

TAB 3



Washington State Conservation Commission

July 17, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Lori Gonzalez, Administrative Assistant

RE: Mid-term appointments for Ferry and Pend Oreille Conservation Districts

Summary: The Conservation Commission has received two applications to serve on the Ferry and Pend Oreille Conservation District Board of Supervisors.

The applicant for Ferry CD would be filling the remaining term of Patricia McKern, whose term ends May 2017.

The applicant for Pend Oreille CD would be to re-appoint the incumbent Michelle Masuen. Term would end May 2018. These two applications have been vetted by the Department of Ecology, Department of Agriculture, Commission area representative, and the Chair of the conservation district.

Action Requested: Approval by the Commission to appoint the applicants as recommended by the Commission area representative, Clinton O'Keefe.

District	Applicant	Incumbent
Ferry	1. Randall S. Hansen	Patricia McKern
Pend Oreille	2. Michelle Masuen	Michelle Masuen

RECEIVED

JUN 26 2014

June 24, 2014

WA Conservation Commission

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

Dear Commissioners:

"It was decided that continuity was most important". With these words a well qualified applicant for an appointed position on the Grays Harbor CD was notified of not being selected. When as a reference I was interviewed by a commission member the conversation ended with their commenting "This person would be an asset on any board."

But you chose continuity as the criteria for selection to a board that has gone from a leading well respected CD to one of no consequence. A CD whose only function for many years was to write checks for cost share, leading Mark Clark to note that if that was all a CD did he could just as well do it himself. Is continuity for supervisors who shun interface with the public, who dislike having the responsibility of staff, who had no public involvement, who question the purpose of conservation other than a source of funds for co-operators what is important. If so maybe another resignation is in order.

I now face a decision. Do I continue to struggle to bring change to this CD as I have for the past 4 years knowing that it will be with two appointed supervisors who collectively have offered no vision, no energy and little understanding of CDs. The last appointment, the one for continuity, just voted against the district supporting the natural resource needs of the shellfish industry in Grays Harbor.

I sincerely hope that in the future appointments to this district continuity is of little importance. Better the candidate has some understanding and appreciation for conservation!



Steve Hallstrom

Cc: Mark Clark



STATE OF WASHINGTON
CONSERVATION COMMISSION

PO Box 47721 • Olympia, Washington 98504-7721 • (360) 407-6200 • FAX (360) 407-6215

June 30, 2014

Mr. Steve Hallstrom
36 Damitio Road
Oakville, WA 98568

Dear Mr. Hallstrom,

Thank you for your letter dated June 24, 2014 regarding your concerns of the appointment made at the May 17, 2014 Commission Meeting in Kelso, Washington.

The action made at the May Commission meeting was by recommendation from our west region elected representative, Larry Davis. Commissioner Davis performed his due diligence and made his recommendation based on his review of the applications received and conversations he had with both applicants, Grays Harbor Chair, Carl Waara, and District Manager, Mike Nordin.

All Commission members receive all incoming Supervisor Appointment applications for review prior to approval at the Commission meetings. After the recommendation is made by the regional member, a vote is then made by the entire body.

We understand your concerns and value your participation on the Grays Harbor Conservation District Board. A Conservation Commission staff member will be contacting you soon to set up a meeting to discuss this further.

Again, thank you for your letter.

Sincerely,

Mark Clark,
Executive Director



July 17, 2014

To: Mark Clark, Executive Director

From: Bill Eller, Election Officer / Regional Manager

Re: Responses Regarding the Election Notice Publication Method and Appointment Process Policy Issues

Summary: We received comments from conservation districts to election and appointment policy issues presented at the May Commission meeting. The responses were collected in a separate document attached to the end of this memo.

Next Steps: The Commission needs to review the comments and staff recommendations and decide if any changes to the election notice publication procedure and appointment procedure are warranted. Final action on any changes taken at the July Commission meeting should give staff the time necessary to implement those changes by the next election and appointment cycle which starts this fall.

Background: On May 15, 2014, Commission staff presented an elections policy and an appointment policy option for review and possible revision. Each policy option had three choices associated with it. The policy options were the result of the usual and customary after-action review by the Commission election officer of the latest election and appointment cycle. Typically, at the end of the election and appointment cycle, issues come to light that are opportunities to improve the election and appointment process and procedures. These policy options are separate from and not otherwise related to the ongoing Election Proviso Report.

The Commission approved the distribution of the policy options at its May 15, 2014 meeting. Districts had 45 days to review and comment on the proposals. Commission staff received all comments from districts, reviewed the policy proposal in light of the comments, and now makes recommendations based on those comments.

Issue #1 – Notice Publication Method

Issue:

There is a discrepancy between the definitions of “due notice” in the WAC and “print media” in the Election Manual. The discrepancy affects notification to the public about district elections and district elections costs.

Background:

Prior to this year, Commission staff interpreted the due notice requirement necessary for the proper publication of the two notices districts have to publish (the notice of the intent to adopt an election resolution and the notice of the adopted election resolution) to require publication of each notice, twice, at least six days apart, in a newspaper (both times). Districts were also free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc). However, to be in official compliance with election procedures, both notices would have to be published in newspapers, both times. For most districts, this results in a substantial cost of publication of election notices.

However, this year, a number of districts printed the notice first in the newspaper, then for their second notice, they either chose or were forced to publish the second notice in some other media (i.e. not a newspaper – typically on their web page, office door, newsletter, etc).

Districts relied on the definition of "print media" in the Election Manual when choosing to use this alternative method of publication of the second notice. Or, in some instances, districts were forced to publish the second notice in some other media format because the newspaper didn't comply with the districts' instruction to publish the notice a second time. Although allowing for the second publication to be published in alternate media not the traditional interpretation of that provision, Commission election staff found enough ambiguity in its application to allow for this kind of publication by districts for the second notice.

The policy choice is thus: although print publication (newspaper) is the traditional route for election publication notices, most folks are now moving to electronic publication (web or otherwise). However, there are still people who don't access the internet (just as there are people who don't subscribe to newspapers). What sort of publication is necessary to maintain the integrity of the district election system?

Options:

Option #1: New Media: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice.

Pros: requires the publication of both notices in both old and new media; flexible; reaches a wide variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: might not reach old media users (i.e. newspaper readers) with the second notice.

Option #2: Traditional Media: Revert back to the staff's original interpretation of the definitions of "due notice" and "print media." In other words, notices must be published in the newspaper both times – the first and the second time – in order to be compliance with election procedure. This choice would necessitate the removal of the definition of "print media" from the Election Manual to eliminate confusion over this issue.

Pros: reaches old media users (i.e. newspaper readers) with both notices; familiarity of media outlet. variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: only requires publication in traditional media (i.e. newspapers) and makes additional notice in new media optional for districts, therefore might not reach new media users; higher cost to the district (both notices required to be published in the newspaper).

Option #3: New Media with a Twist: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice. While the first notice is printed in the newspaper, there would be an added requirement that the first notice also be posted on the districts web page. The first notice would also include a clear statement that future information on the elections will be posted at the district web site. The second notice – or a notice of no election – could then be posted on the district web page. This is the approached used for a state contract RFP.

Pros: (same as Option #1 above).

Cons: (same as Option #2 above).

Regardless of which option is chosen, districts are free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc). However, official notice which satisfies the requirements of the election procedure is dependent on the chosen option.

Staff Recommendation: There were eleven responses, with thirteen preferences expressed. Five chose Option #1. Two chose Option #2. Six chose Option #3. Therefore, staff recommends a hybrid between Option #1 and #3. Districts would be required to publish the first notice in the newspaper and then the District can use any other media to publish the second notice. If the District wants to use their web page to post election information or notices, the first notice they publish in the newspaper must include a clear statement in that notice that future information on elections will be posted ONLY on the district's web site.

Issue #2 – Appointment Application Material Format and Deadline

Background:

Last year, a number of discrepancies with the deadline for full-term appointment applicants and conservation districts to return paper appointment applications to the Conservation Commission were identified. The Commission chose to resolve that issue by changing all appointment materials (the application form, provisions in the Election and Appointment Manual (EM), and other materials) to read "*applications and supporting materials must be received by the Commission no later than March 31.*" These clarifying amendments were explained to the conservation districts during the fall of 2013 for the 2014 election cycle. However, districts are still having trouble meeting the March 31 deadline. When districts miss the deadline, the procedure is for the Commission to work with the District to re-advertise the full-term vacancy or to seek applicants itself.

Currently, Commission full-term appointment application procedure requires paper applications to be mailed to the Commission headquarters no later than March 31. The appointment application requires an original signature from the applicant. Paper copies of advertisements for appointed vacancies are required to be submitted by the applicant (or by districts if they take possession of the application from the applicant) to the Commission.

However, election materials are to be retained by each District and only electronic copies are to be sent to the Commission. As a result, there is confusion among districts as to what materials need to be supplied in which format (electronic or paper).

Options:

Option #1: No change in current procedure. The appointment process would still require that appointment applicants and districts submit appointment materials by paper, with original signatures, by March 31, to Commission headquarters.

Pros: requires the applicant and districts to ensure the receipt of appointment applications by March 31 of each year, by mail or hand delivery, of the original application and signature; familiar.

Cons: relies on applicants and districts to abide by the deadline and to submit completed materials by hard-copy; original applications and materials processed by Commission staff.

Option #2: Change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, fill out the appointment application on-line (similar to the form used by Commission financial staff). The March 31 deadline would still be retained.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; allows for last-minute compliance with the deadline, reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Option #3: Keep the March 31 deadline for full-term appointments but change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, the appointment application would be on-line and filled out by applicants throughout the year. Full-term appointments would have a March 31 deadline, but mid-term appointments could be accepted as they arise.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Staff Recommendation: There were ten responses received, with ten preferences expressed. one chose Option #1. Five chose Option #2. Four chose Option #3. Based on the responses received, there was a clear preference expressed for changing from the current appointment procedure requiring hard-copies of the application and supporting materials to be sent to the Commission by regular mail to a system where electronic submittal would be allowed. Staff's recommendation would be Option #3 which would allow for the electronic receipt of election materials throughout the year using a database housed by the Commission. Applicants could fill out applications throughout the year anywhere there is an internet connection. Full-term appointments would have a March 31 deadline, but mid-term appointments could be accepted as they arise. The Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats. Staff time can costs to districts would be reduced and application record tracking would be enhanced and controlled by the Commission.

Issue #1 - Election Notice Publication Method				
	District	Respondent	Preferred Option	Comment
1	Central / Eastern Klickitat	Staff	3	My personal (not representative of CKCD or EKCD boards) feelings: Issue #1 – Option 3.
2	Whatcom	Super	3	I favor Option 3 for elections.
3	Cowlitz & Wahkiakum	Staff	2	Like the method we currently use. We use Option 2 traditional media for both publications however we also post on the Districts website ; we find it is the easiest way to provide proof (we pay for legal ads)
4	Foster Creek	Staff	1 or 3	I prefer Option 1, but I can see Option 3 will make the policy makers happier. Both allow flexibility to use different media types and that keeps the cost down. I do see Option 3 with the additional language of future information will be posted on the district web site a good idea.
5	Columbia	Board	3	The Board discussed the option and selected option #3 New Media with a Twist for the Publication method.
6	Palouse	Board	1	The Palouse Board of Supervisors recommends Option #1 for Issue #1.
7	Thurston	Board	3	Issue #1: Notice Publication Method: We favor Option #3 (New Media with a Twist). This option brings us more into the 21st century, and we find that most of our population would find this useful.
8	Skagit	Board	1 or 3	Option 1 or 3 would be preferred to Option 2. In addition to the first newspaper notice, they both use different types of media (newsletters bulletin boards, internet, etc.) for the second notice. This would increase the different ways voters could learn about conservation district elections/appointments. This would also decrease the cost since the second notice would not have to be in the newspaper. Option 3's requirement to post the information on a conservation district's website and to include that information in the first notice seems like a good idea. Those who see the first notice in the newspaper, will know where to find subsequent information or will call the local CD if they don't have access to a computer or the internet.
9	Kitsap	Board	1	Kitsap CD favors Option 1 – New Media for the first policy action.
10	*	Citizen	2	<p>My concern, in this case - which was executed in most close representation of your proposed: Issue #1, Option #2 is the following:</p> <ol style="list-style-type: none"> 1. It could be construed that the district is controlling who sees vacancies and who votes. 2. This community, like some other rural communities, has slow and unreliable Internet in many pocket areas - with some areas un-served. 3. The cost of running an ad should not prohibit a fair and equitable election. 4. In this case, there was no process in place for interested parties to find out about, and run for, an elected position, limiting the possibility of a wellrounded board. 5. A district's website, by definition, should not be construed as 'online media,' as they typically do not come up under local news on search engines. 6. This community demographically has a high percentage of elderly people that do not access the Internet on a regular basis. 7. This community's print media publications offer their issues online for those that choose to view them on the Internet. 8. Many underprivileged persons in this community use library computers to access the Internet, which limits regular accessibility to online news media in comparison to print media. <p>Therefore, I support Option #2 regarding Issue #1: Traditional Media as a means to cover the largest segment of the population. Any additional online notifications districts choose to post would serve to make election processes and opportunities to serve on the board that much more accessible to all citizens.</p>

11	Underwood	Staff	1	<p>Option 1 seems to be the most flexible and cost-efficient. We have had the experience of our local papers not publishing our election ads for whatever reason (no space in the paper that week, “forgot”, etc.). Their omission shouldn’t be reason to make us not in compliance with election procedures. Having the electronic advertising option would give us more control. The cost of advertising takes a healthy bite out of our District Operations budget. If I’m remembering correctly, there’s a table that shows UCD has (one of) the highest election costs per vote. Nearly one-third of our election expenses were for advertising. Newspaper advertising has not proven to increase our voter turnout. Electronic publishing and a “notice on the door” should be all that’s required for a notice of no election.</p>
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Issue #2 – Appointment Application Material Format and Deadline

	District	Respondent	Preferred Option	Comment
1	Central / Eastern Klickitat	Staff	2	My personal (not representative of CKCD or EKCD boards) feelings: Issue #2 – no preference.
2	Whatcom	Super	2	I favor Option 2 for appointments.
3	Cowlitz & Wahkiakum	Staff	3	Option 3 - allow electronic submission with applications being accepted anytime, like the flexibility.
4	Foster Creek	Staff	3	Option 3 – I would like the appointment process to allow for electronic submittal of appointment materials (similar to the form used by the financial staff) and signatures. I do believe that allowing applicants to fill out the electronic form throughout the year would allow districts more flexibility.
5	Columbia	Board	3	The Board discussed the option and selected Option #3 for the Appointment Format and Deadline
6	Palouse	Board	2	The Palouse Board of Supervisors recommends Option #2 for Issue #2.
7	Thurston	Board	2	Issue #2: Appointment Application Material Format and Deadline: We favor Option #2, which allows for last minute compliance with the deadline and reduces staff time and costs.
8	Skagit	Board	1	While the option to allow electronic submission and electronic signatures is a good one, and one I am in favor of, the ability to apply on paper should also be retained as not everyone has access to a computer or the internet. I do not think on-line submission should be a requirement. Option 3 streamlines the process. I would be in favor of it as long as candidates still had the option of submitting a paper application.
9	Kitsap	Board	2	Kitsap CD favors Option 2 for the Elections Material policy option.
10	*	Citizen	*	*no preference given.
11	Underwood	Staff	3	Option 3 sounds workable. Full-term appointment applicants should be responsible for ensuring their application reaches the Commission by March 31 by mail, by hand, electronically, or through the District. Having the electronic option allows for last-minute compliance with the deadline. The submittal of materials process should match the elections process to avoid confusion. Electronic submission is the most efficient.



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Election Proviso Report Status

Summary: Conservation districts received a copy of the draft election proviso report and provided comments on the election options. Twenty-two districts provided comment, with 15 of 22 recommending no change to the current system.

Action Requested: Commission discussion of the district comments. Determine if there is a Commission preferred action.

Staff Recommendation: The Commission could identify one or more options in the list of possible alternatives for district elections. The option(s) could be shared with conservation districts and legislators for comment.

NOTE: The list of options is copied at the end of this memo.

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

Description:

As a result of concerns raised by legislators regarding the conservation district supervisor election process, 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. A session on the issue was also held at the WACD annual meeting in December 2013 where further comments were received from districts. A draft proviso report was prepared based on this input.

At the January meeting, the Commission approved distribution of the draft election proviso report to conservation districts for their review and comment. On February 24, 2014 conservation district board chairs and managers were sent a copy of the "Draft Report to the Legislature on Conservation District Elections" ("proviso report") and asked to respond with comments by May 19, 2014. We received 22 responses:

Adams	Franklin	Pierce	Spokane
Asotin	Kitsap	Pomeroy	Stevens
Benton	Lincoln	San Juan	Walla Walla
Columbia	Okanogan	Skagit	Whatcom
Ferry	Palouse	South Douglas	
Foster Creek	Pend Oreille	South Yakima	

There were a variety of responses, but one common theme was "don't change the current system". There is significant concern with any option that would increase the cost of the elections, thus taking funding away from putting conservation on the ground.

