

Washington State Conservation Commission Regular Business Meeting

SeaTac, Washington

January 16, 2014

The Washington State Conservation Commission (Commission/WSCC) met in regular session on January 16, 2014, in SeaTac, Washington. Commissioner Peters called the meeting to order at 9:05 a.m.

COMMISSIONERS PRESENT

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

COMMISSION STAFF PRESENT

Mark Clark, Executive Director
Debbie Becker, Admin. & Finance Director
Ray Ledgerwood, Program Facilitator
Ron Shultz, Policy Director
Bill Eller, Central WA Regional Manager
Lori Gonzalez, Administrative Assistant
Carol Smith, CREP Manager
Laura Johnson, Communication & Outreach
Aquila Bernard, Fiscal Analyst

PARTNERS REPRESENTED AT THIS MEETING

Roylene Rides-at-the Door, Natural Resources Conservation Service (NRCS)
Dave Vogel, (WACD)
Tom Eaton, Environmental Protection Agency (EPA)
Steve Landino, (NOAA)

GUESTS ATTENDED

Roger Wristen, Carolyn Kelly, Jeff Rock, Chris Herron, Glen Weatherford, Joe Florek, John Keatley, J. Scott, Walt Edelen, George Boggs, Wendy Pare, Monte Marti, Bill Knutsen, Sherre Copeland, Claire Dykman, Don Hatler, Craig Nelson, Mike Rickel.

Consent Agenda

Motion by Commissioner O'Keefe to approve the meeting minutes from December 5, 2013. Seconded by Commissioner Kropf. Motion Passed.

Prior to discussion of the upcoming commission action items listed on the business agenda, Chair Peters opened up the floor for public comment.

Public Comment

Ms. True is a honey farmer in King County who spoke on the Northwest Indian Fisheries Commission (NWIFC) response item listed on the agenda and speaking in regard to the buffer letter submitted from King County and provided in the January meeting packets. She advised that the commission can request facts and figures from King County, and additional documentation of her comments regarding the King and Whatcom study showing smaller buffers can be effective. Many farmers are already complying with buffer widths according to local ordinance. Concerned about the relationship between the larger buffers and wildlife impacts on food safety. This is a particular concern in Snohomish where they have experienced wildlife impact on crops. Commission should address this incompatibility before acting on the request. The proposed wide buffers seem to be unrealistic given the nature of the farms in the valleys. (*Attachment A*)

John Keatley, speaking for both Cowlitz and Wahkiakum Conservation Districts, and responding to the NWIFC response item. Cowlitz CD has worked with landowners for decades. Mr. Keatley suggested using the Coordinated Resource Management (CRM) process to open it up to all parties. Mr. Keatley distributed and submitted written comments to the Commission (*see Attachment B*) The Commission needs to spend time understanding the economics of the proposal to have mandated or preconditioned buffers. This economic study should include a variety of things. Not only the impacts to the farmers and producers, but also the impacts to the Commission because this could lead to a spiraling downward of landowner involvement in incentive based processes. We would end up with less funding and fewer staff. Second, the voluntary and cooperative efforts are important and need to be maintained-and with more funds. The Voluntary Stewardship Program (VSP) is a good idea and needs an opportunity to be worked on at a watershed scale. Both CDs recommend the Commission to not approve the recommended buffer request.

Joe Florek, Chair, Wahkiakum Conservation District, also spoke on the NWIFC response action agenda item. Mr. Florek shared that he has been on the board of supervisors since 1993, and the district is focused on the middle valley at Skamokawa. They have 80 participation in the watershed in the ag land (referring to map provided) The CD manager has been creative to come up with funding to support projects. This encourages landowner participation. The landowners are concerned about farm ground because of flooding. The district had to adjust the buffer widths to address this concern. The minimum average is about 50 feet.

The commissioners discussed the letter of the proposed buffers and the allegations submitted by the NWIFC. Director Mark Clark recognizes that what has happened with the letter has brought attention of the needed communication between agencies and a look at the NRCS Field Office Technical Guide (FOTG). A further look will be taken at what can be done to incentives and how to get better results. This continues a better evaluation of our programs and how we can improve and get to our common goals. The Governor would like all of us to look at how to make this leaner in regards to communication amongst agencies and partners.

A subcommittee consisting of Commissioners Kelly Susewind, Lynn Bahrych, Larry Davis, and Alan Stromberger was created to assist in crafting a letter and finding an approach to implementing the steps identified. Timeline is to get the subcommittee together as soon as possible to provide a response back in early March.

Commissioner Bahrych moved to adopt the staff recommendations identified in the memo of January 16, 2014, and to direct Commission staff to draft a response letter to the NWIFC that includes these steps identified. Seconded by Commissioner Davis.

