2,3; WSCC would house 4&5 (if there are discrete tasks)

FOR DRAFTING TEAM….

Next Steps:

1. Send notes, draft in current format and excel document to group
2. Each group member will review and send back to a central location (Josh) their corrections and recommendations (deadline: Friday December 13)
3. Comments will be incorporated into one document with common voice and will circulate next draft (deadline: January 3)
4. (Same time as #2 & 3) verbal update to WACD officers and directors (James) next week, and commission meeting (Josh) Jan. 16 with vision, guiding principles and six topic areas under development
5. Send to larger work group for additional review, comments returned to Josh (send it out by January 6 and request comments by January 10)
6. Face to face meeting of group that drives marketing and outreach campaign

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TAB 9

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members

FROM: Mark Clark, Executive Director
Debbie Becker, Director of Budget, Accounting and Grant Services

SUBJECT: Non-Shellfish Funding

Summary: The Water Quality Funding Subcommittee changed two members during the December Commission meeting. Commissioners Brown and Bahrych were added, replacing Commissioners Guenther and Susewind. Commissioners Brown and Bahrych joined Commissioner Tuttle on the subcommittee to evaluate category practices submitted by conservation districts.

Action: Approve the appeals process and members of the appeals committee.

The Water Quality Funding Subcommittee met with Mark Clark and Debbie Becker of the Commission staff on Thursday, December 12, 2013 to evaluate the rankings and discuss the available funding and the development of an appeals process.

The following actions and recommendations were addressed:

- All of the available funds in the Non-Shellfish account have been allocated.
    - Projects were funded based on the following criteria:
        - a water quality project
        - a brick and mortar project
        - created on or before July 1, 2013
        - funding was awarded by practice.
    - If a supplemental budget is approved by the legislature adding livestock technical assistance, this would free up an additional amount of funding to allocate for practices in this system.
    - We also expect an amount of funds returned by districts who may not utilize all the available technical assistance, mileage, engineering, and overhead allowances included in their allocation.
    - As these funds become available, the Commission will determine the approach on allocation. Any decision processes relating to this will be sent to all conservation districts.

There are several unknown expenditures that could be necessary to address from the Non-Shellfish funding. We are currently only 6 months into a 24 month funding cycle for these funds. The projected unknowns are numerous and could likely exceed $2 million. These include:

- cultural resource investigations,
- appeals of practices not funded prior to July 1,
- appeals of practices funded after July 1,
- practices from shellfish districts which do not meet the shellfish criteria, but meet the water quality criteria,
- livestock technical assistance for FY15, if not funded through supplemental budget, and;
- any unanticipated requests.

The dashboard of detail on the following page illustrates the breakdown of the $4.5 million including the projected appeals and unknown costs.

The subcommittee also addressed the opportunity for an official appeals process for the conservation districts. This process would allow the district to present their issues regarding a practice not selected for funding, and why it should be awarded the necessary funds.

The appeals process will include the following steps:

- Notification to the conservation district by the executive director why the practice was denied.
- Provide the opportunity for the conservation district to appeal the decision.
- The appeal may be in person or via telephone by a supervisor and staff.
- The appeal time limit is 10 minutes.
- Notification of the official decision would be made in writing to the conservation district.

Any appeal of a practice entered *after* July 1, 2013, must meet the following criteria:

- Was the practice one the subcommittee reviewed and did not approve?
- Is there a subsequent letter to the Commission asking for consideration of the practice?
- Appeals of practices entered after July 1, must have approved practices approved within the pre-July 1 criteria to trade.

All notifications of decision on practices will be mailed by February 1, 2014. The appeals hearing would be held in advance of the March 2014 Commission meeting with a full report provided on March 20, 2014.

Non Shellfish Funding As of January 9, 2014

Balance Available to Allocate:	$593,097	Projected Unknown Costs + Potential Appeals:		Projected Shortfall:	

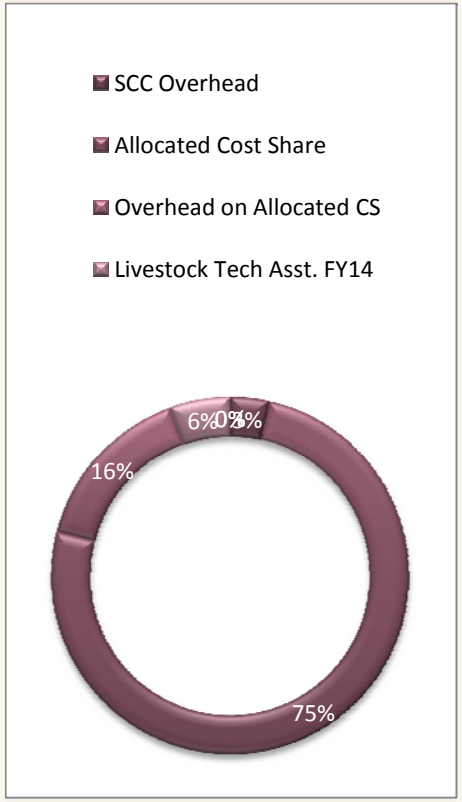
Appropriation

Total Appropriated: $4,500,000.00

Appropriation Detail	Total
Appropriation	$4,500,000
Total	*$4,500,000*

Allotted & Contracted w Districts

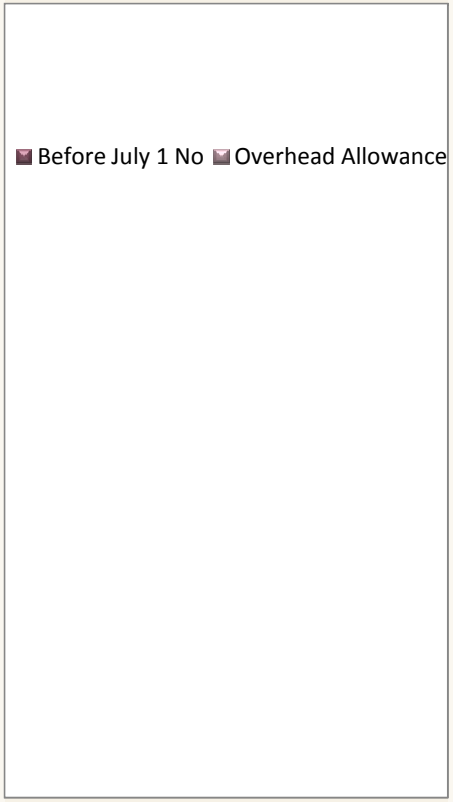
Allotted: $3,906,903.34



Expenses	Total
SCC Overhead	$135,000
Allocated Cost Share	$2,949,733
Overhead on Allocated CS	$606,761
Livestock Tech Asst. FY14	$215,410
Total	*$3,906,903*