There did seem to be a difference in the responses between the larger, more populated districts, and the rural districts. The larger districts generally would like more autonomy in their elections with some even wanting all five board members on the general election ballot. Some of these districts would couple the general election with the authority to impose their own assessment (or rates and charges) without having to go to the county legislative authority as current law allows. This would put conservation districts more in line with entities like port districts and school districts, which have taxing authority and are on the general election ballot.

Smaller districts generally had greater concerns regarding the cost of elections. Most of these districts felt the current system is working fine.

Summary of comments (some districts commented on multiple subjects, so total won't equal 22):

- Don't change the current system: 15 districts
- Don't have county auditor administer: 2 districts
- Don't eliminate landowner/operator requirement: 4 districts
- Eliminate landowner/operator requirement: 1 district
- Don't go on general election ballot: 8 districts
- Go on the general election ballot (with caveats): 3 district
- County should not appoint CD board members: 6 district

- County should appoint the three elected members: 2 districts
- Give district option to select election method: 4 districts
- Hold all district elections on same day/week: 8 districts
- Don't hold elections on the same day/week: 4 districts
- Don't divide CD area into districts: 4 districts
- Allow for dividing CD area into districts: 2 district
- Conservation Commission appoint all 5 members: 2 districts

Some of the common themes given for the answers:

Don't change current system

- Current appointment of two members by SCC is helpful for a sparsely populated county
- Improve the current system by streamlining the forms and notice requirements
- Appointment of two members helps avoid special interest domination of an election
- Having county auditor administer the election would be too expensive
- No valid inadequacies in the current system have been identified
- Encourage districts to do more outreach for the work they do, which will lead to more local engagement in the election without changing the current process
- Don't change the current system but adopt the rules that govern other local government elections. The benefit of this process is that it is already used by counties and well known by candidates and the public. It still allows CDs to run the elections but has a process and system that is both trusted by the public and it is effective and relatively simple.
- Do not change the election process, and do not change the requirements. The district cannot afford the costs of a general election.

Don't go on general election ballot

- Too expensive
- Costs take away from putting conservation on the ground
- Concern with volunteer board members being required to comply with elections public disclosure

Go on general election ballot

- Electing all 5 district board members on the general election ballot would create political support to allowing districts to impose an assessment on their own, similar to other elected boards and commissions (such a port commission or school board)

Hold all district elections on the same day or week

- Could make election more visible
- Election publication and local engagement should still be the responsibility of the district

- Could be led by the Commission to increase statewide publicity

Don't hold all district elections on the same day or week

- Statewide messaging with a common election date takes the district election away from "locally led"
- Our current system of holding our election the same day as the annual meeting works well for us
- Keeping flexibility is important for districts. We try to have our elections when other meetings are being conducted to keep our voting up since we are a small district.

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.

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 abandoned 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 rationale 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

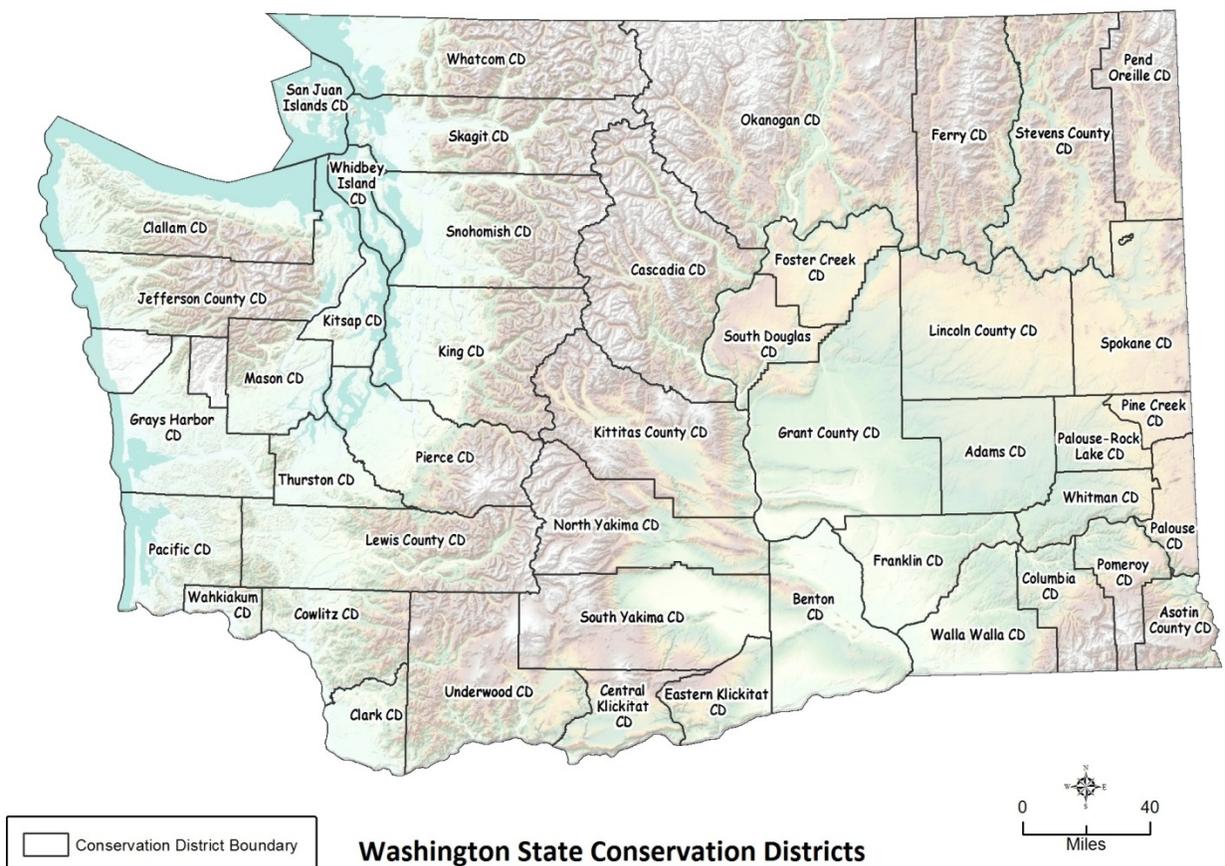
¹⁰ RCW 89.08.200

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



As of October 2012

This data is provided "as is" without warranty of any kind. Further, the WACD does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise.

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 manual²¹, 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 raised²⁸ 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:

<u>Votes Cast</u>	<u>Conservation Districts</u>
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:

<u>Votes Cast</u>	<u>Conservation Districts</u>
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 allowed³⁸ 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

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

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 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

⁴⁶ “State’s 2013 voter turnout lowest in a decade”, Seattle Times, November 15, 2013

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 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 <i>(Public body corporate and politic)</i>	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 <i>(Municipal Corporation)</i>	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.]



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: NWIFC Data Assessment Request and Response Status

Summary: In January 2014 the Conservation Commission acted on a recommended response to the NWIFC request that the SCC adopt the NOAA buffer table. A written response was sent to the NWIFC in February based on the work of a Commission sub-committee. In April, the NWIFC requested of SCC staff an assessment of the data collected by the Commission relating to conservation district projects. Commission staff is seeking comment from the SCC on the data request.

Action Requested: Discussion and direction from the Commission.

Staff Recommendation: The staff recommendation is to continue to work on the items in the January Commission response and document progress as it is achieved. With respect to the current NWIFC data request, continued dialog can clarify the request and where data reports can be easily developed, staff could provide those. However, complex reports and landowner site visits require significant staff time and do not seem to address the items in the January Commission response. Further discussion will be needed to ensure the data work fits within the response approved by the Commission.

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

Description:

Shortly after the Commission action on their response to the NWIFC request to adopt the NOAA buffer table, conversations were started between staff from the NWIFC, EPA, NOAA, and Ecology. Based on these conversations a proposal was developed for assessment of the data collected on Conservation Commission funded projects. A copy of the proposal is attached.

The assessment request is based on a fundamental question: "At the Commission meeting during consideration of the buffer request, districts said what they currently do, works. Show the data to support this contention." Commission staff reviewed the

request and has engaged with NWIFC staff for clarification and to identify the correct data sets to review to answer the appropriate questions.

In the meantime, Commission staff discussed the request internally and decided the data assessment request was different from the ongoing work in response to the original request to adopt the NOAA buffer. For example, the NWIFC data request focuses on specific data fields, such as buffer width, and includes landowner site visits. This contrasts to the Commission response that focuses on increased monitoring, landowner participation, and funding to support these activities. Furthermore, the data assessment request would require staff time that would have to be diverted from efforts to implement the response actions to the original request.

DRAFT Proposed Interagency Assessment Procedures for Nonpoint Grant Programs

Background:

In January 2014, the Washington State Conservation Commission (WSCC) declined to support the Northwest Indian Fisheries Commission request to condition WSCC grant programs to include NOAA-Fisheries interim riparian management guidelines along the lines the EPA and the Department of Ecology have done. This decision was based, in large part, on the testimony of several Conservation Districts; stating that current programs are supporting salmon recovery and conditioning funds would grind these programs to a halt. While the WSCC declined to condition funds as requested, it did propose to conduct an evaluation of current programs.

EPA, NMFS, Ecology and the NWIFC are interested in working with the WSCC to conduct the evaluation in a manner that produces useful information for all the parties involved. In that spirit, the following proposal is being put forward. It is designed to provide an objective framework for review of projects funded through WSCC programs to address pollution and habitat issues on agricultural lands.

Interagency Team:

Objective review should be conducted by an informed team of inter-agency personnel. Team members will include: NMFS, EPA, WSCC, and Tribes. The team should meet monthly for 4 months. The first meeting will include scoping of the initial steps.

Step One: WSCC Data Identification and Analysis

Data Identification

- Identify all existing types of data collected for each WSCC funding program regarding BMP implementation.
- Identify barriers to data analysis, including gaps in data collection.
- Identify eligibility criteria which may affect data collection or reporting.
- Identify additional data collected by conservation districts, which is not collected by the WSCC.

Data Analysis

- Develop queries of existing data, e.g. range of buffer widths, percentage of projects that implement minimum requirements, key differences between various programs, number of projects that included or did not include riparian protections. Queries will include:
 - Riparian Buffers already present or implemented as total part of project?
 - Buffer widths
 - Buffer Compositions
 - Pollution parameters intended to address
 - Habitat concerns intended to address
 - Best Management Practices applied in lieu of riparian buffers
 - Types of Landowner agreements in place
 - Ability to inspect/review/adaptively manage publically funded management practices

Step Two: Additional Conservation District-level Data Identification and Analysis

District Selection

- Select three to five conservation districts to provide additional data on WSCC funded BMP implementation.
- Choose at least one district that meets each of the following criteria:
 - Analysis indicates that a district actively participates in salmon recovery and/or TMDL implementation.
 - Analysis indicates gaps in information necessary determine level or type of BMP implementation and/or whether funded conservation practices may be contributing to salmon recovery.
 - Analysis has determined that the watershed has little or no implementation of conservation practices intended to address protection of designated/beneficial uses.

Data Identification

- Identify all existing types of data collected for each WSCC funding program regarding BMP implementation.
- Identify barriers to data analysis, including gaps in data collection.
- Identify eligibility criteria which may affect data collection or reporting.

Data Analysis

- Develop queries of existing data, e.g. range of buffer widths, percentage of projects that implement minimum requirements, key differences between various programs, number of projects that included or did not include riparian protections. Queries will include:
 - Riparian Buffers already present or implemented as total part of project?
 - Buffer widths
 - Buffer Compositions
 - Pollution parameters intended to address
 - Habitat concerns intended to address
 - Best Management Practices applied in lieu of riparian buffers
 - Types of Landowner agreements in place
 - Ability to inspect/review/adaptively manage publically funded management practices

Step Three: Site visits

- Conduct site visits as needed to confirm the details of projects or programs identified in Steps One and Two.

Step Four: Report

- The interagency team will compile their findings and make their report publicly available, including a report on data available, analysis, gaps in data, and recommendations for improved information collection and sharing.



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: RCPP Update

Summary: The 2014 Farm Bill included the new Regional Conservation Partnership Program (RCPP), which promotes coordination between NRCS and partners to deliver conservation assistance. There are several entities in Washington working on RCPP proposals, including the Commission. This agenda item is a report on the status of the various proposals.

Action Requested: Information Only

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

Description:

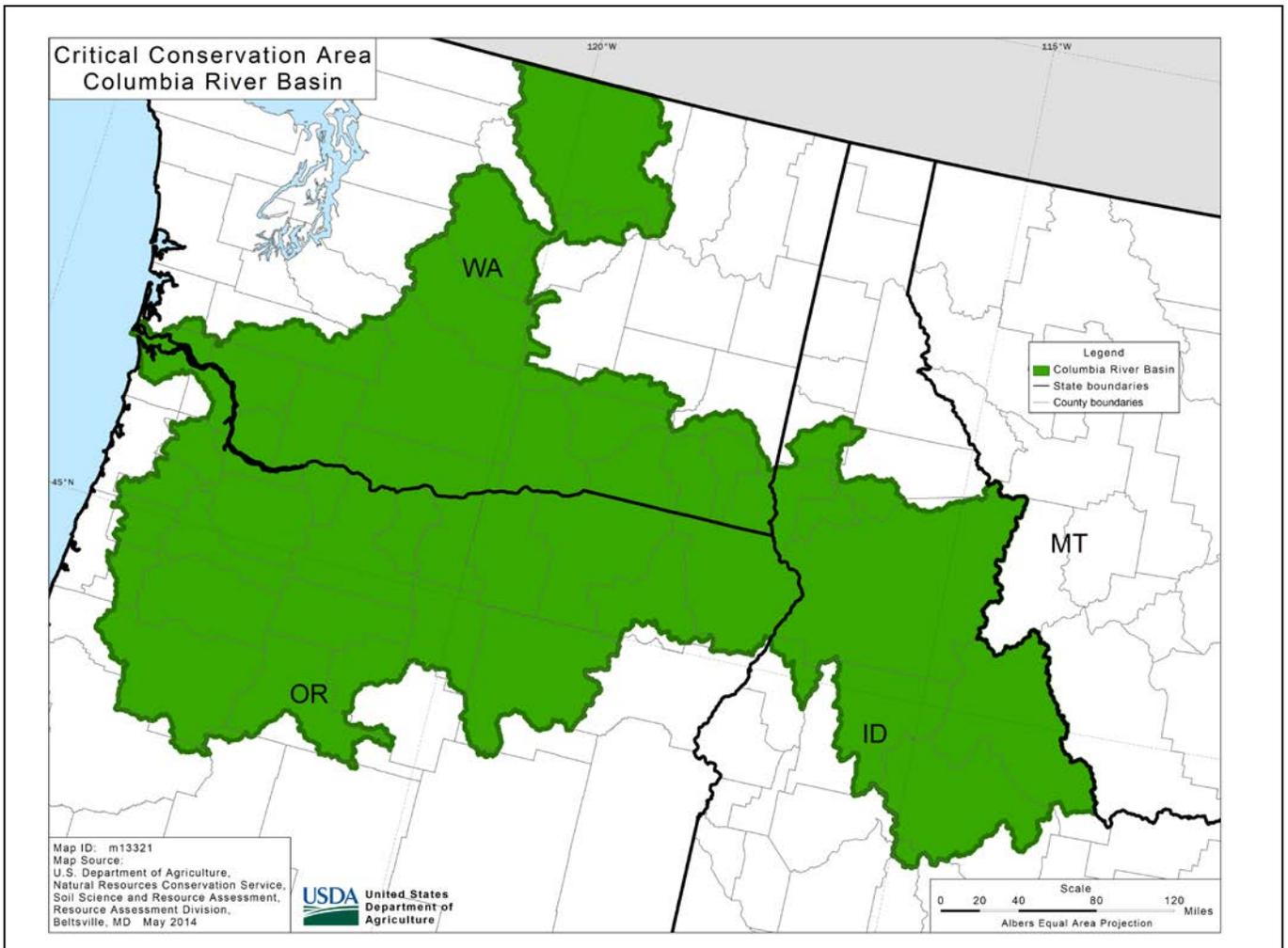
The Regional Conservation Partnership Program (RCPP) is a new program at USDA. The 2014 Farm Bills sets aside \$100 million in each of the next five years to implement the program. Funding is divided into three categories: National (40%), State (25%), and Critical Conservation Areas (CCAs)(35%). There are up to 8 designated CCAs nationwide, and the Columbia River Basin has been designated one of those eight.

Projects may be proposed for any of the three categories, but project proponents must select one category per proposal. For example, a proposal for funding through the national category may not be proposed in the state category. All proposals are evaluated at the national level and must have a letter from the state conservationist acknowledging the state office is aware of the proposal. Pre-proposals for all categories are due to NRCS by July 14. National headquarters has given themselves two weeks to evaluate pre-proposals and will extend an invitation to prepare full proposals following this review.

