CONSERVATION COMMISSION

MEETING PACKET

MARCH 2015

TAB 1

WASHINGTON STATE
CONSERVATION COMMISSION REGULAR MEETING
Best Western Plus Lacey Inn & Suites
8326 Quinault Drive NE
Lacey, WA 98516

PRELIMINARY MEETING AGENDA
March 19, 2015

TIME	TAB	ITEM	LEAD	ACTION/INFO
8:30 a.m.		**Call to Order**		
		• Additions/Corrections to Agenda Items	Chair Clinton O'Keefe	
9:00 a.m. 30 minutes		**Introductions/Comments**	All	
		Partnership Reports • Agency updates	All	
10:00 a.m. 30 minutes		**Tribal History of the Area (invited)** • Squaxin Island Indian Tribe • Nisqually Indian Tribe		
10:30 a.m. 15 minutes		**BREAK**		
**********		**PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS ******** Please note: 3 minutes per person**		
10:45 a.m. 5 minutes	**2**	**Consent Agenda** • Approval of the WSCC January 15, 2015 Meeting Minutes ***(pgs. 6-10)***		**Action**
10:50 a.m. 20 minutes		**WDFW's Priority Landscapes presentation by: Cynthia Wilkerson, Lands Conservation and Restoration Section Manager**		
11:10 a.m. 50 minutes	**3**	**Policy/Programs**		
		• Legislative Updates (pgs. 12-28)	Ron Shultz	**Information**
		• Policy Updates (pgs. 29-41)	Ron Shultz	**Information**
		• Non Point Plan Update (pgs. 42-46)	Ron Shultz/Kelly Susewind	**Information**
		• RCPP Status Update	Roylene Rides at the Door	**Information**
		• RMS Planning	Roylene Rides at the Door	**Information**
12:00 p.m. **30 minutes**		**LUNCH PROVIDED- please RSVP by March 9 to the Commission**		
**********		**PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS ******** Please note: 3 minutes per person**		

12:30 p.m. 40 minutes	**3**	• CD Elections Update ***(pgs. 47-76)***	Bill Eller/Ron Shultz	**Information**
		• Update on RCRA & Rates and Charges	Phyllis Barney, AAG	**Information**
		• Ag & Water Quality Guidance Document ***(pgs. 77-90)***	Ron Shultz/Kelly Susewind	**Information**
1:10 p.m. 40 minutes	**4**	**Budget**		
		• Policy Proposal on DRAFT Grants Procedure Manual ***(pgs. 92-93)***	Debbie Becker	**Action**
		• District Needs for Additional Funding	Debbie Becker	**Action**
		• Policy Proposal for Advance Payments ***(pgs. 94-97)***	Debbie Becker	**Action**
		• SCC Compensation Rate ***(pgs. 98-100)***	Debbie Becker	**Action**
		• WSCC Financial Report ***(pgs. 101-107)***	Debbie Becker	**Information**
1:50 p.m. 30 minutes	**5**	**District Operations**		
		• Regional Manager Report ***(pgs. 109-114)***	Ray Ledgerwood	**Information**
		• Cultural Resources Policy ***(pgs. 115-136)***	Ray Ledgerwood	**Action**
		• Technical Work Group Update	Ray Ledgerwood	**Information**
2:20 p.m. 15 minutes		**BREAK**		
2:35 p.m. 45 minutes	**6**	**Commission Operations**		
		• July Tri State WQ Tour ***(pgs. 124-126)***	Mark Clark	**Information**
		• Commission Mission Statement ***(pgs. 127-128)***	Lynn Bahrych	**Action**
		• Review remaining 2014 WACD Resolutions ***(pgs. 129-130)***	Alan Stromberger/ Mark Clark	**Action**
		• May Strategic Planning Session Planning ***(pgs. 131-138)***	Mark Clark	**Information**
3:30 p.m.		**Adjourn**	Chair Clinton O'Keefe	

NEXT MEETING:

Conservation District Tour **hosted by Kittitas Conservation District** will be on May 19, Conservation Commission Planning Session May 20, and Regular Business Meeting will be held on May 21, 2015.

Meeting Location: Quality Inn & Conference Center
1700 Canyon Road
Ellensburg

Phone: (509) 925-9800

The times listed above are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. If you are a person with a disability and need special accommodations, please contact the Conservation Commission at (360) 407-6200.