Potential Appeals

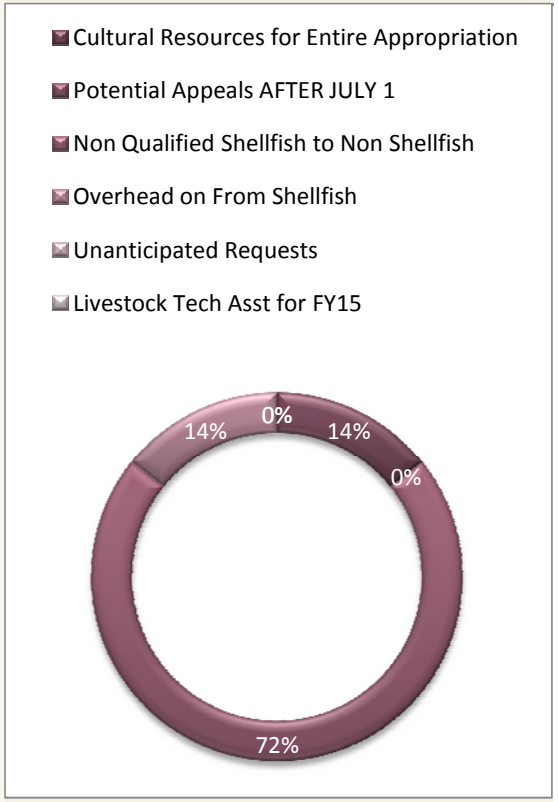
Before July 1 (NO) $0.00



Subcommittee Review	Total
Before July 1 No	?
Overhead Allowance	?
Total	*$0*

Projected Unknown Costs

Overall PROJECTED Unknown: $700,000.00



Unknown	Annual
Cultural Resources for Entire Appropriation	$100,000
Potential Appeals AFTER JULY 1	?
Non Qualified Shellfish to Non Shellfish	$500,000
Overhead on From Shellfish	$100,000
Unanticipated Requests	?
Livestock Tech Asst for FY15	?
Total	*$700,000*

Overhead = Technical Assistance Salary Costs, Engineering Salary Costs, Travel, Overhead on Salary Costs

Washington State
Conservation Commission

December 9, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Shellfish Funding Update

Summary: Funding from the shellfish related capital budget continues to be distributed. Below is a status of the account and funding.

Action Requested: None, information only.

Staff Contacts: Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

Description:

Total Shellfish Capital Funds:	$4,500,000
Total Requested by Districts:	$2,285,914
Total Authorized[1]:	$1,854,960
Total Allocated[2]:	$1,175,460

Allocation by District

Clallam	$157,625
King	$121,250
Kitsap	$115,188
Mason	$229,742
Pierce	$33,984

[1] "Total Authorized" means the proposed project has been reviewed and found to meet the criteria for a shellfish funded project.

[2] "Total Allocated" means funds have been made available to the district.

San Juan	$60,625
Skagit	$276,440
Snohomish	$12,125
Whatcom	$60,625
Whidbey	$107,856

Pacific and Grays Harbor CDs are eligible for shellfish funding and have projects in the CPDS system. However, more detailed work with district staff will be needed to identify allowable projects and funding needs. Commission staff will be assisting the districts in this process.

King and Kitsap have several projects remaining on their list. These projects will need more detailed discussion with the districts to evaluate eligibility for shellfish funding. These decisions will be made within the next month.

Washington State
Conservation Commission

January 16, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Debbie Becker, Director of Budget and Admin Services
Ron Shultz, Policy Director

SUBJECT: 2014 Legislative Budget Update

Summary: The 2014 Legislative Session will consider the Governor's supplemental operating and capital budget requests.

Action Requested: None, information only.

Staff Contacts:
Debbie Becker, Director of Budget and Admin Services (360) 407-6211 dbecker@scc.wa.gov
Ron Shultz, Policy Director (360) 407-7507 rshultz@scc.wa.gov

Description:

In September 2013, the SCC submitted to OFM and the legislature a supplemental budget request. A brief description of the requests is attached. On December 17, 2013 Governor Inslee released his supplemental budget proposal. He did not recommend funding any of the Commission's requests. A summary of the natural resources portion of his supplemental budget is attached.

The supplemental operating budget includes a reduction in the WSCC budget of $19,000 related to a proposed reduction in the state contribution to employee health care from $763 per month per employee to $703 per month per employee.

Washington State
Conservation Commission

2013-15 Supplemental Budget Requests

The State Conservation Commission has approved advancing four supplemental budget requests to the Governor, Office of Financial Management (OFM), and the legislature for consideration during the 2014 legislative session. The requests, all operating budget, include:

- **Addressing Livestock Inputs ($1m FY14, $1.5m FY15)** – This approach will prevent negative impacts to water quality from agricultural and livestock activities.

- **Voluntary Stewardship Program (VSP) ($1,020,000 FY15)** – This proposal provides funding for five counties to implement VSP in addition to the two counties that are currently funded (Chelan and Thurston). Twenty-nine counties have opted-in to VSP, but they do not have to implement the program until funding is provided. The deadline for counties to act is July 2015. This program was a negotiated resolution to the contentious issue of how to address agricultural activity impacts to critical areas.

- **Firewise: Defensible Communities ($3,512,697 FY15)** – Funding will assist conservation district and DNR efforts to work with landowners on the removal of fire hazards and reduction of wildfire impacts to structures. Funding will also assist in soil recovery after fires to prevent degradation of water quality.

- **Implementation of Puget Sound District Activities ($55,000 FY15)** – The 12 conservation districts bordering Puget Sound are part of a district caucus that helps coordinate on-the-ground work relating to the Puget Sound Partnership Action Agenda. Requested funding will help the districts be more effective and efficient in these activities.

These budget request submittals will help advance Governor Inslee's policy priorities as reflected in his Results Washington initiative in the following measurable areas:

Goal – Healthy Fish and Wildlife

Sub topic – Shellfish

Outcome Measure: Increase improved shellfish classification acreage in Puget Sound from net increase of 3,076 acres from 2007-13 to net increase of 8,614 acres by 2016.

Leading Indicator: Increase number of implemented agricultural best management practices (BMPs) to improve water quality in shellfish growing areas in Puget Sound, Grays Harbor, and Pacific counties.

Goal – Clean and Restored Environment

Sub topic – Clean, cool water

Outcome Measure: Increase the percentage of rivers meeting good water quality from 43% to 55% by 2020.

Leading Indicator: Increase number of Conservation Reserve Enhancement Program (CREP) sites to improve water temperature and habitat from 1,021 to 1,171 sites by 2015.

Goal – Working and Natural Lands

Sub topic – Forests and farmland

Outcome Measure: Increase the net statewide acreage dedicated to working farms from 7.237 million to 7.347 million by 2020; reduce loss of designated forests of long-term commercial significance.

Leading Indicators: Maintain current level of statewide acreage dedicated to working farms with no net loss through 2015. Increase treatment of forested lands for forest health and fire reduction from X to X by 2016.