Recently, USDA designated the eight CCAs, which included the designation of the Columbia River Basin. The overall goal of the Columbia River Basin CCA is to promote water quality and management of water quantity to benefit recovery of salmon

populations. Projects for consideration within this CCA are to consider this overall goal. The NRCS describes the Columbia River Basin as:

The Columbia River Basin provides habitat for salmon and steelhead, essential components of a healthy ecosystem and critical to Indian tribes and local communities. Loss of quality habitat because of pressures from population growth threaten fish numbers and the overall health of the basin. With this Critical Conservation Area designation, USDA will build on existing strong partnerships in the basin to work with agricultural producers to improve water quality and quantity in order to restore critical components of salmon habitat, aid in the recovery of Pacific salmon, and protect public health and the environment while maintaining a strong agricultural sector. The boundary of the CCA is a portion of the Columbia River Basin that includes essential fish habitat.



Proposals Submitted

The RCPP is open to all submittals meeting the requirements. Applicants do not need to go through the Conservation Commission and they do not have to involve conservation districts. This makes it difficult to track the various proposals. Here are some of the proposals that we know about at the time of the preparation of this memo:

- Precision Conservation for Incentive Programs for Salmon and Water Quality in Puget Sound – This proposal was originally started through a collaborative conversation led by TNC and included the SCC, PS Partnership, WACD, and Whatcom CD. The SCC is identified as the lead agency with fiscal responsibilities, and the program is managed through a steering committee that involves the various groups around Puget Sound including the PS District Caucus. Watershed and sub-basin scale proposals would be submitted through the steering committee for evaluation and funding through the RCPP.
- Voluntary Stewardship for Critical Habitat Protection – Led by the WSCC and supported by the original VSP caucuses, this proposal would provide funding to implement the VSP statewide. The pre-proposal included requests funding to support technical and conservation planning assistance to develop local work plans, and implementation funding for specific landowner projects.
- Sage Grouse Conservation Plan Implementation – Building on the existing Habitat Conservation Plan for Sage Grouse, this proposal is led by the Foster Creek Conservation District and is supported by WACD among others. Funding would support landowner practice implementation consistent with the conservation plan.
- SE Washington/Idaho No-Till Drill Proposal – Palouse-Rock Lake Conservation District staff is taking the lead on this regional proposal that would utilize market-based approaches to incentivize the increased use of no-till drill in the cross-state area. Not clear if this will be proposed as part of the CCA or if they will go for the national category.
- Klickitat Conservation Easements – The Klickitat CDs are considering a proposal to assist in the purchase of conservation easements on several large parcels in the area. The CD has also sought funding for these proposals through WWRP and other sources. They have partnered closely with WDFW and with the Office of Farmland Preservation at the SCC.



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Puget Sound Near-Term Action – Effectiveness of Incentive Programs

Summary: The Conservation Commission is responsible for a near-term action in the PS Action Agenda relating to evaluating the effectiveness of incentive programs. The first version of the report on this evaluation is completed and offered here for Commission review and comment.

Action Requested: Information, Discussion and Guidance Only

Next Steps: The final report is to be delivered to the legislature and Governor, but the SCC will first consult with the departments of Ecology, Agriculture, and Health. A final report for the review and approval of the Commission will be delivered to the September Commission meeting.

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

Description:

The Puget Sound Action Agenda includes several near-term actions (NTA) identified as necessary to address the threats to the health of the Sound ecosystem. The Action Agenda also requires actions to consider maintaining the economic viability of various activities in the region including agriculture.

Various agencies and entities are identified as the lead for the implementation of the NTAs. The Conservation Commission is identified as lead on six NTAs. The Commission is also identified as co-lead on several other NTAs in which we assist the lead entity in the NTA implementation.

One of the NTAs for which the Commission is lead is an NTA relating to an evaluation of the effectiveness of incentive programs. This NTA states:

Primary: C3.1 NTA #2 – Effectiveness of Incentive Programs. By December 2013, the State Conservation Commission, in consultation with the Washington State Department of Ecology (Ecology) and the Washington State Departments of Agriculture and Health, conservation districts, federal agencies, and tribes, will report

to the governor and the legislature on the effectiveness of incentive programs to achieve resource objectives. The report will include a section from Ecology on compliance with water quality standards.

The PS Partnership received funding from EPA to assist various entities in the implementation of their NTAs and the PSP offered funding for a consultant to assist Commission staff in the development of this report. The consultants have been working on the report since October 2013 beginning with an initial meeting with the PS District Caucus. After that, the consultants conducted a series of interviews with select stakeholders to gain a broader sense and understanding of the scope and extent of programs, interests, and perspectives.

The consultants also held two dialogue sessions with a variety of interests, including conservation districts, state agencies, local government representatives, and – at the second meeting – with tribal representatives. The attached report is the result of these interviews and two dialogue meetings.

Report Findings

The consultants identified several factors that contribute to the success or failure of voluntary incentive programs. These are listed on page 5 of the report. They also analyzed the strengths, weaknesses, barriers, and opportunities associated with voluntary incentive programs. These are listed on page 6 of the report.

One criticism of the evaluation is this exercise would not yield useful results unless the evaluation was based on data as to how incentive programs have been implemented. Otherwise, they contend, the report is based more on observation and impressions of the individuals interviewed. A counter perspective is such observations and impressions can also be important because it can shape how incentive programs are implemented and utilized.

Advancing Application of Incentive Programs

As a result of these discussions, the consultants identified several ideas related to research, policy changes, and data collection that could help advance the application of voluntary incentive programs to increase ecological effectiveness including:

1. Research successful programs in other states to identify tools and best practices to increase effectiveness of VIPs in Washington State.
2. Compile data on voluntary incentive implementation versus water quality data to create a baseline of how VIPs are implemented now (type, geographic distribution, proportion of watersheds/sub-basins) and determine whether there is a correlation between VIP implementation and water quality variables.
3. Research how to find and enroll hobby farms and other target groups.
4. Find non-land-based programs interested in funding/partnering.
5. Identify ways to fund/organize monitoring.
6. Research ecological impact of BMPs.

7. Develop a system for providing flexible funding scales to accommodate geographic context, property values, and level of priority.
8. Flexible or more locally defined selection criteria for awarding incentives to increase local control over how incentive dollars are spent.
9. Flexible application of BMPs: time, space, intensity, duration, etc.
10. Develop a model VIP program (i.e., what would it look like, how would it function, how would it be appropriately balanced with flexibility, monitoring, performance, inspection, enforcement, etc.). Consider the following as necessary attributes:
 - a. Clear, tangible, and measurable goals/objectives.
 - b. Place-based.
 - c. Landowner willingness.
 - d. Delivers win-win solutions.
 - e. Clear rules and process for participating.
 - f. Scientifically based conservation measures.
 - g. Sustained, focused, flexible, measurable.
 - h. Performance-based/performance monitoring.
 - i. Rolling implementation with adaptive development.
 - j. Compelling for landowner (financially or operationally).
 - k. Uses both incentives and accountability (carrot and stick).
 - l. Coordination and leadership.
 - m. Accountability, showcasing success/sharing failures.
 - n. Time and patience.
11. Use geospatial/technical analysis to focus needs by region/watershed.
12. Community-based development of goals by watershed.
13. Are there still projects in Puget Sound that are an “easy sell” because of mutual benefits?

Potential Next Steps on Report Items

At the second meeting of the “dialogue group” several possible next steps were identified and discussed. These options appear in the report beginning at page 9. In short, these next step options are divided into strategies that can be done administratively and those requiring policy or legislative changes. They are divided into levels, or “tiers” of importance:

Table 3. Potential Next Steps to Increase VIP Effectiveness

	Administrative	Page	Policy/Legislative	Page
Tier I	1a. Data Acquisition/Analysis to Evaluate Effectiveness	10		
	1b. Strategic Targeting	12		
Tier II	2a. Funding Crosswalk (Matrix)	14	2c. Taxation Relief	17
	2b. Funding Coordination	16		
Tier III	3a. “How To” – Model Program (Framework)	18	3d. Reg. Incentives	23
	3b. “How To” – Practitioner’s Guide (Manual)	20		
	3c. Knowledge Management System	21		



Draft Technical Memorandum (Ver. 2.0)

Date:	June 25, 2014
To:	Ron Shultz, WSCC; Alana Knaster, PSP
Cc:	Scott Boettcher
From:	Erika Britney, Project Manager ICF International 710 Second Avenue, Suite 550 Seattle, WA 98104
Subject:	Effectiveness of Voluntary Incentive Programs in WA and Potential Next Steps

Note: Please send comments on this draft to Erika.Britney@icfi.com and Scott.Boettcher@icfi.com on or before June 30, 2014.¹

Part I. Introduction

This memorandum continues the work of ICF International and the Washington State Conservation Commission (WSCC), the Puget Sound Partnership (PSP), and a broader set of interested and affected stakeholders to evaluate the effectiveness of Voluntary Incentive Programs (VIPs) in Washington. The basis behind this evaluation is the 2012 Puget Sound Action Agenda and the following primary and secondary near-term actions (NTAs):

- **Primary: C3.1 NTA #2 – Effectiveness of Incentive Programs.** By December 2013, the State Conservation Commission, in consultation with the Washington State Department of Ecology (Ecology) and the Washington State Departments of Agriculture and Health, conservation districts, federal agencies, and tribes, will report to the governor and the legislature on the effectiveness of incentive programs to achieve resource objectives. The report will include a section from Ecology on compliance with water quality standards. [See page 209 --

¹ If you would like to receive this file as a word document, please email Erika Britney and Scott Boettcher.

http://www.psp.wa.gov/downloads/AA2011/083012_final/Action%20Agenda%20Book%202012.pdf

- **Secondary: C3.2 NTA #1** – Priority Areas for Voluntary Incentive and Regulatory Programs. The State Conservation Commission and the Washington State Departments of Agriculture, Ecology, and Health will identify priority areas to target and coordinate implementation of voluntary incentive and regulatory programs for rural landowners, small-acreage landowners, and working farms. [See page 209 -- http://www.psp.wa.gov/downloads/AA2011/083012_final/Action%20Agenda%20Book%202012.pdf]

Activities and tasks completed to date include:

- October 28, 2013 – Participated in initial meeting with Puget Sound conservation districts.
- December 9–13, 2013, December 18, 2013 – Conducted initial interviews of select stakeholders to gain a broader sense and understanding of the scope and extent of programs, interests, and perspectives.
- December 20, 2013 – Submitted Task 2 Memorandum regarding Initial Interview Results.
- March 7, 2014 – Held Dialogue Group Meeting #1. Generated listing of potential high-level next steps.
- May 28, 2014 – Held meeting with Northwest Indian Fisheries Commission (NWIFC) to gain additional perspective/insight.
- June 10, 2014 – Submitted Draft Technical Memorandum, identifying a range of concrete next steps that could be taken to advance and improve the use and effectiveness of VIPs.
- June 19, 2014 – Held Dialogue Group Meeting #2.
- June 25, 2014 -- Submitted Draft Technical Memorandum (Ver. 2.0).

Part II. Technical Memorandum Purpose and Overview

The purpose of this draft next-steps technical memorandum is to summarize existing perspectives on the effectiveness of VIPs and identify a range of concrete next steps that could be taken to advance better, more data-driven understanding and measurement of VIP effectiveness and to improve the use and effectiveness of VIPs.

This report is organized as follows:

- Part I. Introduction
- Part II. Technical Memorandum Purpose and Overview
- Part III. Defining and Measuring Effectiveness
- Part IV. Perspectives on VIPs

- Part V. Resources and Sources of Additional Information
- Part VI. Potential Next Steps
- Attachment A. Dialogue Group Invitees (Mtg #1 and Mtg #2)
- Attachment B. NWIFC Meeting Participants and Notes

Part III. Defining and Measuring Effectiveness

The definition of what “effectiveness” means in the context of VIPs was an open question in the minds of many of the Dialogue Group participants.

At the June 19, 2014 Dialogue Group Meeting an informal consensus was reached among meeting participants as to what at a minimum would be an agreed upon measure of effectiveness. The following was stated as that agreement:

“All meeting participants agreed that a voluntary incentive program has been effective if it measurably helps to achieve water quality standards to support beneficial uses within a watershed.”

Other key points participants made related to effectiveness of VIPs that add additional context are as follows:

- Voluntary Incentive Programs are one of several tools available to achieve water quality standards and in concert, voluntary and regulatory programs need to achieve water quality standards to support beneficial uses.
- Ultimately, VIPs have been successful if shellfish beds are opened, and salmon recovery goals are achieved, but these ultimate goals take a long time; need in-term measures.
- There is a hierarchy of success: first - salmon and shellfish; second - water quality and third - site-specific
- If you limit measurement of success to a single parameter, then success will be limited.
- If we continue random action of conservation and random acts of monitoring, they will seldom intersect to be able to demonstrate effectiveness of VIPs.
- At the end of the day, gaining pride in place and watershed is essential to get to the lasting solutions; not sure how you measure that or show it but that is very important [to long-term success].
- There are very different scales at which success can be measured. Are these incompatible? Seems like they all go hand-in-hand. We need practices that in themselves are effective on a parcel-level and increase landowner awareness. We also need ecological or watershed-scale effectiveness.

Part IV. Perspectives on VIPs

Perspectives on the effectiveness of VIPs for achieving resource objectives vary from those who believe they are useful, cost-effective tools to those who generally see limited value in incentive programs, and/or believe a more regulatory-oriented approach is needed. There was, however, agreement among the parties consulted that, under very specific circumstances, VIPs can, and have been, very effective for achieving resource objectives.

The following table (Table 1) reflects commonly held views expressed by meeting participants and interviewees regarding factors that contribute to the success or failure of VIPs.

Table 1. Factors that Contribute to Success or Failure of VIPS

VIPs <u>succeed</u> at achieving resource objectives when . . .	VIPs are <u>less effective/successful</u> at achieving resource objectives when . . .
<ul style="list-style-type: none"> a. Community-/watershed-driven; leaders from tribes, agricultural, and shellfish grower communities are collaborating. b. Mutual trust, respect among all entities involved in addressing the ecological issue. c. Clear, common goals/common interests are identified, defined, and achievable; geographically appropriate metrics for measuring progress/success are established and accepted. d. Good baseline data are available for checking progress toward resource objectives/metrics. e. Efforts are targeted, place-based (community-based). f. Compelling motivators. Money is not the only or most compelling incentive. Resource objectives and a regulatory backstop/incentive can also create motivation. g. Spark plug, “go-getter” to energize and rally the community. h. Clear, sensible, science-based rationale for objectives, metrics, and best management practices (BMPs). i. Flexible, performance-based approach. j. Clear rules that are equally applied with a well-defined regulator backstop and measure to ensure accountability. k. Progress is monitored and shared, and efforts are recognized. l. Coordination/support is available to navigate the various programs and changing requirements/thresholds and help overcome hurdles to engage farmers and communities. m. Incentive dollars are spent on the most cost-effective, beneficial projects. 	<ul style="list-style-type: none"> a. Burdensome for property owners. b. BMPS are prescriptive, inflexible, binding. c. There is a lack of trust/ulterior motives. d. Requirements are not viable economically or operationally. e. Insufficient incentive (not just about money). f. Inequitable (sectors of the community feel unfairly targeted). g. Implemented without clear focus or understanding of resource objectives to be achieved or metrics for measuring progress/success. h. Measures implemented are not enough to address water quality issues or achieve resource objectives. i. Participating properties are geographically dispersed. j. Objectives and metrics are too narrow (e.g., they do not address salmon and shellfish). k. Success/progress is not measured on both the property- and watershed-scale. l. There are no regulatory backstops/incentives or other tools to foster accountability. m. There is no monitoring of results/progress toward resource objectives. n. Incentives are awarded to “use the money” or meet quotas because of a limited applicant pool.

Based on the input gathered from interviewees and participants at the two Dialogue Group meetings and NWIFC meeting, strengths, weaknesses, barriers, and opportunities are summarized in Table 2.