Commissioner Brown moved to amend the motion, to include direct responses to the allegations in the subject letter from the NWIFC, including items mentioned in footnotes 1 and 4 and any other direct allegations made in the subject letter. Seconded by Commissioner Stromberger. Motion on amendment passed. Main motion passed as amended.

Commission Member Policy

Commission staff updated the Commission Member Compensation Policy #14-01 to be consistent with RCW. 43.03.250.

Commissioner Davis moved to adopt policy #14-01 Commission member compensation to be consistent with RCW 43.03.250. Seconded by Commissioner Stromberger. Motion passed.

District Technical Capacity Group

James Weatherford provided a review of the concept paper on Conservation District Technical Capacity, emphasizing that the concepts included are to make a good system of technical services even better through training, mentoring, certification and monitoring results. Mr. Weatherford requested that the Commission Members and staff review the paper that is provided in their meeting packets and provide comments to himself, Josh Monaghan, or Joe Holtrop. Mr. Weatherford also requested time on the March Commission meeting agenda to present the concept paper and budget for the capacity building proposed steps.

Election Proviso Report

Ron Shultz provided an update on the Elections Proviso Report. Due to 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 its deadline of December 10, 2013. Mr. Shultz provided a draft copy in the commission meeting packets. Mr. Shultz would like to send the report out for district comment and review. Staff will then incorporate comments as appropriate prior to final submittal to the Legislature.

Motion by Commissioner Brown to accept the staff recommendation to transmit the Election Proviso report to the Conservation Districts for their review and comment within 60 days. Seconded by Commissioner Davis. Motion passed.

Pierce Conservation District Supervisor Appointment

An error occurred during the initial advertisement of the vacant position held by incumbent, David Batker. The Commission rescinded the appointment made in December 2013, and asked the Pierce Conservation District to re-advertise the vacancy.

Motion by Commissioner Brown to accept the staff recommendation to rescind the appointment of Scott Gruber to the Pierce CD and re-open the appointed position for notification and reconsideration at the March Commission meeting. Seconded by Commissioner Davis. Motion passed.

Non Shellfish Funding

Information was provided on the amount of funding allocated to districts who submitted their projects into the CPDS system prior to the July 1 pull date. All projects that met the criteria were funded. Commission staff proposed an appeals process for those districts who called and wrote letters stating they had more projects of greater priority in the system. Commissioners agreed to have an appeals committee. They are: Commissioners Larry Davis, Clinton O'Keefe, Alan Stromberger and Jim Kropf.

Motion by Commissioner Davis to create a non-shellfish funding appeal subcommittee to vet appeals of funding denial decisions and bring back recommendations to the March Commission meeting. Commissioner Brown seconded. Motion passed.

Motion by Commissioner O'Keefe to approve the appeals process as follows:

The appeals process will include the following steps:

- **Notification to the conservation district by the executive director of why the practice was denied.**
- **Provide an 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.**

APPROVED AT THE MARCH 20, 2014 REGULAR BUSINESS MEETING

- The subcommittee appealed decisions will be presented to the CC for final action at the March Commission meeting.
- Appeals decisions will be made in writing to the CD after the March Commission meeting.

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. Commissioner Davis seconded. Motion passed.

WACD Resolutions RE: Budget Development

Commissioner Stromberger, President of the Washington Association of Conservation Districts (WACD) brought forward the WACD resolutions that passed at their annual December meeting. 18 resolutions included the Conservation Commission. Four of those resolutions related to the budget development process which was discussed and the following motions were made:

Motion by Commissioner Brown to work on a way to implement the recommendation of the WACD resolution 2013-08. Commissioner Stromberger seconded. Motion passed.

Motion by Commissioner Davis that the WSCC establish a budget development process that has a clear linkage between the bullets identified within the recommendations of the WACD resolution 2013-15. Seconded by Commissioner Brown. Motion passed.

Motion by Commissioner Brown to pursue the spirit of WACD resolution 2013-16 in the budget and allocation process. Commissioner O'Keefe seconded. Motion passed. Four yes and three nay vote.

Motion by Commissioner O'Keefe to pursue the spirit of the recommendations of WACD Resolution 2013-20. Seconded by Commissioner Brown. Motion passed.

WACD Tribal Outreach Task Force

Commissioner Larry Davis serves as a member of the WACD Tribal Outreach Task Force. The Conservation Commission voted to have Mr. Davis serve as a representative of the Conservation Commission.

Motion by Commissioner Brown to appoint Larry Davis to represent the Commission on the WACD Tribal Outreach Task Force and bring back information to the Commission. Commissioner Stromberger seconded. Motion passed.

Chair Peters adjourned the meeting at 3:36 p.m.

Written comments were submitted for the official minutes

Attachment A: Christie True

Attachment B: Joe Florek and John Keatley, Wahkiakum and Cowlitz Conservation District

Attachment C: Monte Marti, Snohomish Conservation District

Attachment D: Carolyn Kelly, Skagit Conservation District