Leading Indicators: Increase treatment of forested lands for forest health and fire reduction from X to X by 2016.

These proposals will also support the Governor's overarching goal of Puget Sound Recovery.

For more information on these proposals, please contact:

Debbie Becker, Director of Admin and Finance
(360) 407-6211 dbecker@scc.wa.gov

Ron Shultz, Policy Director
(360) 407-7507 rshultz@scc.wa.gov

Natural Resources and the Environment

Wildland fire suppression
$10.8 million General Fund-State

Cover wildland fire suppression costs incurred during summer 2013 and anticipated for spring 2014 by the Department of Natural Resources and the Department of Fish and Wildlife.

Support visitors and maintain State Parks
$3.0 million GF-S and other funds

Enhance park maintenance and retain staff to continue delivering services to visitors. A 29-year-old snowblower that keeps the road open to the summit at Mt. Spokane State Park will also be replaced.

Increase toxic cleanups
$1.4 million other funds

Speed up toxic cleanups across the state by adding site managers and developing standardized plans for remediating less-complex sites.

Fish passage barriers
$1.4 million GF-S

Implement the mandates of a federal court injunction requiring correction of fish passage barriers on lands owned by State Parks and the departments of Natural Resources and Fish and Wildlife by 2016.

Teanaway Community Forest Management
$982,000 GF-S

Fund staff to manage public access and enforce state fish, wildlife and habitat laws at the Teanaway Community Forest.

Reduce oil spill risk from rail and vessels
$652,000 other funds

Reduce the likelihood of oil spills by assessing risks from greater use of rail and outbound vessels, and developing preparedness and response plans along cross-state rail routes.

Consumer product toxics testing
$611,000 other funds

Test products to ensure compliance with state laws limiting toxic substances in consumer products.

Parks and Outdoor Recreation Task Force
$100,000 GF-S; $100,000 other funds

Support the Governor's Blue Ribbon Task Force on Parks and Outdoor Recreation in developing recommendations to boost outdoor recreation tourism and the number of visitors, provide stable funding for State Parks and other state recreation lands, and promote student environmental education.

2013-15 Omnibus Budget -- 2014 Supplemental

Conservation Commission (471)

(Dollars in Thousands)

	Governor New Law (12/17/2013)			Agency Request (12/10/2013)			Difference		
	FTEs	Near GF-S	Total Budgeted	FTEs	Near GF-S	Total Budgeted	FTEs	Near GF-S	Total Budgeted
2013-15 Original Appropriations	17.1	13,579	16,880	17.1	13,579	16,880	0.0	0	0
2013-15 Maintenance Level	17.1	13,579	16,880	17.1	13,579	16,880	0.0	0	0
Policy Other Changes:									
1. Attorney General Legal Services	0.0	1	1	0.0	0	0	0.0	1	1
2. Addressing Livestock Inputs	0.0	0	0	0.2	2,500	2,500	-0.2	-2,500	-2,500
3. Firewise - Defensible Communities	0.0	0	0	0.7	3,513	3,513	-0.7	-3,513	-3,513
4. Voluntary Stewardship Program	0.0	0	0	0.5	1,020	1,020	-0.5	-1,020	-1,020
5. Imp Puget Sound District Activities	0.0	0	0	0.0	55	55	0.0	-55	-55
Policy -- Other Total	0.0	1	1	1.4	7,088	7,088	-1.4	-7,087	-7,087
Policy Comp Changes:									
6. State Employee Health Insurance	0.0	-19	-19	0.0	0	0	0.0	-19	-19
Policy -- Comp Total	0.0	-19	-19	0.0	0	0	0.0	-19	-19
Total Policy Changes	0.0	-18	-18	1.4	7,088	7,088	-1.4	-7,106	-7,106
2013-15 Revised Appropriations	17.1	13,561	16,862	18.5	20,667	23,968	-1.4	-7,106	-7,106

* Near General Fund-State = GF-S + ELT

Comments for version: Governor New Law (12/17/2013)

1. Attorney General Legal Services - - The agency's budget is adjusted to align with increased billing levels for legal services in the 2013 -15 Biennium because of an increased use of legal services in certain agencies and enhanced recruitment and retention efforts in the Office of the Attorney General. (General Fund-State, Other Funds)

6. State Employee Health Insurance - - Funding for state employee health insurance is adjusted from $763 per month per employee to $703 per month per employee in Fiscal Year 2015. (General Fund-State, Other Funds)

TAB 10

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

2918 Ferguson Street SW, Suite A ● Tumwater, WA 98512
Phone (360) 754-3588 x125 ● Fax (360) 236-0941 ● Cell (360) 481-3688
David S. Vogel, Executive Director ● dvogel@wadistricts.org

January 3, 2014

Mr. Mark Clark
Executive Director
Washington State Conservation Commission
PO Box 47721
Olympia, WA 98504-7721

Dear ~~Mr. Clark~~ Mark:

On behalf of the Washington Association of Conservation Districts (WACD), thank you again for your participation in the 2013 WACD Annual Meeting. At this year's annual meeting business session, conservation district supervisors adopted a number of important WACD resolutions that direct WACD leadership and staff to request assistance from our conservation partners and state and federal agencies. These resolutions involve many aspects of conservation program development, budgeting, delivery and coordination.

Nearly all of our resolutions relate to the Washington State Conservation Commission (WSCC). I have enclosed all *passed* 2013 WACD resolutions, together with a table indicating (by color shading) those that apply to WSCC. I am transmitting our resolutions to you as our official request for assistance in meeting the direction of WACD member conservation districts. I am also transmitting our resolutions to other partners in a similar manner.

WACD appreciates the opportunity to work together with WSCC to take action on our member resolutions, and to continue to improve our level of partnership in putting conservation on the ground in Washington State. As you are aware, many of our resolutions include important actions to improve the state conservation budget development and allocation process for the next biennium. We are prepared to continue the WACD committee process as a core around which to build-out these recommendations, employing interested volunteer conservation district supervisors together with district, WSCC and WACD staff. Our resolutions also call for improved collaboration and partnership across and with state agencies, particularly those Commission-member agencies, and we look forward to bringing those efforts forward through the public venue of the WSCC.

Please let me know if you have questions or comments about these resolutions, or about how we can best proceed to address them. Thank you in advance for your consideration of these important WACD actions on behalf of member conservation districts.