Table 2. Analysis of Strengths, Weaknesses, Barriers, and Opportunities Associated with VIPs

<p>Strengths:</p> <ul style="list-style-type: none"> a. Creates win/wins. b. Maintains viability of farming – keeps agricultural land in agriculture. c. Focuses on biggest bang for the buck. d. Builds trust between landowner and agency staff. e. Check-ins and follow-ups lead to additional improvements. f. Technical staff available to provide assistance. g. Provides funding and financial certainty. h. Appropriate conservation methods. i. Wide variety of programs; many funding options, with potential for aggregating funding. j. Can accommodate flexible approaches to solving resource issues. 	<p>Weaknesses:</p> <ul style="list-style-type: none"> a. Insufficient staffing/funding/lease payments. b. Rigid requirements stifle participation and innovation. c. Lack of focus on resource objectives. d. Motivators to participate not compelling. e. Must be a working farm or a farmer to get into program; as a result, other small landowners and hobby farmers are not included. f. Too geographically dispersed. g. Regulatory backstops/incentives lacking. h. No accountability. i. BMPs implemented do not necessarily address all resource/water quality issues associated with a parcel. j. Success based on awards made (dollar value), not on ecological outcomes. k. Low participation rates.
<p>Barriers:</p> <ul style="list-style-type: none"> a. Difficulty achieving agreement on resource objectives and metrics. b. Rigid requirements create disincentives/reduce participation. c. VIPs “miss” several sectors (e.g., hobby farms, small-acreage farms). Different strategies are needed to reach these landowners. d. Farms need to be of sufficient size to make participation worthwhile. e. Forced entry through “Working Farm/Farmer” criteria. f. Constrains land uses. g. Too much paper work (application, permitting, and reporting requirements). h. Insufficient funding incentives or support services; difficult to get funding for coordinator/support and monitoring. i. Property owners do not trust inspectors and/or conservation staff. j. Overcoming perceptions about equity/inequity 	<p>Opportunities:</p> <ul style="list-style-type: none"> a. Placed-based/regional initiatives. b. Specialized staffing who are specifically focused on this type of VIP. c. Brokers, spark plugs, flag carriers (to help market to landowners and encourage participation on an ongoing basis). d. Word of mouth is powerful way to reach landowners. e. Aggregating funding sources. f. Spatial and technical baseline and effectiveness analysis (to determine ecological baseline of existing lands and potential for ecological uplift). g. Monitor progress toward resource objectives can create motivation. h. Streamline process for individual participants though a targeted/watershed approach. i. “Treaty Rights at Risk” could provide a motivator/spark plug. j. Collaboration among tribes, agricultural community, and shellfish growers provides

<p>can be an issue (“cutting off the nose in spite of the face”).</p> <p>k. Unclear route to reach potential participants; low level of awareness of VIPs.</p>	<p>opportunities to leverage multiple potential funding sources.</p> <p>k. Current focus of Puget Sound Partnership, various stakeholders, and decision-makers on VIPs and National Marine Fisheries Service (NMFS) buffer guidelines, creating momentum around efforts to improve effectiveness of VIPs.</p>
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In addition to the above-identified strengths, weaknesses, barriers, and opportunities, the conversations that occurred with both groups (Dialogue Group; NWIFC meeting) generated several ideas related to research, policy changes, and data collection that could help to advance the application of VIPs to increase ecological effectiveness, including:

1. Research successful programs in other states to identify tools and best practices to increase effectiveness of VIPs in Washington State.
2. Compile data on voluntary incentive implementation versus water quality data to create a baseline of how VIPs are implemented now (type, geographic distribution, proportion of watersheds/sub-basins) and determine whether there is a correlation between VIP implementation and water quality variables.
3. Research how to find and enroll hobby farms and other target groups.
4. Find non-land-based programs interested in funding/partnering.
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7. Develop a system for providing flexible funding scales to accommodate geographic context, property values, and level of priority.
8. Flexible or more locally defined selection criteria for awarding incentives to increase local control over how incentive dollars are spent.
9. Flexible application of BMPs: time, space, intensity, duration, etc.
10. Develop a model VIP program (i.e., what would it look like, how would it function, how would it be appropriately balanced with flexibility, monitoring, performance, inspection, enforcement, etc.). Consider the following as necessary attributes:
 - a. Clear, tangible, and measurable goals/objectives.
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- h. Performance-based/performance monitoring.
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 - j. Compelling for landowner (financially or operationally).
 - k. Uses both incentives and accountability (carrot and stick).
 - l. Coordination and leadership.
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 - n. Time and patience.
11. Use geospatial/technical analysis to focus needs by region/watershed.
 12. Community-based development of goals by watershed.
 13. Are there still projects in Puget Sound that are an “easy sell” because of mutual benefits?

Part V. Resources and Sources of Additional Information

The following provides access to documents produced and collected in conjunction with ICF’s evaluation of VIP effectiveness: <https://www.dropbox.com/sh/9x10kp1rgp65jxk/P7QSDQN55a>.

Part VI. Potential Next Steps

Several potential next steps for understanding and increasing effectiveness and addressing weaknesses and barriers associated with VIPs have been developed for review and input (mid- to late-June 2014) by Dialogue Group members and other interested and affected stakeholders. Input will be used to refine and prioritize final recommendations to WSCC and PSP regarding the effectiveness of incentive-based programs to achieve resource objectives and how effectiveness can be improved throughout Puget Sound. Potential next steps are identified by title below in Table 3 and then described more fully in the remaining pages to this Technical Memorandum.

Table 3. Potential Next Steps to Increase VIP Effectiveness

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Tier III	3a. "How To" – Model Program (Framework)	18	3d. Regulatory Incentive	23
	3b. "How To" – Practitioner's Guide (Manual)	20		
	3c. Knowledge Management System	21		

1a	Administrative: Data Acquisition/Analysis to Evaluate Effectiveness
<p>Description</p> <ul style="list-style-type: none"> ✓ Data-driven analysis of VIP effectiveness and success is needed. ✓ Defining success and collecting and reporting pertinent data is essential. 	<p>The “effectiveness²” of VIPs is an open question in the minds of many of the Dialogue Group Participants. The need for ecological data to show whether VIPs have been effective at improving water quality enough to achieve (or move towards) water quality standards was a central theme during discussion with the Dialogue Group and individual interviews. The Dialogue Group also recognized that in addition to measuring effectiveness, the success of individual incentive programs should also be measured according to the extent to which the goals of that program are being met based on the projects implemented under that program³. Answering the question about “effectiveness,” “success,” etc. requires consideration/determination of such factors as:</p> <ul style="list-style-type: none"> • Incentive program goals • Geographic scale (parcel, watershed, statewide, etc.). • Ecological baseline before VIP program is undertaken (e.g., water quality, land uses, buffers, etc.) • Implementation metrics (dollars out the door, types and spatial extent of practices implemented, geographic distribution, etc.). • Environmental attributes/outcomes identified (water quality standards, canopy density, stand maturity/complexity, river sinuosity, multi-parameter vs. single-parameter, etc.). • Commitment of time, monitoring, attention, etc. necessary to determine/demonstrate effectiveness/success. <p>First order actions that necessary to advance a greater collective understanding of effectiveness and success include:</p> <ul style="list-style-type: none"> • Cross walk VIPs most commonly used in WA (state and federal) with program goals projects implemented using that program to check whether they are achieving program objectives. • Compile information (spatial and related data) on conservation measures implemented from all types of VIPs to characterize the extent and nature of conservation projects implemented through VIPs at a watershed-level <u>and</u> resource objectives. • Identify ecological data available for Puget Sound watersheds and crosswalk ecological data with watershed-level VIP implementation data. Where good crosswalks exist; evaluate VIP effectiveness (i.e., achieving water quality standards for beneficial uses). • Identify and showcase data-driven examples of success and failures (i.e., showing environmental monitoring data/results, program implementation data/results, end goal gains like shellfish beds reopened, salmon populations de-listed, etc.). <p>Follow-up actions to perpetuate and improve understanding of effectiveness and success and address data gaps may include:</p> <ul style="list-style-type: none"> • Identify ecological monitoring data gaps, particularly in target watersheds and

² Applying the definition of effective that the Dialogue Group agreed to during the Second Dialogue Group session.

³ The Dialogue Group also identified property-specific measures of success, but these would not be addressed through this potential next step.

	<p>develop strategies to address them.</p> <ul style="list-style-type: none"> • Standardize VIP reporting on the types of BMPs implemented, ecological issues addressed, the general location (protective of confidentiality agreements), implementation date, and implementation program used. • Identify corrective actions to address inconsistencies in incentive program implementation relative to program goals.
Implementation Considerations	Key to successfully accomplishing this Next Step will be (1) collecting a sufficient body of data and information that can connect conservation practices and BMP with defined results and (2) developing a deep enough body of case examples to extend conclusions beyond the specific case examples at hand.
Cost	Medium.
Value/Relative Priority	High

1b	<i>Administrative: Strategic Targeting</i>
<p>Description</p> <p>✓ Random acts of conservation are too diffuse, dispersed to result in measurable ecological benefit.</p> <p>✓ Structured, targeted application of VIPs can achieve conservation, restoration objectives.</p>	<p>“Random acts of conservation⁴” is a perspective some express to describe their view on how and where VIPs are typically implemented now. The sentiment is one reflecting a view that the implementation of restoration and conservation VIPs is currently undertaken on an ad hoc basis, without a unified, geographically explicit and clearly articulated game plan. This is not to imply there are deficiencies in site-specific projects; however, because individual VIPs are implemented on a “first come, first served” basis, the result of these conservation/restoration projects is perceived as being diluted across the landscape. This action would involve working with the larger community of interests to identify a method for planning and targeting the application of restoration and conservation VIP projects. In short, this action would provide information and tools to move from a reactive practice to a strategic practice.</p> <p>Applying a proactive, strategic approach to VIPs could be undertaken on different levels and different scales. For example, prioritization could be:</p> <ul style="list-style-type: none"> • Geographic (e.g., a watershed); • Sub-geographic (e.g., stream reach, sub-watershed, etc.); or • Targeted by sector, industry, or community. <p>While identifying and prioritizing action areas for VIPs, initial conservation and restoration objectives as well as performance measures can also be developed and identified. Intuitively, the process of prioritizing specific targeted action areas for VIPs will inform development of conservation and restoration objectives and help to ensure that VIPs are aligned with watershed and Puget Sound recovery goals. Early articulation of conservation and restoration objectives and performance measures will also help to ensure that VIP implementation is targeted toward meeting the right conservation and restoration objectives and performance measures.</p> <p>As an analog, Ecology changed the National Pollutant Discharge Elimination System (NPDES) wastewater discharge permitting program to a five-year watershed-based rotation schedule several years ago. With this change, permitting review, development, and issuing activities for all permittees occur within a watershed on a set timeframe. This moved Ecology from a reactive, permitting approach to a structured, geographically oriented permitting approach. This approach affords Ecology more time to work in each watershed and the ability to apply a watershed perspective to permit decisions.</p>
<p>Implementation Considerations</p>	<p>Key factors in establishing successful and effective prioritization approaches include: (1) willing landowners; (2) a strong foundation of science and empirical watershed information to underlie the prioritization effort, (3) a scale that is manageable and can deliver results in a near-term time frame, and (4) the funding priorities associated with different funding sources.</p> <p>Prioritization approaches would also be informed by data on voluntary incentive implementation completed to date and the effects (if any) observed within the watershed. Because word of mouth is a powerful tool for increasing participation rates, information on the types of practices that have been implemented through VIPs programs (e.g., manure management, buffers, etc.), spatial distribution and the proportion of the watersheds/sub-basins engaged in VIPs would be valuable for</p>

⁴ Phrase used by some Dialogue Group participants to describe the geographic distribution of conservation measures implemented through VIPs at a watershed level.

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	identifying watersheds to target.
Cost/Time	Low to medium.
Value/Relative Priority	High

2a	Administrative: Funding Crosswalk (Matrix)
<p>Description</p> <ul style="list-style-type: none"> ✓ Many funding programs. ✓ Ever-changing requirements. ✓ Crosswalk (matrix) tool valuable to help match and align funding resources. 	<p>Funding programs (federal, state, local) are established to fund specific activities under specific circumstances. There are many funding programs (including relief programs, such as conservation easement and open space taxation) relevant to VIPs to address agricultural runoff. Funding program requirements are often dynamic from year to year. Reauthorization, recapitalization, program expansion, and program contraction can all have the effect of changing the scope, applicability, and requirements of individual funding programs. Developing working knowledge of when and under what circumstances various financial resources are available to support VIPs and which funding sources can be combined is a complicated process that often requires continual learning.</p> <p>To utilize available funding programs, a crosswalk (matrix) tool, identifying such important information by program, could be particularly helpful. It could include:</p> <ul style="list-style-type: none"> • Name of program; • Application requirements; • Prerequisite requirements; • Ceiling; • Match/cost-share requirements; • Types of eligible activities; • Types of eligible organizations; • Intended sector or geographic area; • Performance requirements; • Compatibility with other funding sources; and • Applicability of program to shellfish <u>and</u> salmon recovery needs. <p>The WSCC Grant Calendar/Directory (http://scc.wa.gov/grant-calendar-and-directory/) already provides most of this information. However, standardizing descriptions of eligible activities and organizations would enhance filtering and sorting functions, thereby enabling an applicant to search specific types of programs (e.g., programs available to private landowners and eligible for riparian planting and maintenance or programs that fund salmon or shellfish-friendly BMPs). Furthermore, the addition of information on which funding sources can be combined or aggregated to support a single or related efforts would help support geographically focused VIP efforts and could increase participation rates if a larger percentage of the cost to implement BMPs is funded.</p> <p>Note 1: Earlier tech memo provided a listing of common funding programs from the Natural Resources Conservation Service (NRCS), WSCC, and others.</p> <p>Note 2: This product (funding/funders crosswalk matrix) could ultimately be housed within the web-based knowledge management system described above to improve its accessibility and usability.</p>
<p>Implementation Considerations</p>	<p>To be most effective, the crosswalk or matrix needs to be a “living” resource because invariably one program or another will be changing or considering a change. Keeping the information in the crosswalk (matrix) fresh and up to date will serve the VIP community best (conversely, if the information is old, out of date, or inaccurate, its utility as a helpful tool substantially diminishes).</p>

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Cost/Time	Low to medium; build on existing grant calendar/directory.
Value/Relative Priority	Medium

2b	Administrative: Funding Coordination
<p>Description</p> <p>✓ “Spot coordination” rallies funding for a specific VIP.</p> <p>✓ “Continuous coordination” applies funding to strategic priorities over time.</p>	<p>In the end, most VIPs need funding. Coordinating funding needs and funding opportunities between funding agencies, funding programs, and funding applicants can be an efficient means of getting more “bang for the buck” from monies spent and on a nearer term time scale. Funding coordination encompasses:</p> <ul style="list-style-type: none"> • Spot coordination to bring multiple funding sources together for the benefit of a select VIP effort/initiative. • Continuous coordination to secure, manage, and apply funding dollars from multiple sources as they become available to priority VIP efforts/initiatives. <p>Funding coordination can have the effect of making better use of incentive dollars to achieve measureable results on the ground (rather than reactively responding proposal by proposal). It could also be used to manage different streams of funding in light of annual deadlines for allocating funding and matching requirements.</p>
<p>Implementation Considerations</p>	<p>Implementation considerations:</p> <ul style="list-style-type: none"> • Funding coordination will require a convener, a dedicated coordination resource, and/or a commitment to a policy of multi-lateral coordination to be successful. • Funding coordination builds on and works with the “2a – Funding Crosswalk (Matrix)” and “4 – Strategic Targeting.” • Funding coordination, especially continuous coordination, will benefit from application and utilization of a web-based interface such as Google Maps or the Recreation and Conservation Office’s Habitat Work Schedule (http://hws.ekosystem.us/). <p>NWIFC and American Farmland Trust have developed methods to aggregate and manage funding from various sources, which could help inform development of tools and platforms for funding coordination.</p>
<p>Cost/Time</p>	<p>Low for spot coordination; medium for continuous coordination.</p>
<p>Value/Relative Priority</p>	<p>Medium</p>

2c	<i>Policy/Legislative: Taxation Relief</i>
<p>Description</p> <p>✓ Increasing interest among conservation and salmon recovery communities for taxation relief as a tool.</p> <p>✓ Topic can be controversial and as such further reconnaissance of the issue, players, and effectiveness is warranted.</p>	<p>Using taxation relief as a tool/approach to incentivize behavior in favor of specific public policies is not new. What is new is the increasing interest among conservation and salmon recovery communities to look to taxation relief as a tool to further habitat conservation and restoration objectives for watershed restoration and salmon recovery purposes.</p> <p>For example:</p> <ul style="list-style-type: none"> • The VIP dialogue group has recently engaged in an energizing string of emails regarding requiring farm plans as a condition for being considered for open space taxation relief under the state’s “Farm and Agricultural Use” classification (see http://dor.wa.gov/docs/pubs/prop_tax/openspace.pdf). The farm plan requirement would be similar to the forest plan requirement for timberlands that receive “Timber Land Current Use Classification” tax benefits. • PSP’s ECB is evaluating the effectiveness and workability of a tax relief program to incentivize shoreline property owners toward more environmentally considerate shoreline-armoring solutions (see http://www.mypugetsound.net/index.php?option=com_docman&task=doc_download&gid=2349&Itemid=238).
<p>Implementation Considerations</p>	<p>This is potentially a very large and controversial topic (i.e., taxation relief). Implementation next steps should focus on reconnaissance of the stakeholders, issues, and relevance of the approach to the issues at hand. In other words, can the tool (approach) achieve gains of the type that are sought?</p>
<p>Cost/Time</p>	<p>Medium to high.</p>
<p>Value/Relative Priority</p>	<p>Medium</p>