Sincerely,

Dave

David S. Vogel
Executive Director

DSV:dg
Enclosure

cc: WACD Board of Directors Jim Peters, Chair WSCC

Number	Status	Resolution
2013-01	Passed	Lemire case on agricultural operations
2013-02	Passed	WACD and WSCC work with the Washington State Legislature, the Washington State Conservation Commission and the Office of Financial Management to ensure that District Consolidation remains a voluntary action of the boards involved.
2013-03	Passed	Expedite Resource Management Expedite Resource Management Practices Leading to Improved National Forest Health
2013-04	Passed	Buffer Width Compliance
2013-06	Passed	Communicating the Work of Conservation Districts with the General Public
2013-07	Passed	WACD Consolidation Policy
2013-08	Passed	Utilizing Category 3 Funds to Pool Cost Share Dollars for Providing Financial Assistance to Numerous Cooperators When Completing the Same Practice
2013-11	Passed	Recommendations Addressing Ecology Letters to Producers
2013-12	Passed	Request That WSCC Reallocate Category 1 Funding to Districts in Multiple District Counties That Are Efficient and Practicing Administrative Efficiencies
2013-13	Passed	Request that WACD and WSCC include Resolution no. 08-003 in their discussions with Department of Ecology
2013-14	Passed	Equitable restitution of grazing utilization between Washington Department of Fish and Wildlife big game species and private landowners' livestock
2013-15	Passed	Conservation Budget Development and Allocation Process Improvements
2013-16	Passed	Conservation Budget Development Strategy
2013-17	Passed	Consolidation and Budget Issue Separation
2013-18	Passed	Long-Term Conservation Funding Opportunities
2013-19	Passed	State Conservation Commission Agency Partnership Agreements to Expand Existing Sources of Funding for Conservation
2013-20	Passed	Harmonizing Local and State Natural Resource Priorities (*with special consideration to* connection to budget development process)
2013-21	Passed	Collaborative Agency Program Agreements for Natural Resources Management: EPA 319 Non-Point Source Pollution Plan for the State of Washington

2013-22	Passed	Collaborative Agency Program Agreements for Natural Resources Management: Irrigation Efficiencies Grant Program as a model for interagency program agreement for natural resources management
2013-23	Passed	Conditioned Practices

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-01

Title: Define the extent and effect of the Supreme Court Decision in the Lemire case on agricultural operations.

Problem:

In 2009 the Washington State Department of Ecology issued an administrative order to a cattle rancher, Joseph Lemire, directing him to take several steps to curb pollution of a creek that runs through his property. Lemire challenged the order, which was upheld on summary judgment by the Pollution Control Hearings Board (PCHB). Lemire filed an administrative appeal in Columbia County Superior Court. The *Lemire v. State Dept. of Ecology & Pollution Control Hearings Bd.*, 87703-3 trial court reversed the summary judgment determination and invalidated the agency order. The trial court also concluded that the order constituted a taking. On August 15, 2013, the Supreme Court of the State of Washington reversed the trial court on all counts, reinstated the Board's summary judgment order and Ecology's underlying order, and held that Lemire failed to establish that a taking occurred.

The Supreme Court decision means that:

Ecology's Inspector determines Substantial Potential to Pollute. Ecology is not required to prove that conditions on the property are actually causing the pollution. It is sufficient for Ecology inspectors to observe conditions on property consistent with the kind of pollution in the water body. Ecology need only to show the substantial potential to violate under the statute, which the Ecology inspector's declaration establishes.

Ecology is not required to rule out other sources of pollution in the creek. Again, under the water quality statutes, Ecology need only show that observations of the conditions on the property are consistent with the kind of pollution found in the stream.

"Ecology has broad authority to regulate any person causing the discharge of matters into waterways that cause or tend to cause pollution." The Court cited the "plain language" of RCW 90.48.080 and 020 as giving Ecology the authority to regulate nonpoint sources of pollution.

They did not need to answer the question of a constitutional taking claim. Lemire failed to prove that he suffered any economic loss, or any economic loss amounting to an unconstitutional taking. The Court indicated Lemire did not establish that Ecology's order actually destroyed his ability to use his land.

This decision from the Supreme Court will negatively impact agriculture in a number of ways including:

1. Conversion of land that has a history of continuous agricultural activity into non-agricultural conservation property.
2. The stakes are high. This could force a rancher, whose retirement is tied up in his small farming and ranching operation, to either spend tens of thousands of dollars to implement BMPS, give up ranching, or be subject to what will likely be substantial financial penalties.

Resolution No. 2013-01 (continued)

3. Presumably, all landowners could potentially violate the state's pollution laws. All the operator has to do is have a state water body on his or her property that is not completely fenced off. That is it. Nothing else needs to be proved but those facts.
4. Ecology does not need to test for a water quality violation, or prove a direct violation of water quality standards to initiate an enforcement action. It only needs to prove that conditions that create a "substantial potential" of violation exist on the property in question.
5. Non-conforming conditions only need to be determined by the Ecology inspector in the field.
6. Other sources of pollution do not need to be considered. Land management activities on surrounding properties may prevent successful implementation of BMPs
7. If after a landowner has correctly installed BMPs and he has complied with an order and the water body is not cured of its pollution problems there is assurance that he will not receive another order.

Recommendation:

WACD work with the Department of Ecology, Department of Agriculture, and WSCC to: 1) develop a practical definition of "substantial potential to pollute" 2) ensure that that definition is applied consistently statewide; and 3) when the Department of Ecology (Ecology) makes referrals to a Conservation District, Ecology will assist WSCC to fund solutions through the Commission/District system.

Submitted by: Foster Creek Conservation District

Recommend Do Pass As Amended by the Legislative Committee.

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-02

Title: WACD and WSCC work with the Washington State Legislature, the Washington State Conservation Commission and the Office of Financial Management to ensure that District Consolidation remains a voluntary action of the boards involved.

Problem:

In May 2013, both the House and Senate 2013-15 budget proposals included proviso language that requires the Washington State Conservation Commission (WSCC) to consider district consolidation options related to district overhead costs and efficiencies. Conservation Districts desire to provide sufficient information to decision makers so that supplying better policies will be made. And better policies will mean better conservation on the ground.

There is often misunderstanding of the roles of counties and conservation districts in terms of organization, purpose, funding and governance. Conservation Districts are a state-subdivision special purpose districts under state law. Therefore the Conservation District fulfills a role unrelated to local jurisdictions. In terms of natural resources, agriculture, urbanization and other conservation issues, there is nothing special about political boundaries. These boundaries are not set using criteria related to natural resources.

A forced consolidated district will lead to a loss of true local representation, leadership and accountability. Examples are: 1) a larger district may lose the ability to govern effectively with a five-member board; or 2) a smaller district may be swamped by another leading to a loss of local leadership; or 3) adjacent conservation districts may be sufficiently different in terms of resource needs, customer type, agricultural practices, etc., where one area's issues will come at the expense of another.

Critical local district collaboration will be lost if local ties are weakened. As smaller districts grow into county-size districts there will be a loss of accountability to the direct electorate. This will lead to pressure to involve county officials with supervisor appointments by county officials versus public elections. With increased local pressure, conservation districts are more susceptible to becoming general purpose, local government entities rather than the current special purpose districts resulting in shifting of funds away from conservation work to general purpose government functions.

Recommendation:

WACD and WSCC will share information with legislators and others to educate decision-makers about consolidation as an option for conservation districts. Consolidation can only come at the initiative of involved conservation districts, in response to a shared need for joining together and to sustain the locally-led principle or to improve efficiencies and conservation services. It should not come from external influence seeking to force conservation districts to consolidate, against their will, regardless of the reasons. Neighboring conservation districts already share resources even though they have very different approaches to resource conservation, based on local knowledge of the board of supervisors.

Resolution No. 2013-02 (continued)

Submitted by: Foster Creek Conservation District

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-03

Title: Expedite Resource Management Practices Leading to Improved National Forest Health

Problem:

Eastern Washington National Forests face serious health problems. Tree overcrowding, species composition, disease and insect outbreaks are all factors leading to critical health issues. In eastern Washington forests during the 1980's, about 600,000 acres per year were damaged by insects and disease. In the 2000s, the amount doubled to 1.2 million acres per year. At some point, the deteriorating forests will overwhelm the capacity to rejuvenate itself. Thinning overstocked stands and emphasizing management of early successional tree species such as Ponderosa pine wherever possible would significantly improve overall forest health and resilience.

Expeditious resource management practices strategically targeting a healthier forest are necessary to get back on track. Effectively utilizing the National Forest land will not only promote more resilient forests, but will maintain a viable timber industry, reduce the risks of catastrophic wild fires and strengthen local rural economies which are economically linked through jobs, energy and recreational opportunities. An unhealthy forest means an unhealthy community.

Recommendations:

- WACD recognizes the seriousness of Eastern Washington's forest health and encourages the Forest Service to invoke emergency resolutions to expeditiously use effective measures towards managing for improved forest health.
- WACD will facilitate collaborative efforts in soliciting supportive letters from neighboring county commissioners, fire districts and other stakeholders within Eastern Washington boundaries.

Submitted by: Stevens County Conservation District

Recommended Do Pass as Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-04

Title: Buffer Width Compliance

Problem:

Washington agriculture and cattle producers are working toward compliance with current Department of Ecology requirements for streamside buffers adjacent to crop lands and grazing areas. Much progress has been made but there are still areas around the state that have yet to implement the required streamside buffers and exclusionary watering facilities for a variety of reasons, not least of which is economic.

The conservation districts have been working hard to assist landowners with implementation but have been met with some resistance because of lack of any assurance from DOE that if they were to proceed with implementation of the current size requirement for buffers, that DOE would not at some later date determine that buffer size needs be increased.

Recommendation:

The Washington Association of Conservation Districts and the Washington State Conservation Commission work with the Department of Ecology to assure that all buffers installed at the current width requirement be considered in full compliance of the DOE requirements for acceptable conservation levels and would be grandfathered in as continuing to be in full compliance.

Submitted by: Spokane Conservation District

Recommend Do Pass as Amended by the Natural Resources Committee

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-06

Title: Communicating the Work of Conservation Districts with the General Public

Problem:

1) Districts have varying abilities to communicate effectively to the public.
2) The general public generally does not know what a Conservation District is let alone what it does.
3) Generally, districts communicate well with their active cooperators. However, the procedures and skill sets required to communicate effectively with the general public differ.
4) Districts have long considered it important that they have control over their own local messaging to the people in their area.
5) The variety of platforms of communication can represent overwhelming complexity (i.e. Twitter, Facebook, E mail, websites, cable TV, radio, YouTube, etc…
6) Some communication platform requirements are more expensive than others (i.e. radio, video spots) and individual districts cannot afford to develop these resources.
7) There is enough commonality between districts in the work they implement to warrant collaboration between Districts and state level conservation partners (WSCC and WACD) in creating effective messaging with the general public.

Recommendation:

Individual conservation districts, WACD, WADE, and WSCC will collaborate on communication efforts to create individual yet cohesive messages to engage the general public. Individual Districts will have ultimate control over communication in their own locale using the methods and materials collaboratively developed. The state level communications will be able to effectively focus on broader issues at the state and national level. Because of the ever increasing complexity of communication platforms, all parties will assist in identifying how and when to use a particular platform. The result of this collaborative communication process will be to deliver effective and similar messages as well as receive feedback from the general public.

Submitted by: Whidbey Island Conservation District

Recommend Do Pass by the District Operations & Education Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-07

Title: WACD Consolidation Policy

Problem:

There have been discussions regarding consolidations of conservation districts throughout the State of Washington. Due to political and financial stipulations, there appears to be some pressure for conservation districts to consolidate. This undermines the autonomy provided by law for individual conservation districts to operate as separate legal entities.

Recommendation:

That the WACD membership does hereby adopt and support both in word and in action, the consolidation policy adopted by the WACD Board of Directors, and the Washington State Conservation Commission is to be encouraged to do the same.

Submitted by: Skagit Conservation District

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-08

Title: Utilizing Category 3 Funds to Pool Cost Share Dollars for Providing Financial Assistance to Numerous Cooperators When Completing the Same Practice

Problem:

Under Category 3 funding, conservation districts do not have the ability to pool dollars for multiple cooperators to share when implementing management practices such as cover crops and pasture and hayland reseeding.

Recommendation:

WACD shall support the use of Category 3 funding from the Conservation Commission for conservation districts to pool the money and utilize the dollars for multiple cooperators to share when implementing practices. The conservation districts need the ability to request and receive funding to provide cost share to multiple cooperators for implementing a single practice.

For example, 10 cooperators want to plant cover crops for the numerous reasons that the practice benefits soil health and protects water quality. The funds would be used to give all cooperators a percentage of cost shares as defined in the districts' current policy for planting a cover crop. The funds would be divided by the acres planted with cover crops, not by the number of producers enrolled.

Submitted by: Lewis County Conservation District

Recommend Do Pass as Amended by the District Operations & Education Committee.

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-11

Title: Recommendations Addressing Ecology Letters to Producers

Problem:

The spring of 2013, Department of Ecology (DOE) staff traveled throughout the lower part of Whitman Conservation District and 7 additional Districts evaluating livestock operations that were in close proximity to water ways. Also, the staff marked GPS coordinates on a map indicating the location of each operation. The DOE staff selected four producers from each District to send generic letters informing the recipient. The letters did not inform the producer of vital information; for example: the date the visit took place, what the conditions were at the time of the site visit or what was seen. The process created concerns and questions amongst the livestock producers regarding how they should proceed.

Recommendation/Concerns:

The Whitman Conservation District requests the support of the Conservation Commission and WACD in addressing the following recommendations:

1. The WACD and the WSCC should work with the Washington Department of Ecology to develop a process to include detailed field assessment documentation with the notification letters sent to landowners and operator/tenant. The Department of Ecology will contact the landowner and operator/tenant within 3 weeks of any assessment that will result in a non-compliance letter to set up a time to view the site with the landowner. Department of Ecology will provide an inspection form on the day of the visit to the landowner and operator/tenant. The conservation district's copy of the letter should only include notation that the field assessment documentation has been attached to the letter sent to the landowner.