3a	<i>Administrative: "How To" – Model Program (Framework)</i>
<p>Description</p> <p>✓ Model program (framework) to consistently and effectively implement geographically focused VIPs and accomplish specific ecological outcomes across Washington is needed.</p> <p>✓ Key elements include:</p> <ul style="list-style-type: none"> ○ Imperative to Change; ○ Initiator, Spark Plug; ○ Outreach, Recruitment; ○ Property Assessment, Landowner Agreements; ○ Performance Monitoring; and ○ Advertising Success. 	<p>Geographically focused, outcome-oriented VIP programs are exceptions and not the norm. Implementation of VIPs typically occurs on an ad hoc, geographically diffuse basis. When there are geographically focused programs established to accomplish ecological/watershed objectives, they are typically created as a reaction to a social/environmental/political crisis. Implementation of geographically focused, outcome-oriented VIPs in Washington lacks an operating model or framework to apply lessons learned from other efforts and consistently structure and implement to increase likelihood of success.</p> <p>As stated above under "Knowledge Management System," VIPs in general, and geographically focused, outcome-oriented VIPs specifically, are in their infancy compared with regulatory programs. As such, the cloth is still being cut for what successful VIPs look like, how they function, and what best practices for developing and implementing VIPs look like. The overall success of VIPs in Washington could be increased through development of a well-vetted model program (or framework) for geographically focused, outcome-oriented VIPs that on-the-ground practitioners and implementers of VIPs could use (as well as policy makers, agency partners, and other interested and affected stakeholders).</p> <p>Based on input from the dialogue group, key the elements of a model program (framework) for Washington include:</p> <ul style="list-style-type: none"> • Imperative to Change – A defined ecological issue is necessary to create a sense of urgency and drive for action that is geographically focused. This will require: <ul style="list-style-type: none"> ○ Baseline environmental data to characterize the issue to be addressed; ○ Understanding landowners circumstances including issues they are faced with and operational needs; ○ Clear, measurable ecological objectives that need to be accomplished to address the issue; and ○ Well-articulated rationale that connects the ecological issue to the interests/wellbeing of the community <u>and</u> individual property owners, creating common ground and compelling action (e.g., flooding issues, potential for regulation, potential for enforcement, etc.). • Initiator, Spark Plug – Successful VIPs require a clearly identified and a trusted person or entity within a watershed, community, sector, or geographic area that has the energy, skills, and relationships to advance and implement the VIP. The person/entity identified needs to be able to effectively navigate the interests and perspectives of the targeted area. • Outreach, Recruitment – In order to establish the foundation of participation necessary for a successful VIP, the following approaches should be considered: <ul style="list-style-type: none"> ○ Identify common priorities (based on reliable baseline information and scientifically based resource goals) to be achieved within a discrete (targeted) geographic scale; ○ Provide intensive outreach to boost awareness and ensure high program participation rates; ○ Gain a network of willing landowners;

	<ul style="list-style-type: none"> ○ Leverage multiple funding sources to offset costs and elevate participation rates; and ○ Develop durable partnerships. ● Property Assessment, Identifying Objectives/Constraints, and Establishing Landowner Agreements – This stage is necessary to establish and implement the partnerships and agreements necessary to successfully implement landowner-specific designs and treatments/installations. Success in this stage relies on understanding of operational constraints and the landowner decision-making process. ● Performance Monitoring – This stage involves establishing milestones and performance measures to be achieved within the context of the VIP being set up to meet ecological objectives. Measures of performance can cover a range of topics (e.g., pollutants reduced, buffers established, landowners signed up, contiguous parcels treated, etc.) and should be capable of being monitored, tracked, and reported on over time in order to convincingly document results achieved (or not achieved). ● Advertising Success – Celebrating and advertising milestones and outcomes achieved is as important as sharing information on issues or poor results. Doing so provides recognition and feedback and encourages others and serves to move the larger VIP effort along. <p>Note 1: This product (model program) could ultimately be housed within the web-based knowledge management system described above to improve its accessibility and usability.</p>
Implementation Considerations	The above model program is not intended to replace the products of other significant efforts (e.g., voluntary stewardship). Rather, the intent is to provide a standout reference that draws from, coalesces, and complements lessons learned and proven approaches that have been developed (pioneered) in Washington in a single place.
Cost/Time	Medium.
Value/Relative Priority	Low

3b	<i>Administrative: “How To” – Practitioner’s Guide (Manual)</i>
<p>Description</p> <ul style="list-style-type: none"> ✓ Complement to model program (framework). ✓ Set of best practices and tips, offered by peers and colleagues, on what it takes to make VIPs work. 	<p>Although a model program (framework) can be a valuable descriptive resource for how to develop and structure a VIP, it is not necessarily a set of insights and instructions on how to implement a VIP. Merely knowing the ingredients does not make one a good cook. Knowing tips, techniques, and timing in conjunction with the necessary ingredients does. A practitioner’s guide (manual) is conceived here as a complement to the model program (framework) discussed above and a set of best practices offered by peers and colleagues on what it takes to really make VIPs work (beyond their structural components). “How to” tips and techniques can be catalogued pursuant to each of the six stages identified above. In addition, the guide/manual could be updated on a regular basis as new tips, techniques, and best practices are identified (e.g., best practices regarding use of social media, use of remote sensing, care and maintenance of riparian planting, etc.). The intent with the guide/manual is to make it Washington specific to reflect the unique governance and demographic characteristics of the state.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. This product (“how to” guide/manual) could ultimately be housed within the web-based knowledge management system described above to improve its accessibility and usability. 2. The target audience would initially be Conservation staff, volunteer organizations, and program coordinators.
<p>Implementation Considerations</p>	<p>The first version of the guide/manual is intended to be a rapid capturing and cataloguing of peer perspectives on what it takes to successfully implement VIPs. This can be done through a broad “Survey Monkey” effort, development of selected case studies, and then a focused discussion with the dialogue group. Much has been written about community-driven watershed initiatives, this guide would need to be developed to identify and supplement existing guidance with information specific to VIPs. Future iterations could be web enabled and part of the knowledge management system described above.</p>
<p>Cost</p>	<p>Low to medium.</p>
<p>Value/Relative Priority</p>	<p>Low</p>

3c	Administrative: Knowledge Management System
<p>Description</p> <ul style="list-style-type: none"> ✓ Knowledge management systems concentrate, coalesce knowledge. ✓ VIP knowledge is highly distributed, often inaccessible, and not grounded in prescriptive policies and procedures. ✓ Successful VIPs require engaging leaders and strong champions. 	<p>VIPs lack an easily accessible, retrievable body of information that practitioners can consult and rely upon to support their implementation efforts of targeted watershed initiatives to implement VIPs. Although VIP implementation information does exist, it is typically either technically focused and oriented towards standards and specifications (e.g., NRCS National Conservation Practice Standards), or anecdotal, and poorly organized with partial descriptions and documentation that is not readily retrievable. In addition, VIP implementation occurs in a decentralized manner across differing geographies and sectors, making cross communication among peer practitioners difficult and practically infeasible.</p> <p>Knowledge management systems are methods for “capturing, developing, sharing, and effectively using organizational knowledge” (http://en.wikipedia.org/wiki/Knowledge_Management). Knowledge management is about creating a culture where information is given context through conversations, collaboration, discerning opinions, mediation, and categorization. Knowledge management repositions learning from classrooms to work-related practices and from ad hoc mentoring to continuously shared knowledge. Knowledge management systems are used for <u>information management</u>, <u>building topical knowledge</u>, and <u>capturing institutional knowledge of all parties engaged in VIPs (e.g., conservation districts, coordinators, and landowners)</u>. Knowledge management systems can be useful for overcoming communication and information-sharing obstacles faced by organizations. Knowledge management systems additionally provide a living platform from which to “daylight” knowledge and “know how.”</p> <p>In the case of VIPs in Washington, implementing a knowledge management system could (1) improve the quality and efficiency of knowledge gained from multiple perspectives (e.g., practitioners, land owners, regulators) by providing tools for collaborating, integrating, and incorporating experiences on VIPs throughout Washington, (2) provide meaning and context to information, and (3) provide a means for individual VIP initiatives to evolve together with a common understanding of what is happening and what others are doing in their geographies.</p> <p>The content and knowledge to be shared could include:</p> <ul style="list-style-type: none"> • Case examples showing success, failure and lessons learned • Funding sources and approach to aggregate funding • Fellow practitioner knowledge on select topics (e.g., “landowner motivators,” “performance metrics,” “programs constraints and allowances,” etc.) • Events, opportunities • Checklists, forms, applications, and other tools • Contacts • Several background links on knowledge management systems⁵: <ul style="list-style-type: none"> ○ http://www.forbes.com/sites/lisaquast/2012/08/20/why-knowledge-management-is-important-to-the-success-of-your-company/.

⁵ **Application of Topical Knowledge** – The Federal Highway Administration (FHWA) Endangered Species Act (ESA) web tool (<http://www.environment.fhwa.dot.gov/esawebsite/>) provides one example of a successful knowledge management system that could be used to jump-start a learning process for how to structure and organize practitioner knowledge.

3c	Administrative: Knowledge Management System
	<ul style="list-style-type: none"> ○ http://www.kmworld.com/Articles/Editorial/What-Is-.../What-is-KM-Knowledge-Management-Explained-82405.aspx. ○ http://www.mindtools.com/pages/article/newISS_87.htm.
Implementation Considerations	<p>Knowledge management systems are information management systems and applications of topical knowledge. Decision would need to be made regarding confidentiality and whether there would need to be different levels of access to information. Creating a knowledge management system that is widely used and continually updated to ensure it remains relevant would require ongoing effort to engage practitioners and encourage participants in VIPs to share their experiences.</p> <p>Note – Governor’s Office of Regulatory Assistance provides state agencies and local governments with a free content management tool called EZview (https://www.ezview.wa.gov) that would be ideal for a VIP knowledge management system. EZview is easy to learn and immediately available.</p>
Cost/Time	Medium to high; would require ongoing efforts but could be initiated through a pilot project, which could be expanded.
Value/Relative Priority	Low

3d	<i>Policy/Legislative: Regulatory Incentive</i>
<p>Description</p> <ul style="list-style-type: none"> ✓ Regulatory systems can be incentivized. ✓ Exemptions and non-enforcement technical assistance are two examples. 	<p>In many instances VIPs are the method to address issues that are non-point in nature and not always directly the subject of regulation, permits, and governmental approvals. That being said, there may be value in looking at how and where the regulatory system can be incentivized to provide VIP participants an incentive or motivator. A couple examples from Washington of how regulatory programs can be incentivized include:</p> <ul style="list-style-type: none"> • Regulatory Exemptions – Certain fish habitat enhancement projects are exempt from State Environmental Policy Act (SEPA) requirements and local permits and fees if they meet select criteria (see http://www.epermitting.wa.gov/Portals/JarpaResourceCenter/images/default/IA_RPA_supplement_fish_enhancement%202014.pdf). • Non-enforcement Technical Assistance Visits – See Ecology’s Cleaner Production Challenge Initiative at http://www.pprc.org/cpc/. Ecology has a long history of successfully using non-enforcement “technical assistance officers” to work with industries to reduce pollution and conserve resources (see http://www.ecy.wa.gov/programs/hwtr/TRAC/3-Charge%201%20and%202--Improving%20the%20effectiveness%20of%20P2%20and%20new%20strategies.pdf). <p>Although these are not the “be all and end all” of solutions for agriculture, they are examples of what can be done with the regulatory system to provide from an incentive standpoint.</p>
<p>Implementation Considerations</p>	<p>Next steps for implementation could include:</p> <ul style="list-style-type: none"> • Identifying what, if any, are effective, demonstrable regulatory backstops. • Consider meaningful incentives (e.g., regulatory certainty if BMPs are implemented). <p>The NMFS buffer recommendations, the “Treaty Rights at Risk,” P1F6P and implementation of critical area requirements under Growth Management Act (GMA), or the Voluntary Stewardship Program (VPS), are potential vehicles for creating regulatory incentives to propel enrolment in incentive programs.</p>
<p>Cost/Time</p>	<p>Medium to high.</p>
<p>Value/Relative Priority</p>	<p>Low</p>

⁶ <http://treatyrightsatrisk.org/>
<http://nwifc.org/w/wp-content/uploads/downloads/2011/08/whitepaper628finalpdf.pdf>

Attachment A – Dialogue Group Invitees (Mtg #1 and Mtg #2)

Dialogue Group Invitees		
Perspective	Name	Email
1. Farming (Dairy)	Jay Gordon	wsdf@msn.com
2. Farming (Livestock)	Jack Field	jfcattle@kvalley.com
3. Farming (Farm Bureau)	John Stuhlmiller	jstuhlmiller@wsfb.com
4. Farming (Farm Bureau)	Evan Sheffels	esheffels@wsfb.com
5. Shellfish	Bill Dewey	billd@taylorshellfish.com
6. Northwest Chinook Recovery	Jon Sayre	nwchinook@wavecable.com
7. The Nature Conservancy (Skagit)	Kevin Morse	kmorse@tnc.org
8. Natural Resources Conservation Service	Rick Noble	rick.noble@wa.usda.gov
9. Northwest Indian Fisheries Commission	Fran Wilshusen	fwilshus@nwifc.org
10. Northwest Indian Fisheries Commission	Todd Bolster	tbolster@nwifc.org
11. Lummi Nation	Alan Chapman	AlanC@lummi-nsn.gov
12. WA State Conservation Commission	Ron Shultz	rshultz@scc.wa.gov
13. WA State Conservation Commission	Carol Smith	csmith@scc.wa.gov
14. WA State Conservation Commission	Debbie Becker	dbecker@scc.wa.gov
15. Puget Sound Conservation District	Monte Marti (Snohomish)	monte@snohomishcd.org
16. Puget Sound Conservation District	Bobbi Lindemulder	bobbi@snohomishcd.org
17. Puget Sound Conservation District	Joe Holtrop (Clallam)	joe.holtrop@clallamcd.org
18. WA State Department of Agriculture	Julie Morgan	jmorgan@agr.wa.gov
19. WA State Department of Agriculture	Patrick Capper	PCapper@agr.wa.gov
20. WA State Department of Agriculture	Kirk Cook	KCook@agr.wa.gov
21. WA State Department of Ecology	Kelly Susewind	ksus461@ecy.wa.gov
22. WA State Department of Ecology	Lisa Newman	lnew461@ECY.WA.GOV
23. WA State Department of Ecology	Tom Clingman	tcli461@ecy.wa.gov
24. WA State Department of Ecology	Ben Rau	benr461@ecy.wa.gov
25. WA State Department of Ecology	Ron Cummings	rcum461@ecy.wa.gov
26. WA State Department of Health	Jerrod Davis	jerrod.davis@doh.wa.gov
27. WA State Department of Health	Mary Knackstedt	Mary.Knackstedt@doh.wa.gov
28. WA State Department of Health	Andrea Hood	andrea.hood@doh.wa.gov

Dialogue Group Invitees		
Perspective	Name	Email
29. WA State Puget Sound Partnership	Alana Knaster	alana.knaster@psp.wa.gov
30. U.S. EPA	Rick Parkin	parkin.richard@epa.gov
31. U.S. EPA	Angela Bonifaci	Bonifaci.Angela@epa.gov
32. Local Government	Linda Neunzig (Snohomish County Agriculture Coordinator)	sedlsn@co.snohomish.wa.us
33. Local Government	Gary R. Christensen (Skagit County Planning and Development Services)	garyc@co.skagit.wa.us
34. American Farm Land Trust	Christy Carr	CCarr@FARMLAND.ORG
35. ICF	Erika Britney	Erika.Britney@icfi.com
36. ICF	Charlene Andrade	Charlene.Andrade@icfi.com
37. ICF	Scott Boettcher	Scott.boettcher@icfi.com (scottb@sbgh-partners.com)

Attachment B – NWIFC Meeting Participants and Notes

Meeting Notes

Tribal Perspectives on Voluntary Incentive Programs (VIPs)

A. Meeting Date, Time, Location

1. **Date** – Wednesday, May 28, 2014
2. **Time** – 1:00 p.m. to 3:00 p.m.
3. **Location** – NWIFC (6730 Martin Way E., Olympia, WA 98516, small conference room in main building).

B. Meeting Participants

1. **NWIFC** – Fran Wilshusen, Jim Peters, Todd Bolster, James Weber.
2. **PSP** – Alana Knaster, Jeanette Dorner.
3. **WSCC** – Ron Schultz.
4. **ICF** – Scott Boettcher, Erika Britney.

C. Process Comments

1. NWIFC commented on the lack of tribal involvement in the dialogue group and the initial interviews (Task 2). Group agreed that sending the invitation letter to the tribal chairs was appropriate but not sufficient and recommended also copying tribal natural resource staff and NWIFC to ensure timely response to the invitation. Also, when in doubt, call Fran and/or Jim for guidance.