2. Resolve issues that have arisen from sending four letters in each watershed area where observations were made, letters not necessarily sent to land owners that had the most serious pollution issues.

3. Recognition of the technical support and conservation practices that have already been completed or are being planned on the ranch or farm.

4. To support coordinated resource management or other locally led processes.

5. Abandon the 2013 letter procedure, restart in 2014 utilizing recommendations from the process as outlined in #2 above.

Resolution No. 2013-11 (continued)

Submitted by: Whitman Conservation District and Palouse Conservation District

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION AMENDED ON FLOOR AND PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-12

Title: Request That WSCC Reallocate Category 1 Funding to Districts in Multiple District Counties That Are Efficient and Practicing Administrative Efficiencies

Problem:

Conservation districts were established using stakeholder developed boundaries with an emphasis on grassroots implementation of conservation practices. The boundaries established at the time indicated the stakeholder's belief that there were different resource concerns within each boundary.

Districts that are located in counties with more than one conservation district within its boundaries have had damaging reductions by the Commission in FY14 funding allocations. Category 1 funding for those districts was cut by as much as 75%, depending on the number of districts in the county. While the Commission maintains they will not force districts to consolidate, this reduction of funds indicates an inclination to do just that. There are districts that share staff and office space which is the efficiency the Commission has indicated they desire, but the funding cuts are a disincentive to administrative efficiencies. The resource needs remain the same with or without Category 1 funding for these districts. What is lost is the ability of the districts to act on those concerns.

In addition, most districts use Commission funding to leverage other funding sources by using the Category 1 allocation to pay staff. Without adequate funding for staff under Category 1, the ability to successfully apply for and implement other funding sources is lost.

Recommendation:

The Washington State Conservation Commission re-instate full Category 1 funding to Tier 1 districts in multiple district counties that are practicing administrative efficiencies and do not rely entirely on Commission funding for their operations – are leveraging other funding sources with their Commission funds.

Presented by: Central Klickitat Conservation District & Eastern Klickitat Conservation District

Recommend Do Pass by the District Operations & Education Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-13

Title: Request that WACD and WSCC include Resolution no. 08-003 in their discussions with Department of Ecology

Problem:

Resolution number 08-003, which calls for Department of Ecology to allow temporary water withdrawals for the purpose of irrigating riparian plantings to aid in establishment, is on file as being passed. It is unclear what has been done to fulfill the request of the resolution. With the new leadership in Ecology, and WSCC and WACD making efforts to improve relationships with Department of Ecology, now is a good time to follow-up on this request. Currently Ecology is pushing for wider buffers on streams; it makes sense to allow limited irrigation of the plants to ensure success of the investment in buffer development. The ongoing dynamics of buffer width discussion provides the best opportunity to follow up on this resolution.

Recommendation:

WACD and the Commission use the current discussions with Ecology to allow temporary water withdrawals for riparian planting irrigation.

Submitted by: Central Klickitat Conservation District

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-14

Title: Equitable restitution of grazing utilization between Washington Department of Fish and Wildlife big game species and private landowners' livestock.

Problem:

Currently there is no process where private landowners whose property is grazed by big game (deer and elk) by the state of Washington to have their forage losses offset by utilization of adjacent or near-by lands for restitution for the affected landowner(s).

The presence of big game on private lands is not an issue to most private landowners, what is of issue is the reduction of forage. When forage amounts are reduced, the economic viability of the landowner is limited. The limitation is a calculable reduction in animal unit months (AUM's) on any private pasture unit affected by big game grazing. Maintaining the correct AUM's capacity is important in the management of any pasture to ensure its viability not only for livestock but in many cases for wildlife.

In many cases where big game have unrestricted use of the forage on private lands, the majority of the forage can be removed well before " turn-out" by private landowners.

Use by big game can also negatively affect rangeland by stunting growth, limit natural reseeding processes by early season use. Data is also showing that livestock grazed areas are preferred by big game species thus representing opportunity between State and private landowners for increasing the overall forage production / utilization at a watershed scale. This is best represented by the RCO's policy change in regard to Critical Habitat acquisition and the ability to graze those lands by livestock.

Recommendation:

That WACD solicit interested Districts where rangeland impacts from Big Game is of concern and begin a fact-finding process. From the fact-finding process, develop recommendations that will identify the next step(s), (i.e. resolutions, position paper, task force, legislative action, etc.). The end goal will be to assist landowners in maintaining grazing utilization without losses.

Submitted by: North Yakima Conservation District

Recommend Do Pass as Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-15

Title: Conservation Budget Development and Allocation Process Improvements

Problem:

WACD and WSCC have recognized the need to revise a budget development process in support of putting conservation work on-the-ground. The current budget development and allocation process does not clearly reflect linkages between the steps in the process to enable the WSCC to employ an efficient, predictable and clearly communicated allocation process. There is a need to improve the budget development and allocation process to allow for proper linkage throughout the process. However, flexibility is still needed for adjustments to respond to legislative appropriations, and should be considered in the process.

Recommendation:

WACD and WSCC shall establish a budget development process that has a clear linkage between:

- The initial budget development request from the WSCC to the districts;
- The combined district budget requests into a draft budget proposal;
- WSCC budget submittal to OFM; and,
- The WSCC allocation process to the districts.

The budget development process shall direct the allocation process. The budget development process shall be consistent with the WACD and WSCC budget strategy.

Submitted by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution 2013-16

Title: Conservation Budget Development Strategy

Problem:

Funding is appropriated by the State of Washington on a biennial basis for work by conservation districts, through the State Conservation Commission (WSCC). This appropriation includes an Operating and a Capital budget, and includes funding for the state's 45 conservation districts and for WSCC in its role in support of conservation districts. This state appropriation is fundamental to sustaining the basic infrastructure that allows conservation districts to respond to citizen demand for services, to leverage other sources of funding, and to maintain the level of technical assistance, financial assistance and human resources required to help citizens fulfill their role as stewards of natural resources.

Recent years' budget development and appropriation processes have demonstrated the vulnerability of our current budget submittals and source(s) of funding with respect to changing economic conditions and competition for state funds. For the short-term (next two biennia), there is a need to improve the budget development strategy to allow for needed and reasonable growth in both operating and capital budgets, and to clarify the distinction between operating and capital budgets.

Conservation districts and WSCC need to establish a budget development process that, in addition to identifying the actual citizen demand for services, constructs a state budget request that accurately reflects the amount of work that conservation districts are capable of accomplishing during a biennium towards meeting that demand. The process should also reflect a realistic funding objective in terms of legislative support and competing legislative initiatives. Budget submittals are vulnerable to loss of funding or lack of growth due to lack of specifics and lack of prioritization, and due to a lack of consultation with legislative supporters about realistic budget outcomes, despite strong support within the Legislature for conservation districts. Budget proposals should be prepared, packaged and presented in a manner that works to forge partnerships among conservation districts and legislative supporters for particular groups of technical assistance services and projects.