⇒ Apply guidance going forward; invite NWIFC to follow up on dialogue group meeting.
2. It was also noted that initial interviews provided a narrow perspective on VIPs and included only proponents/advocates for VIPs and that other perspectives were not included (e.g., Washington State Recreation and Conservation Office (RCO), Ecology Water Quality, tribal, and salmon recovery perspectives). As a result, findings generated from those interviews are largely weighted toward that perspective. Examples include:
 - Concerns associated with buffers from the perspective of landowners are included but not the benefits of buffers from the perspective of salmon recovery interests, tribal interests, etc.
 - Language describing riparian buffer requirements demonstrates bias.

WSCC noted that the language in the memo reflects wording/views expressed by interviewees, which can be informative of attitudes and perceptions (accurate or not). Group agreed goal should be a balanced presentation of multiple perspectives from multiple interests.

⇒ Make sure that materials clearly identify views/perspectives of interviewees/participants, pay close attention to wording, and incorporate input gathered from this meeting into final report.

3. NWIFC commented that this project as performing a subjective evaluation of limited stakeholder perceptions on the subject of the effectiveness of VIPs.
4. NWIFC noted that what is really needed (rather than a process of gathering opinions), is some basic objective fact finding: what data is available; what can we tell about what has been put on the ground thus far; what are the sizes, widths, composition, etc. of buffers and BMPs implemented. Without a factual analysis this report, and the broader discussion of the effectiveness of VIPs to achieve resource objectives, will continue “the existing rhetoric of incentive programs”

⇒ Identify the need for basic, objective fact finding in recommendations for next steps for discussion at next Dialogue Group meeting.

D. Context of This Project with Other Efforts

1. This effort is scoped to address C3.1 NTA 2 (pg. 209, http://www.psp.wa.gov/downloads/AA2011/083012_final/Action%20Agenda%20Book%20Aug%2029%202012.pdf), titled *Effectiveness of Incentive Programs*. This NTA states:

By December 2013, the State Conservation Commission, in consultation with Ecology and the Washington State Departments of Agriculture and Health, Conservation Districts, Federal agencies and Tribes, will report to the Governor and the Legislature on the effectiveness of incentive programs to achieve resource objectives. The report will include a section from Ecology on compliance with water quality standards.

2. In contrast to recent discussion between NWIFC and WSCC related to evaluating the effectiveness of existing agricultural VIPs administered by WSCC in lieu of instituting riparian buffer width recommendations, the WSCC intent of this project is to take broader, higher-level evaluation on the subject of the effectiveness of VIPs. (Note: See NWIFC feedback D.3. above)

E. Comments on Voluntary Incentive Programs

1. Need to be clear about how “effectiveness” is defined. Do you mean effective at allocating funding? If it refers to a broader ecological context, then the specific goals/objectives need to be specified.

2. NWIFC suggests that metrics used to determine effectiveness should include habitat conditions for both salmon and shellfish.
3. Participants from NWIFC indicated that they are not opposed to VIPs. They are concerned that the programs as currently designed [or implemented], are narrowly focused in order to avoid addressing difficult issues, such as temperature and large woody debris. As a consequence, some programs focus exclusively on one treaty-reserved resource (shellfish), while ignoring another (salmon). Since good riparian management (often by the same landowners) is necessary to protect both salmon and shellfish, narrowly focusing on shellfish wastes outreach opportunities and scarce state and federal grant resources.
4. VIPs are not successful when there is selective/limited implementation of BMPS and, as a result, the measures implemented are not sufficient to fully address all of the water quality and habitat issues associated with that property.
 - ⇒ Effectiveness of VIPs needs to be measured at the property scale and at the reach and/or watershed scale.
5. “Site specific” is often code for establishing BMPs “depending on landowner willingness.” There is ample science to provide thresholds for minimum levels of protection needed to ensure all WQS and beneficial uses are protected. Site specific can and should be used to increase levels of protection to comply, say with a watershed TMDL or recovery plan, however, it should not be employed to undercut or decrease science because a watershed has a different political makeup.
6. There was agreement that setting clear, discrete objectives at a watershed scale is important for setting up a successful watershed-focused VIP. However, in the majority of circumstances, it can be difficult to get agreement on the objectives (ecological outcomes).
 - Given that we already have legally adopted water quality standards and salmon recovery plans, we are going to have to honestly explore why it is so difficult to reach agreement on the ecological outcomes.
7. Treaty Rights at Risk should provide a motivator/spark plug related to the legal obligations that VIPs are intended to meet.
8. The forest and fish program provides a great example of science-based law that addresses Washington's native fish and aquatic species and assure clean water compliance.
9. It helps to learn from past successes:
 - Timber Fish Wildlife (TFW) Process – There was significant legal uncertainty and threat of litigation as well as a strong commitment of leadership. This process included small landowners.
 - Forest and Fish Report (FFR) – Was ESA focused but also successful at incentivizing.
10. Successful watershed-focused VIPs require strong leadership commitment and clear results showing environmental gains due to specific BMPs.

11. The focus on getting voluntary landowner participations leads to definitions of success that focus on participation, independent of the actual ecological objectives of the program – clean water and good fish habitat
12. Tribes have supported VIPS as long as there is a regulatory backstop on water quality standards and salmon recovery. During the Ruckelshaus process, tribes were willing to commit to viable farms as long as agriculture community made a similar commitment to fish. Agriculture community made no similar commitment to fish and said no to regulatory backstops. As a result, the Tribes declined to continue participating in the Ruckelshaus process.
13. Accountability and results are necessary for having (and demonstrating) effective VIPS. But many programs may not even collect the data (e.g. buffer width, land use, location, etc.) necessary to determine effectiveness or disclosure requirements may preclude such an objective evaluation. This report needs to evaluate this critical issue.
14. Key issue is whether or not VIPS are working from the standpoint of resource recovery and environmental gains.

F. Buffers

1. Agencies have not given NMFS' buffer guidelines enough of a chance (e.g., it took a few years for Conservation Reserve Enhancement Program (CREP) to be accepted as a program but it has gradually gained momentum and is used). Moreover, we have yet to see any analysis indicating that buffer guidelines can't/won't work.
2. Can include an off-ramp for unwilling landowners so funding can go to willing landowners.
3. Can include an off-ramp from buffer guidelines if alternate, scientifically sound, equally ecologically protective BMPs/approaches are proposed.
4. There is science to back up/demonstrate the ecological benefit of buffers. Can data demonstrate that buffers have discouraged landowners from applying, or is there only anecdotal evidence?
5. Need to create threshold expectations; use the energy of the tribes to advance the issue of VIPS in general.

G. Outreach on Shellfish Management and Salmon Recovery

1. We are currently lacking an agreed-to approach for concurrent, coordinated shellfish management and salmon recovery.
2. There is no consistency in publically funded outreach to landowners, and as a result jurisdictions may be recommending different, competing, and potentially in-effective solutions to landowners. This is not good government.

3. A scientifically based outreach (education) approach is needed to help develop consistency across jurisdictions.
4. Why do we do outreach for shellfish and salmon separately? Public education is needed; it is important to get the science right and message it consistently. Cannot have different agencies with different messages or variations on a theme.
5. There has not been a scientifically supported counter proposal on minimum buffer guidelines.
6. Incentive programs operate as outreach programs, because they communicate what the “public” is willing to pay for to achieve environmental gains. Therefore, when we incentivize insufficient practices, or don’t have adequate guidance to prevent these abuses, agencies may be sending messages to landowners that conflict with other government efforts. Examples include WSCC funding inconsistent with TMDL requirements, or NEP and PSP funding inconsistent with Salmon Recovery, etc.

H. Data

1. This is still anecdotal information/data that rely on people’s opinions; we still need real data on where/how VIPs have been implemented so it can be correlated with ecological data in the watershed.
 - a. What data are out there? We may find there are a lot of opinions and very little data.
 - b. Would analysis of data yield useful information? Need to see CREP data.
 - c. Post meeting note: CREP projects are implemented under terms of a confidentiality agreement so that information on individual properties is not disclosed such that the data can be connected to individual properties.
2. Need to understand what data are/are not collected and what this means for being able to assess the efficacy of voluntary BMPs, programs, and adaptive management.

I. Funding

1. A concern is that if money is not spent, then the same dollars will not be allocated again the following budget year. This incentivizes poor decision-making on spending. We need to encourage spending decisions that are made on the basis of well-designed proposals – not the fear of losing funding.
2. NWIFC has developed some innovative approaches to managing different streams of funding and is willing and interested in sharing ideas.
3. Can we do a better job of investing in conservation?



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Puget Sound Near-Term Action – Agriculture Strategy

Summary: The Conservation Commission is a supporting agency for a near-term action in the PS Action Agenda relating to identifying an agriculture strategy for Puget Sound. The PS Partnership is the lead agency for this near-term action. The first version of the report on this evaluation is completed and offered here for Commission review and comment.

Action Requested: Information, Discussion and Guidance Only

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

Description:

The Puget Sound Action Agenda includes several near-term actions (NTA) identified as necessary to address the threats to the health of the Sound ecosystem. The Action Agenda also requires actions to consider maintaining the economic viability of various activities in the region including agriculture.

Various agencies and entities are identified as the lead for the implementation of the NTAs. The Conservation Commission is identified as lead on six NTAs. The Commission is also identified as co-lead on several other NTAs in which we assist the lead entity in the NTA implementation. This ag strategy NTA is one in which the SCC is a partner with other agencies, supporting PS Partnership in their lead role.

The agriculture strategy NTA states:

Co-Lead: A3.2 NTA #2 - Agriculture strategy. PSP, in collaboration with WSDA Ecology, the Conservation Commission, and agricultural partners will develop a Puget Sound agricultural strategy by December 2013. This strategy will identify needs for maintaining the health of the industry, and key areas where the agricultural industry can contribute to the protection and restoration of Puget Sound. It will be included in the 2013 Action Agenda.

The PS Partnership contracted with a consultant to help gather information for this NTA. The consultant convened a series of work group meetings with key stakeholders including conservation districts, agricultural group representatives, environmental groups, and county staff. The group attempted to define an agricultural strategy for the Sound but had difficulty finding focus. Ultimately the group settled on the following next steps for an agriculture strategy:

1. Get the message out on the importance of agriculture for Puget Sound recovery
2. Conduct a county-level analysis of agriculture infrastructure needs
3. Review funding to reduce constraints, break silos, increase collaboration and flexibility and raise agriculture to be on par with environmental programs.

The full report is attached.

The consultants also conducted a survey of the counties with ag strategic plans and a quick review of those plans. This information is also attached.

Memorandum

Date: 5/28/2014

To: Kevin Anderson, Puget Sound Partnership
Alana Knaster, Puget Sound Partnership

From: Susan Burke, Cardno ENTRIX

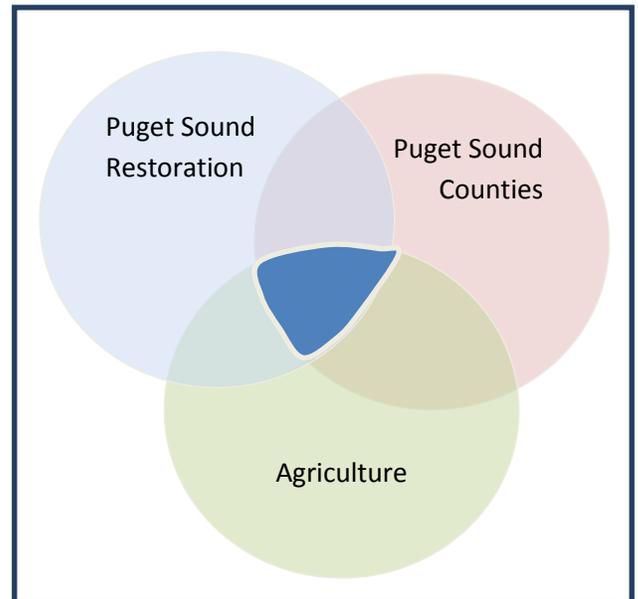
RE: Puget Sound Agriculture Strategy possible framework for the NTA

While reviewing the County Agriculture Strategic Plans I considered a possible framework for the NTA, and a strategy that fits that framework. The framework integrates the dual objectives of the NTA with the PSP's founding legislative goals and further, a framework is consistent for the PSP, versus Department of Agriculture to develop and implement.

The Venn diagram below depicts the framework, showing the nexus of Puget Sound restoration with Statewide ag and the Puget Sound Counties. The darker blue triangle, where these three circles intersect, is the geographic scope of the NTA.

What is unique about that area of intersection?

- The agriculture is unique compared to agriculture in other areas of the state because the food production is occurring nearer to population centers, and therefore nearer to the demand for the food.
- Puget Sound counties produce an incredibly wide variety of livestock and produce. Many of these products can be produced and sold profitably at a smaller scale, including dairy, vegetables, fruits and berries (King County, 2009).
- "Maintaining the vibrancy of agriculture is crucial to recovering Puget Sound and instrumental in providing a high quality of life in the region." (Action Agenda, Page 51).
- Both restoration of the Sound and the vibrancy of agriculture faces the threat from the estimated 1.7 million new residents expected to live in the region by 2040 (Urban Land Institute, 2008)



Recall the PSP legislative goals (JLARC, 2011 page 21), **emphasis added**:

1. A **healthy human population** supported by a healthy Puget Sound that is not threatened by changes in the ecosystem.

5. *An ecosystem that is supported by groundwater levels as well as river and stream flow levels sufficient to **sustain people, fish, and wildlife, and the natural functions of the environment.***

A strategy that falls out of the framework focuses on the 'Resiliency' category of developing 'buy-local' and may be economically and environmentally feasible. The buy-local strategy was identified in three of the four County strategic plans that were reviewed. Furthermore, it is possible to state an objective as well measure progress toward achieving that objective by measuring food exported from the region as a percent of total food produced in the region.

A compelling reason to consider this strategy can be found in Barbara Kingsolver's book, *Animal Vegetable and Miracle: A Year of Food Life*

Americans put almost as much fossil fuel into our refrigerators as our cars. We're consuming about 400 gallons of oil a year per citizen-about 17 percent of our nation's energy use- for agriculture, a close second to vehicular use. Tractors, combines, harvesters, irrigation, sprayers, tillers, balers, and other equipment all use petroleum. Even bigger gas guzzlers on the farm are not the machines, but so-called inputs. Synthetic fertilizers, pesticides, and herbicides use oil and natural gas as their starting materials, and in the manufacturing. More than a quarter of all farming energy goes into synthetic fertilizers.

But getting the crop from seed to harvest takes only one-fifth of the total oil used for our food. The lion's share is consumed during the trip from the farm to your plate. Each food item in a typical U.S. meal has traveled an average of 1,500 miles. In addition to direct transport, other fuel-thirsty steps include processing (drying, milling, cutting, sorting, baking), packaging, warehousing, and refrigeration. Energy calories consumed by production, packaging and shipping far outweighs the energy calories we receive from the food.

A quick way to improve the food-related economy would be to buy a quart of motor oil and drink it. More palatable options are available. If every U.S. citizen ate just one meal a week (any meal) composed of locally and organically raised meats and produce, we would reduce our country's oil consumption by over 1.1 million barrels of oil every week. That's not gallons, but barrels. Small changes in buying habits can make big differences. Becoming a less energy-dependent nation may just need to start with a good breakfast.

Memorandum

Date: 5/28/2014
To: Kevin Anderson, Puget Sound Partnership
 Alana Knaster, Puget Sound Partnership
From: Susan Burke, Cardno ENTRIX
RE: Puget Sound Agriculture Strategy, Summary of Counties' Agricultural Strategic Plans

Context and Background

At the Advisory Committee meeting held on March 31, 2014 the following three topics were discussed as possible next steps to develop the Puget Sound Agriculture Strategy:

1. Get the message out on the importance of agriculture for Puget Sound recovery
2. Conduct a county-level analysis of agriculture infrastructure needs
3. Review funding to reduce constraints, break silos, increase collaboration and flexibility and raise agriculture to be on par with environmental programs.

Following the March 31, 2013 meeting, staff from the PSP and the co-conveners agreed that step two, conducting a county-level analysis of agriculture infrastructure needs, was the next efficient step to complete. The analysis consists of reviewing existing county-level agricultural strategic plans to look for similarities and differences with the objective of finding opportunities for near-term action. The analysis describes infrastructure types, constraints, opportunities and catalysts (see **Table 1**).

Table 1. Regional Infrastructure Types; including needs, opportunities and catalysts.

Infrastructure Type	Constraints	Opportunities	Catalysts
Land			
Economy			
Water			
Markets			
Resiliency			
Programmatic Permit Needs			

PSP staff instructed Cardno ENTRIX to review four counties' plans, spending no more than \$5,000, to begin the analysis. The four counties selected were; King, Snohomish, Thurston and Whatcom. **Attachment A** lists the names of the plans and the source (website) of each plan. In addition to each Counties' strategic plan most counties have published companion documents, or follow on work to the strategic plans. For example, since publishing the Agriculture Action Plan in 2005 Snohomish County has begun working on a program entitled Sustainable Lands Strategy (SLS) with the goal of developing tools and strategies to generate net gains for both fish and farms along the shorelines and within the floodplains. The primary focus of this analysis was the strategic plans, however other documents were also reviewed.

Regional Infrastructure Review

Method

Each Counties' strategic plan was reviewed and the constraints and opportunities discussed in each plan were categorized into 'infrastructure types' and 'sub-types'. **Table 2** presents the categories of types, sub-types and description of the constraints and opportunities included in each category. Once the plans' constraints and opportunities were categorized they were compared to look for similarities and differences.

The Counties' plans varied slightly in both scope and method. For example, King County's and Snohomish County's plan presented 'Critical Issues and Recommendations/Outcomes' whereas Thurston County's plan presented an analysis of 'Strengths, Weaknesses, Opportunities and Threats (SWOT)'. All three of those Counties' plans were broad in focus, including both actions that the county is authorized to take plus actions for which the county would collaborate with other entities. Whatcom County's strategic plan was slightly narrower in focus; primarily focusing on actions that the County could take to achieve the goal of ensuring a minimum of 100,000 acres of land are available for agricultural use. Despite the fact the counties' plans utilized various methods and scope it was relatively straightforward to categorize the information according to the definitions presented in **Table 2**.

Table 2. Categories of Infrastructure Type, Sub-Type and Descriptions of Issues and Opportunity types.

Infrastructure Type	Sub-Type	Description of Issues and Opportunities related to -
Economy	Supply chain	- Businesses that support agriculture such as, farm laborers, suppliers, large-animal veterinaries, processors, etc.
Land	Affordability	- increasing land costs due to population and development pressures
	Compatibility	- Right to farm initiatives, traffic related issues and hazards, noise, odor etc.,
	Protection of ag lands	- Zoning and parcel reconfiguration
	Restoration	- Increasing agricultural representation on salmon recovery forums, mitigation for agricultural land lost to wetlands, riparian buffers, etc.

Infrastructure Type	Sub-Type	Description of Issues and Opportunities related to -
Markets	Buy-local campaigns	- Assisting connection between buyers and sellers and public agency procurement of locally grown food.
	Farmers' Markets	- Strengthening profitability of Farmer's Markets with secure locations, health and zoning codes, electronic payment systems, etc. Also supporting WIC and senior nutrition programs.
	Market development	- Developing (niche) markets and consider potential new/needed infrastructure to support it, for example smaller organic growers may not have the infrastructure/connections/volume to sell to existing buyers.
	Natural resource marketplaces	- Compensating farmers for the ecosystem services they provide
Programmatic Permit Needs	Increase flexibility, county building/zoning	- Streamline and improve understanding of County permitting related to building codes, etc.
	Supply chain	- Siting of agricultural infrastructure facilities in rural areas
Resiliency	Farm-city connection	- Education and informing the urban population about needs of agriculture and source of food.
	Farmer succession	- Declining number of farmers
	Financial support	- Planning, marketing, finances agriculture. Review tax structures.
Water	Agricultural drainage	- Streamlining permitting process
	Flooding	- Reducing potential damage and providing support to farmers post-flood.
	Irrigation supply	- Increasing the security of and efficient use of irrigation water, particularly as more intensive farming is adopted (e.g. berries, market-crops) that require more water than current crops.

Summary results

In general the four strategic plans identified the same constraints and opportunities. Differences in the plans had more to do with the degree to which a topic was discussed, rather than whether a topic was discussed. For example the Thurston County plan discussed forestry issues more than any of the other three plans. Conversely the King County plan discussed the farm-city connection relatively more than other plans. **Table 3** presents a summary of the constraints, opportunities, the catalyst and a check-list to show which counties' plan includes discussion about a particular category.

The catalysts for many of the opportunities are the Counties themselves, particularly with regard to zoning and permitting (building) opportunities (categorized in the Land and Programmatic Permitting Needs areas). State agencies may find effecting outcomes in those opportunity areas that are managed at the county-level requires relatively more investment in time than in other opportunity areas, for example in the Markets, Resiliency, Economy and Water infrastructure area.

Attachment B is the county-level categorization of the constraints and opportunities.

Table 3. Categories of Infrastructure Type, Sub-Type and Catalyst by County.

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
Economy	Supply Chain	<ul style="list-style-type: none"> ▪ Processors, suppliers, large-animal vets, are disappearing. ▪ Emerging markets may require different infrastructure. 	<ul style="list-style-type: none"> ▪ Actively recruit new processing facilities to expand the value-added capacity of the industry. ▪ Consider a multi-county review of infrastructure and transportation needs for current and potential markets. 	<ul style="list-style-type: none"> ▪ Counties ▪ WSU ▪ Commodity orgs ▪ Business development councils 	✓	✓	✓	
Land	Affordability	<ul style="list-style-type: none"> ▪ Puget Sound population estimated to increase by 50% in the next 20 years, increase demand for land to develop, with the competing demand of needing more output to feed the population. 	<ul style="list-style-type: none"> ▪ Support TDR programs ▪ Consider PDR programs 	<ul style="list-style-type: none"> ▪ Counties 	✓	✓	✓	✓
Land	Compatibility issues	<ul style="list-style-type: none"> ▪ Land adjacency issues, e.g. late working hours, dust, noise, odors, etc. ▪ Right to farm initiatives ▪ Traffic issues 	<ul style="list-style-type: none"> ▪ Review in Comprehensive Plan updates ▪ County staff to understand range of issues associated with traffic hazards for farmers 	<ul style="list-style-type: none"> ▪ Counties 	✓	✓	✓	✓
Land	Protect agricultural lands	<ul style="list-style-type: none"> ▪ Population (see land affordability) 	<ul style="list-style-type: none"> ▪ Zone designation for ag lands of long-term significance ▪ Explore mitigation options and potential for lost agricultural lands 	<ul style="list-style-type: none"> ▪ Counties ▪ State 	✓	✓	✓	✓

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
			<ul style="list-style-type: none"> Establish minimum goals for number of ag acres Consider reconfiguring agricultural parcels 					
Land	Restoration	<p>As some of the best opportunity to restore floodplain and habitat functions, ag land is threatened by:</p> <ul style="list-style-type: none"> wetland mitigation projects, levee set-backs and salmon recovery projects 	<ul style="list-style-type: none"> identify and measure the improvements in riparian condition and agricultural practices related to water quality and salmon in the last ten years and work to incorporate these practices into farm plan implementation, drainage assist, voluntary habitat improvement projects Increase representation of agricultural interests on salmon recovery forums. Meet with USACE, ECY to prevent conversion of ag acres to wetland; reestablish wetlands away from productive soils 	<ul style="list-style-type: none"> Counties State Fed NGOs Tribes 	✓	✓		
Markets	Buy-local campaigns	<p>Local, fresh food is often less energy-intensive and has lower carbon emissions than food that is packaged, prepared, and transported long distances however infrastructure and robust markets need to be assessed to support buy-local</p>	<ul style="list-style-type: none"> Connection buyers and sellers, e.g. Puget Sound Food Network and Puget Sound Fresh. Agency procurement policies that encourage purchases of locally grown fresh foods 	<ul style="list-style-type: none"> Counties Cities State NGOs 	✓	✓	✓	

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
		campaigns.						
Markets	Farmers Markets		<ul style="list-style-type: none"> Strengthen farmers markets infrastructure, e.g. secure locations, health and zoning codes, electronic payment systems, parking Support WIC and Senior Farmer's Market Nutrition Programs 	<ul style="list-style-type: none"> Counties Cities State Federal 	✓	✓	✓	
Markets	Market development	<ul style="list-style-type: none"> small farms do not have the volume to sell to large-scale processors or grocery chains new technology may make existing products obsolete (e.g. wood laminate flooring) 	<ul style="list-style-type: none"> Develop an ag incubation program to assist in providing farmers with facilities and expertise to develop value-added products Develop (niche) markets in collaboration with the Northwest Agricultural Business Center, WSU, EDC. 	<ul style="list-style-type: none"> Counties State WSU NGOs 	✓	✓	✓	
Markets	Natural resource marketplace	<ul style="list-style-type: none"> Compensate farmers for the services they provide 	<ul style="list-style-type: none"> Consider a tax credit for mitigation runoff, rather than creating it Make salmon recovery a viable agricultural enterprise, compensating landowners for improving habitat Water transfers/banks 	<ul style="list-style-type: none"> State Tribes NGOs 		✓	✓	✓
Programmatic Permit Needs	Increase flexibility, county building/zoning	<ul style="list-style-type: none"> permit applications are complex and difficult to determine requirements lack of understanding of the regulations affecting ag 	<ul style="list-style-type: none"> create alternative way to process agricultural permits separate and unique from residential and commercial permits establish a permit assistance center train county staff in the requirements and operations 	<ul style="list-style-type: none"> Counties 	✓	✓	✓	✓

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
			<p>of ag businesses</p> <ul style="list-style-type: none"> require an economic impact analysis for regulations Conduct a series of farming issues and answers workshops. Investigate fees applied to working lands for appropriateness, e.g. storm water fee. Perhaps consider a tax credit for mitigating runoff, rather than creating it. Look for opportunities to eliminate redundancies between local, state, and/or federal agencies with regs that impact famers. 					
Programmatic Permit Needs	Supply chain	Allowed Use limitations, processing and sales limits, on-farm labor housing challenge commercial agriculture	<ul style="list-style-type: none"> review and update Comp Plan, zoning, and development ordinances to remove obstacles to siting ag infrastructure facilities in rural areas Ease permitting of processors, e.g. slaughter facilities, commercial kitchens, etc. to reduce the distance that food must travel from farm to table. Review Accessory Uses of ag land 	<ul style="list-style-type: none"> County State 	✓	✓		
Resiliency	Farm-city connection	Lack of understanding among urban dwellers of local agriculture and source of their food	<ul style="list-style-type: none"> identify ways farmers can engage with urban residents to help increase knowledge of the pressures facing agriculture in an urban 	<ul style="list-style-type: none"> County State NGOs 	✓	✓	✓	

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
			environment <ul style="list-style-type: none"> ▪ Create a stronger pro-farming presence to enhance the visibility and understanding of the importance of local agriculture ▪ Promote salmon-friendly labeling with consumers and farmers ▪ work with schools to develop a way that urban senior-level students could fulfill community service requirements by working on farms ▪ Increase the number of agri-tourism destinations 					
Resiliency	Farmer-succession	Average age of farmers is declining	<ul style="list-style-type: none"> ▪ Support intergenerational transfer, e.g. WA Farm Link Program 	<ul style="list-style-type: none"> ▪ NGOs ▪ State ▪ Federal 	✓	✓	✓	
Resiliency	Financial and interlocal support	Limited financial resources are available to assist farmers, particularly farmers in a metro area.	<ul style="list-style-type: none"> ▪ Increase business development assistance to ag-based businesses, planning, marketing, financial mgmt. ▪ review tax structure for equity to farmers ▪ provide farmers with info about grants and loans (e.g. EQIP, WHIP, TSP, CIG) 	<ul style="list-style-type: none"> ▪ NGOs ▪ State ▪ Federal 	✓	✓	✓	
Water	Agricultural drainage	Watercourses are part of a drainage system that is crucial for agriculture. Prior to the 1990s the	<ul style="list-style-type: none"> ▪ stream-line permitting process ▪ review options for a process that would authorize the County to approve 	<ul style="list-style-type: none"> ▪ County ▪ State ▪ Federal ▪ Tribes 	✓	✓		

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
		removal of vegetation and accumulated sediment from the watercourses was a maintenance activity that farmers routinely conducted to keep their drainage systems functioning properly with little regulatory oversight. If these activities are not done properly they can have a negative effect on aquatic life, habitat and water quality. Therefore new regulations were adopted by the federal, state and local governments to protect water quality and habitat. The current regulatory requirements are difficult to understand, time-consuming, costly and uncertain. The result is a backlog of unmaintained drainage systems.	<p>maintenance-level work on existing dikes via a single</p> <ul style="list-style-type: none"> ▪ Provide technical and financial assistance to ensure ditch maintenance activities meet the farmers' needs while protecting endangered species and habitat. ▪ Collaborate with regulators, farmers and salmon recovery forums to link drainage projects and salmon enhancement priorities on agricultural land. 					
Water	Flooding	farmers in floodplains expect to suffer occasional damaging	<ul style="list-style-type: none"> ▪ include agricultural interests at the Flood Control Advisory Committee 	<ul style="list-style-type: none"> ▪ Federal ▪ State ▪ Counties 	✓	✓		

Infrastructure Type	Sub-type	Constraint(s)/Issues	Opportunity	Catalyst	County			
					King	Sno.	Thurston	Whatcom
		floods, but the frequency and severity of floods in the last several years have caused extreme physical and psychological hardship	<ul style="list-style-type: none"> ▪ Remove hazardous materials from floodplains to avoid contaminating fields and injuring livestock ▪ more support to farmers removing debris after a flood ▪ mitigate potential flood hazards and damages 					
Water	Irrigation Supply	<ul style="list-style-type: none"> ▪ Urban demand increases as urban use increases ▪ Converting to more intensive, high-value farming (vegetables, berries) increases the need for and crop requirement for water ▪ Current 'use it or lose it' does not adequately protect water rights or encourage conservation 	<ul style="list-style-type: none"> ▪ Develop innovative ways to modify the relinquishment laws to help farmers keep their water rights, also encouraging water use efficiency. ▪ Consider water marketing, 'banking' and reuse ▪ Increase storage capacity 	<ul style="list-style-type: none"> ▪ State 	✓		✓	

Distribution:

Lucas Patzek, WSU Extension, Thurston County
Scott Clark, Thurston County Department of Planning
Steve Sakuma, Sakuma Brothers
Allen Rozema, Skagitians to Preserve Farmland
Brandon Roozen, Western WA Ag Association
Linda Neunzig, Snohomish County Agricultural Coordinator
Jay Gordon, Wa State Dairyman's Federation
John Taylor, King County Water and Land Resources Division
Alex Ko, Stewardship Partners
Sherre Copeland, NRCS, Partnership Liaison
Rick Parkin, EPA Region 10
Ron Cummings, Washington Department of Ecology
Ryan Mello, City of Tacoma Council Member
Gina Bonifacino, EPA Region 10
Mark Personius, Whatcom County Planning & Development Services
Ron Shultz, Washington State Conservation Commission
Dennis Canty, American Farmland Trust
Julie Morgan, WA Department of Agriculture
Tom Davis, WA Farm Bureau
Jack Field, Cattlemen's Association
Lisa Dally Wilson, Dally Environmental
Dan Evans, Snohomish County Sustainable Lands Strategy
Lew Moore, Snohomish County Sustainable Lands Strategy



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Update on Ecology Agriculture and Water Quality Discussions

Summary: Ecology has created an Agriculture and Water Quality Advisory Committee, which began meeting earlier this year.

Action Requested: Information Only

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

Description:

Starting in early 2014, Ecology director Maia Bellon began a process of outreach to the agricultural, environmental and tribal communities to form an Agriculture and Water Quality advisory committee to discuss issues relating to achieving water quality objects on agricultural lands. The advisory committee is co-chaired by Director Bellon and Vic Stokes, President of the Washington Cattlemen's Association.

The first meeting was held on March 19, 2014 the purpose of which was to hear updates from Ecology staff on agency activities, provide an opportunity for the advisory committee to recommend approaches or combinations of approaches to Ecology on various issues, and to view presentations on Ecology's watershed evaluation program and substantial potential to pollute.

The second meeting was held on May 1, 2014 at which the advisory committee received a presentation on the authorities and activities of the Conservation Commission, and from WACD. The group also discussed various inspection activities and heard a briefing from Ecology staff on how inspections are conducted.

The third meeting will be on July 16. The subject of the meeting will be a presentation from Tip Hudson of WSU on a process he has developed that assists landowners in identifying the potential risks on their property. A full briefing on the results of this meeting will be presented to the Commission at their July 17 meeting.

Representation – Confirmed committee members include:

Producers

- Pacific Coast Shellfish Growers Association
- Pacific NW Direct Seed Association
- Washington Association of Conservation Districts
- Washington Cattleman's Association
- Washington Cattle Feeders Association
- Washington Hay Growers Association
- Washington State Dairy Federation
- Washington State Farm Bureau
- Washington State Water Resources Association
- Washington Horticulture Association
- Washington Potato Commission
- Washington Wheat Growers
- Cattle Producers of Washington

Environmental Organizations

- Center for Environmental Law & Policy
- Puget Soundkeeper Alliance

Ecology Blog Posting:

ECOconnect

Proud to help you protect Washington's quality of life

Monday, October 28, 2013

Clean water on agricultural lands: The facts about Ecology's watershed evaluation program

By Brook Beeler, Eastern Regional Office

An important part of the Department of Ecology's work is to find and control sources of pollution that don't come out of an industrial pipe.