Recommendation:

WACD and WSCC will:

1. Clearly articulate what is needed from the operating budget. The process should include a level of district funding to operate an efficient and effective conservation district program, should reflect consideration of reasonable potential for growth within the operating budget, and should reflect the commitment by the state in funding the infrastructure needed to support conservation districts' role in assisting landowners as stewards of natural resources.

Resolution No. 2013-16 (continued)

2. Clearly articulate what is needed from the capital budget. Define those projects and activities that qualify for capital budget funding, and form the basis for a capital budget request. Establish a process that asks the districts to identify the natural resource funding pools, amounts, and priorities in each district's budget request. The process will further include combining district requests into similar pools. The combined pools will be the basis for the WSCC capital budget proposal. The combined pools will be prioritized by WACD and the WSCC based on the natural resource priorities identified by the districts. This process should be clearly communicated to conservation districts prior to the WSCC budget request to the districts.

3. Districts should recognize that not all projects may be funded by the Legislature, and that some process may be needed to prioritize within and among the funding pools. A competitive process for ranking projects within each combined pool will be established prior to the WSCC's budget request to the districts. The criteria for the competitive process will be clearly communicated to conservation districts prior to the WSCC budget request to the districts.

4. WACD and the WSCC shall consult with the Legislature, OFM and the Governor's Office, prior to the WSCC's budget submittal to OFM, to inform them about the budget strategy and to seek input on the reasonableness of the budget request. WACD and WSCC shall seek to retain, as part of this process, strategies to maintain flexibility in funding sources and options in response to final funding decisions by the Legislature.

5. WACD and the WSCC will establish this process prior to the next biennium (2015-16).

Submitted by: WACD Legislative Committee, September 12, 2013

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-17

Title: Consolidation and Budget Issue Separation

Problem:

District Governance and structure are currently linked with the budget in the minds of some decision makers. This manifests itself mainly in the discussion surrounding consolidation of districts. This tends to misrepresent the founding principles of locally led conservation and a district's own governance and sovereignty. While district efficiency efforts are linked to the budget, governance should be a separate issue. This is a current issue related to a 2013 budget proviso, but should be a standing position of WACD and WSCC.

Recommendation:

WACD and WSCC will communicate to the Legislature and other decision makers:

- The locally-led basis for the foundational governance structure of districts, and
- That while district efficiency efforts are linked to the budget, governance should be a separate issue.

WACD and WSCC should align their existing policies on district consolidation, and should incorporate those aligned existing policies into this communication.

Presented by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-18

Title: Long-Term Conservation Funding Opportunities

Problem:

In 2012, the WACD and WSCC recognized the need to evaluate and develop opportunities to secure long-term, stable funding for conservation districts and the Conservation Commission in its role in support of conservation districts. Recent state budgets have illustrated the long-term need to find suitable and reliable sources of funding to support conservation. There is a need to develop and implement a campaign for long-term conservation funding to supplement basic state infrastructure support.

Recent work by the WACD Past Presidents Task Force (PPTF) and conservation district supervisors and employees under the 2013 "20/21 series" of meetings held by Commission staff has identified a number of potential candidate sources of funding for conservation. Each potential source requires thorough evaluation and consideration related to feasibility, reliability and stability prior to launching the funding campaign.

WACD and the WSCC will need to help build the required unity across conservation districts with regard to any funding source(s) (together with their associated natural resource priorities) selected for the funding campaign. Also, considerable work will be required to develop and maintain the new partnerships required to help secure selected funding option(s). Additional work is needed to prepare most promising candidate funding options for inclusion in a campaign that can be developed and implemented over the course of future biennial state budgets.

Recommendation:

WACD and WSCC will collaborate to evaluate the proposed long-term funding sources and to develop a campaign to secure needed conservation funding. This evaluation will include those long-term funding options identified by the WACD PPTF in 2012 and in the 2013 20/21 process.

WACD and WSCC will employ appropriate WACD committee(s) and task force(s), member conservation districts (including interested conservation district supervisors and employees) and other interested parties and partners to thoroughly analyze and consider the funding options.

The WACD and the WSCC will express their joint support for the proposed funding campaign prior to its enactment.

The WACD and WSCC will report on progress at the 2014 WACD annual meeting.

Submitted by: WACD Legislative Committee, September 12, 2013.

Resolution No. 2013-18 (continued)

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-19

Title: State Conservation Commission Agency Partnership Agreements to Expand Existing Sources of Funding for Conservation

Problem:

Conservation funding is a top priority. WACD's Past Presidents Task Force recommended in 2012 that opportunities be explored to increase state and federal funds in existing state agency programs going to conservation districts through the State Conservation Commission to put conservation on the ground. The task force recognized that an effective mechanism is lacking to help state agencies accomplish their conservation goals through collaboration with the State Conservation Commission and conservation districts, and recommended that this be accomplished through interagency cooperative agreements.

Recommendation:

WACD will request that WSCC develop expanded agency partnership agreements, to explore increasing funding to conservation districts via expansion or re-direction of existing state and federal funding sources, making conservation districts and WSCC the "go-to" organization for getting conservation on-the-ground, and establishing a WSCC/agency contract system that provides the ability for any state agency to accomplish conservation goals through WSCC and conservation districts.

Submitted by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-20

Title: Harmonizing Local and State Natural Resource Priorities (*with special consideration to* connection to budget development process)

Problem:

During this year's Conservation Commission's budget allocation process, there has been debate about how best to reconcile the locally-led conservation district process with state natural resource priorities. There is a need for clarity on questions about how state resource priorities are developed (with or without district input), how state priorities are shared with conservation districts, when information on state priorities is shared with districts as part of the budget development cycle, and about the role of Commission overall and Commission member agencies in this process.

The time to consider how local conservation district budget proposals can best address state natural resource priorities is early in the budget development process, rather than after funding is appropriated by the Legislature. First, conservation districts should make some contribution towards identifying state resource priorities, by providing local resource data and other relevant information. Second, conservation districts should be made aware of the natural resource priorities identified by state natural resource agencies in advance of their development of budget proposals for the Conservation Commission. Commission member agencies have a special obligation to provide data and other information with respect to their natural resource priorities that can be shared with conservation districts. The Commission should play a vital role in facilitating the exchange of such information.

There is a need to identify to WSCC member agencies the mutual benefits of sharing information on natural resource priorities and of collaboration among WSCC member agencies and conservation districts in achieving their natural resource protection and management goals, such as those identified under the Governor's Results Washington Initiative.

Recommendation:

WACD will request that the WSCC and WSCC member agencies enter into an agreement no later than December 2014, to implement the requirements of RCW 89.08.070(8) with respect to identifying and sharing information about natural resource priorities. The requirements of this section are:

> *Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.*

Resolution No. 2013-20 (continued)

This agreement will include the following:

- WSCC member state agencies will identify and share data and other information on their agencies' natural resource priorities through WSCC to conservation districts.