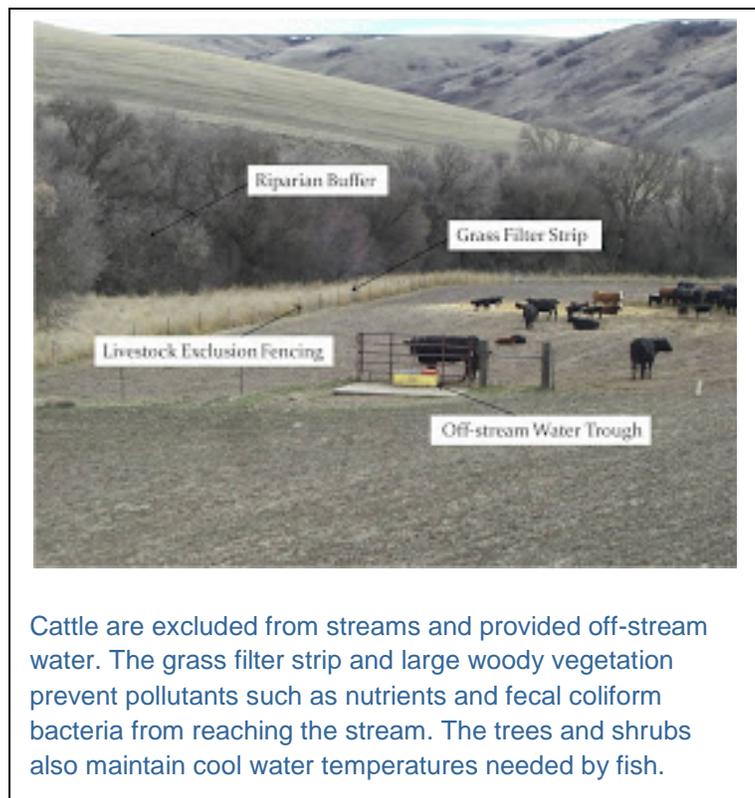
Sometimes these sources of pollution are livestock.

While streams may pass through private property, they belong collectively to all people in the state. We believe that clean water on agricultural lands can be achieved and operations can remain profitable. We do not need to choose between the two. We can and should have both.

Our routine watershed evaluation work in Eastern Washington has been called into question by some. In doing this work, we evaluate and record pollution problems. Then we follow up with landowners to try to find ways to fix the problems with available state and federal funding.

There have been some mischaracterizations of this important watershed evaluation work. We want you to have the facts.

Ecology is not unfairly targeting livestock lands. We address all types of pollution including city and construction stormwater run-off, logging practices and agricultural production. Our watershed evaluation program allows us to prioritize our technical and financial assistance where the health of our rivers and streams are clearly impacted.



Cattle are excluded from streams and provided off-stream water. The grass filter strip and large woody vegetation prevent pollutants such as nutrients and fecal coliform bacteria from reaching the stream. The trees and shrubs also maintain cool water temperatures needed by fish.

Some call this work "Ecology's list of polluters." The information we collect is a database

of recorded site conditions and locations where water quality problems exist. We use this information judiciously. To set a wider context, we have performed livestock watershed evaluations in eastern Washington since 2001. During that time, we have taken just five formal regulatory actions.

Ecology has worked with more than one hundred livestock producers, resulting in the protection of more than 300 miles of streamside areas. Many of these livestock producers report that their operations are more viable after making changes that also protect clean water.

Watershed evaluation process

To conduct our annual watershed assessments, our field staff stays on public property adjacent to streams and look for signs of pollution. For livestock lands, we identify sites with [water quality concerns based on site conditions we see](#). The connection between these site conditions and water quality problems is well documented in extensive scientific literature.



Examples of site conditions pictured here known to contribute to pollution are extended access to surface water; slumping stream banks and erosion; overgrazing of grasses; bare ground and exposed soil.

In cases of significant pollution problems Ecology communicates and coordinates with local conservation districts and then contacts landowners to provide financial and technical assistance. If landowners are concerned that they may have pollution problems on their land we are more than willing to discuss our evaluations of individual sites.

We are committed to helping landowners get the assistance needed to protect clean water. Many of the same practices that prevent pollution can also help landowners:

- Better use range or pasture
- Create grazing plans that improve forage availability
- Set up winter feeding and calving areas to better protect the health of the animals
- Receive significant rental payments to protect stream corridors

The choice to work with us and receive funding for needed changes is a unique service for agricultural landowners. This is not available to most industries.

Financial commitment

We also understand the concerns that producers have that management changes could affect them financially. To help address and alleviate these concerns, we provide producers assistance to not only protect clean water, but also opportunities to enhance the economic vitality of their operations.

We work hard to get grant funds into the hands of local conservation districts so they may help livestock producers address pollution concerns. Approximately 3.5 million state dollars have been directed toward programs to help livestock producers with water quality and farm improvements in Eastern Washington alone.

We are in this together, we all need clean water.

Read more about our work at [Clean Water on Agricultural Lands](#).



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Shellfish Outreach Effort with PS Partnership, WSU Extension, and Pierce CD

Summary: The Conservation Commission has entered into an agreement with the PS Partnership for the implementation of a pilot shellfish landowner outreach effort in collaboration with WSU Extension and the Pierce CD. The project is to evaluate parcel-by-parcel outreach in a targeted area.

Action Requested: Information Only

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

Description:

In April of this year the Conservation Commission entered into a contract with the PS Partnership for the implementation of a pilot landowner outreach program. The program will focus on landowners in the nearshore and freshwater upland areas near important shellfish growing areas. The total value of the contract is \$300,000 with the bulk of the funding as pass-through to the Pierce Conservation District and the Kitsap Conservation District. We will also be entering into a Memorandum of Agreement with WSU Extension on the implementation of the program. Funding is provided by a grant from EPA through the PSP.

In this project, WSU Extension and the Pierce CD will take the lead to coordinate the design and implementation of a targeted outreach effort with shoreline landowners to address impacts to shellfish growing activities. The project has to goal of 100% contact with every parcel owner in the targeted area. WSU Extension will focus on the marine nearshore area, while Pierce CD will focus on the freshwater shoreline owners upstream. Pierce CD will also coordinate with Kitsap CD for those areas targeted outside the Pierce CD operating area. The specific target areas have not been identified yet.

The purpose of the project is to determine the best method for engaging with landowners to increase the likelihood of landowner implementation of BMPs. Existing programs focus outreach efforts through workshops and mailings to landowners broadly. This pilot program seeks to better understand whether more direct communication with landowners will lead to implementation of BMPs, or whether the direct contact can help identify barriers to landowner implementation and how to overcome these barriers.

Key program elements include the identification of the target areas, development of the suite of BMPs available to landowners, implementation of the outreach activities, and monitoring and evaluate of the results.

This one-year project will yield initial results in May 2015. More information will be shared with the Commission as it becomes available.



Washington State Conservation Commission

July 7, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Update on the Voluntary Stewardship Program

Summary: Both Thurston and Chelan counties continue to implement the VSP and discussions continue with key stakeholders on seeking state funding next session.

Action Requested: Information Only

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

Description:

In the 2013-15 biennial operating budget, the Conservation Commission received funding for two initial implementing counties in the Voluntary Stewardship Program (VSP). These counties are Thurston and Chelan. Each county received \$150,000 in the first fiscal year, and will receive \$123,000 in the current fiscal year.

Both counties have similar requirements. They are to identify the watersheds for which their planning processes will apply, they are to identify a lead coordinating entity, and they are to establish a work group to develop the work plan. Once completed the work plan is submitted to the Conservation Commission for review by the state technical panel and final approval. They each have 3 years to have a completed and approved plan in place.

Although funding was initially available last year at the beginning of the fiscal year (July 2013), both counties were slow to get their work groups established and underway. The new law is somewhat complex in how to get the process started and more local coordination meeting were needed than originally anticipated. Also, the statute requires each work group to include, at a minimum, representation from the agricultural and environmental interests and are to invite tribal participation.

Thurston County – The county has designated WSU as the lead implementing entity. WSU staff has been facilitating the work group meetings. To date, three meetings have been held with good participation by the agricultural community and especially good engagement by the Thurston Conservation District. CD manager Kathleen Whalen held meetings with agricultural community members in the county to explain the new law and the opportunity it presents for agriculture in Thurston County. The initial meetings of the work group have focused on the usual organizational issues – ground rules, program background, and whether the group has appropriate representation. At their last meeting the group acknowledged the need for better representation from the local environmental community. Local state agency staff have also been participating, including staff from WDFW and Ecology.

Chelan County – The county has chosen to retain responsibility to implement VSP. To date, the county has held three meetings of the work group. Participation has primarily involved the agricultural community and the conservation district. So far, there has been no real participation of the environmental community. The county recognizes this and is hosting an informational meeting with possible participants on July 17. The county has also begun the process of identifying the necessary information that will delineate the scope of critical areas and agricultural activities in the county. The conservation district has expressed frustration at the implementation of the work group process. Their primary concern is the lack of engagement with the district to provide information that the district has already developed for other purposes. Discussions regarding this concern will take place with the county commissioners in the near future.

Continuing Program Funding

SCC staff continue to meet with key VSP stakeholder representatives to strategize on seeking program funding in the next legislative session. The group will continue to seek the \$7 million proposed in the supplemental capital budget last session. The group is also continuing efforts to obtain federal funding by supporting the SCC's submittal of the RCPP pre-proposal for VSP.



July 1, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Josh Giuntoli, OFP Project Coordinator

SUBJECT: OFP policy update and recent activities

Policy

Open Space Tax - Current Use Farm & Ag Land Classification

OFP is participating in an interim group coordinated by Department of Revenue. The group is having discussions around several key issue areas as they relate to the Current Use Farm & Ag Land Classification (RCW 84.34). Discussions are in response to recent legislative sessions that have seen legislative proposals related to this classification.

One meeting has already occurred, with DOR next having similar discussions with the assessor community. Finally, results of these meetings will be distributed to both groups and a joint meeting of all interests will convene on July 21, 2014.

Discussion Topics include:

- Home site size
- Clarification of parcels that are “not contiguous”
- Income requirements

Home site size

Group discussion around 20-acre parcels with a home site (treatment will impact whether classified as over 20 acre or under 20 acre); treatment of leased homes on farm land; determining home site size when not classified (wide variation how this is determined county to county); home sites on land under 20 acres (often a one acre site is removed for homesite, can have major impact on near urban farms); and, how the farm residence and home site (land on which the farm residence is located) is assessed when not classified as farm and ag land (discussion about definitions and how to determine fair market value).

Recent legislative proposals have sought to extend certain provisions of Open Space currently only available to farms over 20 acres to farms under 20 acres. Also Legislative discussions have centered on how to best achieve the desired results: extending provisions to under 20 acre commercial farms and not under 20 acre hobby farms.

Clarification of parcels that are “not contiguous”

The term “not contiguous” is referenced once in chapter 84.34 RCW and it refers to what type of land qualifies as “farm and agricultural land.” According to RCW 84.34.020(2)(e), “farm and agricultural land” includes, in part, “...any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section...”

Discussion around legislation proposed during the 2014 legislative session regarding noncontiguous parcels (HB 2306). Questions around the need to clarify the meaning of “not contiguous” as used in the context of RCW 84.34.020(2)(e) [*definition of farm and agricultural land*].

Identifying Rural Water Supply Strategies Workgroup

The Department of Ecology has convened a workgroup to specifically address finding solutions to rural water conflicts as it relates to instream flow authorities. Evaluating and establishing water goals for instream purposes and future out of stream uses is a complex challenge which was recently made more challenging. The workgroup is in response to recent court decisions around Ecology setting instream flow rules including the Swinomish Indian Tribal Community v Ecology. A key piece of this decision includes a finding that Ecology erred in using the Overriding Consideration of Public Interest (OCPI) to justify creating reserves of water for use by people with private domestic wells. In many basins in Washington, new water isn’t available for appropriation or redistribution.

The overarching goal of this group identify any solutions that can be implemented under existing rule and statutory authorities or solutions that could be implemented after adoption of new administrative rules (WAC). Finally, any ideas for solutions that would require statutory change (RCW).

The below link directs you to the workgroup web page with the July 21 meeting agenda and the June 16 meeting notes: <http://www.ecy.wa.gov/programs/wr/wrac/rwss-leg.html>

More information about the Swinomish decision and OCPI can be found at the following link:

Perkins Coie Law Firm Blog Post - <http://goo.gl/nqtBVf>

Food Policy

Washington Food Systems Roundtable

The Washington Food System Roundtable continues monthly meetings. The purpose of the roundtable is to develop and ensure stewardship of a yet-to-be-determined 25-year food system vision. The vision will identify strategies, measures and accountability based on the Roundtable’s Guiding Values and Principles. It also serves to provide a forum for effective and true collaboration among Washington food system sectors. Meetings will continue with August being a break. Future meetings are scheduled in other areas of the state including Spokane, Wenatchee, and Vancouver.

The roundtable is co-chaired by the private/public sector and includes the following sectors with voting privileges:

Planning [1 – seat]
State Government [9 – seats]
Economic Development [2 – seats]
Tribal Representation [1 – seat]
Labor [2 – seats]
Farmland/Nat. Resource Protection [3 – seats]

Academia/Research [2 – seats]
Hunger/Nutrition [2 – seats]
Waste Management [1 – seat]
Food Businesses [2 – seats]
Local/Regional Food Policy Council [1 – seat]

Recent Activities

➤ **Washington Wildlife and Recreation Program - Farmland Preservation**

- Cowiche Basin Rangelands – currently funded
 - Working on a revised appraisal
- 2014 WWRP Farmland Applications
 - Presented 5 projects in June. Will do again in August.
 - **Eastern Klickitat CD** - Two projects on 19,687 contiguous rangeland acres
 - **North Yakima CD** – Three projects on 3,036 acres – 460 of these are irrigated, remainder is rangeland
 - Continued coordination activities with WDFW and EKCD on Simcoe property (33,000 acres)
- RCO Farmland Program Review
 - RCO will be continuing their review of RCO Farmland Program and OFP will be participating
 - Review will include scoring criteria

➤ **Succession Planning**

- Specialty Crop Block Grant
 - Final version is awaiting a cover edit and will be sent to printer and be available statewide.
 - Planning continues for professional education events and landowner workshops
- Rural Community Development Resources (RCDR)
 - SCC is partnering with RCDR on trainings and targeted outreach efforts to increase participation in conservation programs and provide one-on-one how to information sessions on how to fill out forms & provide examples of successful projects.
 - OFP is partnering to assist in their interests around succession and estate planning.
 - The Rural Community Development Resources (RCDR) a nonprofit community based organization located in rural South Central WA State is submitting this grant application entitled “Immigrant Farmworkers to Farm Owners: Carving Out Their Piece of America”

➤ **Internship**

- Hired a summer intern (Ashley McBee) to assist OFP on a project to develop a new initiative aimed at strengthening the local food economy of Washington.

- Specifically, how CDs in Washington can help connect growers and producers with local food markets.
 - Project should be completed by the end of September.
- **Farmland Preservation Indicators Report**
- The Farmland Preservation Indicators Report continues to be populated with updated data. Many data sources used in the last version have not been updated. However, new potential indicators with data are being considered.
- **Food Policy**
- *WA State Food System Roundtable*
 - *See above in Policy*
 - *King County Farms and Food Roundtable*
 - Organized by City of Seattle, King County and the Pike Place Market
 - Goal is to link food production, processing, distribution, consumption and waste management to facilitate reliance on the region's ag potential.
 - Final report includes recommendations around several sectors.
 - Report available at: <http://goo.gl/KyYrHX>
- ❖ **Recent Outreach/Coordination/Networking**
- Monthly OFP Newsletter
 - Averaging 650 monthly readers
 - Habitat Lands Coordinating Group
 - Continue participation
 - Upcoming activities include the 2014 State Land Acquisition Forecast Report.
 - Forecast report gives information about the state land purchases and disposals that are being planned around the state.
 - Results Washington
 - Goal 3 – Sustainable Energy and a Clean Environment – Goal Topic - Working and Natural Lands. Outcome Measure - 4.1 - Increase the net statewide acreage dedicated to working farms from 7.237 million to 7.347 million by 2020
 - Participated and provided information to participating agencies on how we work to protect and enhance working farms and identified areas where we can work together programmatically or from a policy perspective.
 - Mother Earth News
 - SCC/OFP participated in the 2014 Mother Earth News Fair
 - Distributed 20,600 bare root trees
 - Estimated we had over 2,000 people come through the booth.
 - Snohomish CD Drainage Grant
 - Collaborating on a grant proposal by Snohomish CD to the Dairy Federation to identify water quality impacts of different field drainage systems.
 - This project will investigate the water quality effects of temporary field ditches versus in ground tile systems on flood plain soils. The project will look at levels of nitrates, phosphorus, fecal coliform, and turbidity in the water as it leaves the field via these two different drainage systems.