- WSCC (including its member state agencies) will distribute data and other information on state priorities to conservation districts **in advance of** the biennial budget development process, beginning in 2015-2017 budget cycle.

- WACD and WSCC will encourage and support conservation districts' input to the state resource identification and prioritization process, including watershed plans, monitoring data, implementation of practices, etc.

WACD will request that WSCC member agencies consider and provide agency feedback to this request to WACD and the WSCC during the regularly scheduled January, 2014 WSCC meeting.

Submitted by: WACD Natural Resources Committee, September 16, 2013

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-21

Title: Collaborative Agency Program Agreements for Natural Resources Management: EPA 319 Non-Point Source Pollution Plan for the State of Washington

Problem:

EPA 319 funds for non-point pollution in the State of Washington are received by the Washington Department of Ecology (DOE) and are distributed by DOE as directed by an EPA-approved NPS management plan developed by DOE. No conservation district or State Conservation Commission (WSCC) input is sought or received by DOE in the development of this NPS plan, in particular as it relates to agriculture and forestry. Conservation districts and WSCC can provide valuable input to the development of the NPS plan and can help target NPS 319 funds to be applied in the field related to agriculture and NPS water quality.

Recommendation:

WACD will request that WSCC and DOE implement an interagency agreement that allows WSCC and conservation districts to prepare and submit to DOE input to the agricultural and forestry component of the state NPS management plan for inclusion in the state plan submitted to EPA for approval under the 319 NPS program.

WACD will request that conservation districts secure their county governments' support for this request.

This resolution replaces WACD Resolution No. 11-05.

Submitted by: WACD Natural Resources Committee, September 16, 2013.

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-22

Title: Collaborative Agency Program Agreements for Natural Resources Management: Irrigation Efficiencies Grant Program as a model for interagency program agreement for natural resources management

Problem:

Washington State's 45 conservation districts and the State Conservation Commission (WSCC) are dedicated to working with private landowners and working lands managers to conserve water. One of the most effective tools for accomplishing this is the Irrigation Efficiencies Grants Program (IEGP). Under this program, private landowners and operators partner with local conservation districts on voluntary projects that increase the efficiency of on-farm water application and conveyance delivery systems. Water saved is converted to beneficial in-stream or out-of-stream uses.

The IEGP began in 2001 as a legislative appropriation to the Department of Ecology (DOE) directing the agency to "provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies…" within 16 drought critical basins. WSCC administers IEGP through an interagency partnership with DOE (capital budget appropriation pass-through).

This grant program is an example of the type of interagency cooperation and agreement that is needed to meet agencies' mutual goals, to effectively employ natural resource agency expertise, and to apply proper roles in the management of natural resources related to agriculture. Other natural resource and environmental program areas do not employ similar model agreements, but should. In the case of IEGP, the program is limited to the 16 drought critical basins, but this model should be expanded to address statewide opportunities to improve irrigation efficiency.

Recommendation:

WACD will request WSCC and DOE to confirm this collaborative model approach for water use efficiencies program area for agriculture, and to expand efforts through the IEPG or other collaborative irrigation program to include other statewide opportunities to improve irrigation efficiency.

In addition, WACD will encourage agencies to employ a similar interagency program model in the areas of water quality, air quality, and other areas of mutual natural resources interest.

This resolution replaces WACD Resolution No. 10-29.

Resolution No. 2013-22 (continued)

Submitted by: WACD Natural Resources Committee, September 16, 2013.

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.

WACD

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-23

Title: Mandating Specific Practice Implementation as a Condition for Landowner Participation in Incentive-Based Conservation Programs

Background/Problem:

During the past two years, several organizations and agencies at the national and state level have pressed for changes in conservation practices implementation. This pressure is based on a perception by these entities that existing incentive-based programs and services delivered to landowners and land managers by conservation districts and partners are not effective in putting conservation on the ground, and in achieving desired results to protect natural resources. These entities propose that participants in incentive-based conservation programs be required to implement a certain mandated practice, such as a riparian buffer, as a condition of their having access to any program financial assistance.

Conservation districts, with our seventy-five years of experience in dealing with private landowners and working lands managers, are very concerned about the impact on participation likely to result from such an infusion of regulatory requirements into the collaborative planning process under incentive-based programs. Conservation districts enjoy a unique degree of trust and cooperation with landowners and working lands managers, because we offer a robust set of methods to help program participants address a wide spectrum of natural resources concerns for the lands they manage. Conservation districts recognize that a balanced approach to natural resource protection and management is necessary, and appreciate the importance of both regulatory and incentive-based programs in helping to foster durable stewardship behaviors that meet and exceed compliance objectives. Conservation districts further recognize that, for incentive-based programs, increasing landowner participation is vital to our making progress in improving the quality of natural resources.

Conservation districts believe, however, that mandating specific practice implementation as a condition of participation would severely inhibit participation by landowners and working lands managers in conservation financial assistance programs, and would threaten the effectiveness and future availability of financial assistance programs for Washington citizens. Such a loss of participation would catastrophically hamper progress in addressing natural resources concerns, and would seriously impair the application of incentive-based programs as part of this balanced system. This would leave only regulatory programs to address natural resources management and protection.

Conservation districts recognize that the conservation partnership must work collaboratively with many other entities concerned with natural resources protection, and identify and pursue shared goals with respect to water quality, improved habitat, and maintaining a viable working lands economy and landscape.

Resolution No. 2013-23 continued

Recommendation:

WACD supports a balanced system approach to natural resources management that leverages the benefits of both incentive-based and regulatory programs.

WACD recognizes the need to continually evaluate and improve the effectiveness of incentive-based conservation programs, and to increase participation by landowners and working lands managers in such programs.

WACD opposes the requirement of any specific mandated practice as a condition of participant access to incentive-based program financial assistance. For example, WACD opposes requiring a cooperator to first install a riparian buffer practice as a condition of access to financial assistance for other conservation practices deemed to be needed under a conservation plan.

WACD requests that WSCC and NRCS neither endorse nor accept a requirement for mandatory riparian buffers as a condition of participant access to conservation practice financial assistance.

WACD requests that WSCC and NRCS continue their support for landowner choice and flexibility, and for incentive-based programs that make available to landowners and working lands managers a full suite of practices that can be applied to address natural resources concerns brought to the their attention.

WACD requests that WSCC, NRCS and other agencies utilize guidance by WACD/conservation districts to outline our collective pathway forward to achieve improved natural resource protection and management goals through incentive-based programs and services. Such a pathway forward should, at a minimum, identify shared natural resource concerns and goals, support outcomes set for natural resources issues, achieve high levels of landowner participation, promote landowner responsibility, engage in expanded outreach to potential participants and partners, and better target programs and services to achieve measurable improvement in natural resources at the watershed and landscape scale.

Submitted by: WACD Natural Resources Policy Committee, December 3, 2013

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.