TAB 2

Washington State Conservation Commission Regular Business Meeting

DRAFT

Port Angeles, Washington
January 15, 2015

The Washington State Conservation Commission (Commission/WSCC) met in regular session on January 15, 2015, in Port Angeles, Washington. Commissioner O'Keefe called the meeting to order at 8:38 a.m.

COMMISSIONERS PRESENT
Clinton O'Keefe, Chair
Lynn Brown, Vice Chair, Central Region
Dean Longrie, West Region
Jim Peters, Member
Lynn Bahrych, Member
Perry Beale, Dept. of Agriculture
Alan Stromberger, WA Association of Conservation Districts (WACD)
Kelly Susewind, Department of Ecology (DOE)
Todd Welker, Department of Natural Resources (DNR)

COMMISSION STAFF PRESENT
Mark Clark, Executive Director
Debbie Becker, Admin. & Finance Director
Ray Ledgerwood, Program Facilitator
Ron Shultz, Policy Director
Laura Johnson, Communication & Outreach
Lori Gonzalez, Administrative Assistant
Brian Cochrane, CREP Coordinator
Shana Joy, PS Regional Manager

PARTNERS REPRESENTED AT THIS MEETING
Roylene Rides-at-the Door, Natural Resources Conservation Service (NRCS)
Dave Vogel, Executive Director, WA Association of Conservation Districts (WACD)
Tom Eaton, Executive Director, Environmental Protection Agency (EPA)

GUESTS ATTENDED
Chairwoman Francis Charles, Lower Elwha Indian Tribe, Vice-Chairman Grieg Arnold, Makah Indian Nation, Matt Heins, Clallam CD, Monti Marti, Snohomish CD, George Boggs, Whatcom CD, Robin Slate, NRCS, Joe Holtrop, Clallam CD, Carolyn Kelly, Skagit CD, and Dana Ecelberger, Jefferson CD.

Consent Agenda

Meeting minutes from December 4, 2014 were presented for approval.

Motion by Commissioner Peters to approve the consent agenda. Seconded by Commissioner Longrie. Motion passed.

Roylene Rides at the Door, NRCS State Conservationist, introduced Chairwoman Francis Charles from the Lower Elwha Indian Tribe and Vice Chairman, Grieg Arnold from the Makah Indian Nation. It was an honor for the Commission to listen to both tribes' history in Port Angeles where we were currently touring and meeting.

Legislative Update/Policy Updates

Ron Shultz, SCC Policy Director briefed Commission members on several legislative and policy related items. The 105 day session began on Monday, January 12th. The Governor's Office had their first Director's meeting of the year on Wednesday. There has not been a meeting between the natural resource agencies since 2011. These meetings are designed for directors of various agencies to discuss bills affecting each other's agencies and any information or concerns that need to be addressed. If any of the concerns cannot be resolved, they are then carried over to the Thursday Legislative Liaisons meetings Ron participates in.

Mr. Shultz developed a memo outlining three options for consideration on how the Commission would like him to keep them informed of the current status of legislation during this legislative session. Commissioners discussed the options and also the importance of keeping ongoing communication and coordination with WACD. The following motion was made:

Motion by Commissioner Longrie to approve the current approach of allowing the Executive Director and Policy Director to determine strategy and approaches during session. The Executive Director would also determine times when a check in with the Executive Committee or the full Commission is necessary. In addition, staff will distribute a weekly status report to Commission members of legislation. Seconded by Commissioner Welker. Motion passed.

New Director at Fish and Wildlife

On January 10, 2015, Dr. Jim Unsworth will be replacing director, Phil Anderson as he retires from the Department of Fish and Wildlife. Dr. Unsworth is currently the Deputy Director of the Idaho Department of Fish and Game.

Voluntary Stewardship Program Update

Mr. Shultz provided an update on the current funding proposed in Governor Inslee's 2015-2017 operating budget. It currently reads as fully funding VSP plan development of $7.6 million. Within this funding, it would allow for Department of Ag, Ecology, Natural Resources and Fish and Wildlife to engage in the process and provide technical assistance on a local level. The fund source would come from the Public Works Assistance Account. This account is historically used for local construction projects as well as some city planning activities.

Thurston County VSP- Thurston County has been working with their VSP workgroup to implement VSP. Thurston CD has been identified as the lead entity to conduct implementation outreach to landowners once the work plan has been approved by the Conservation Commission.

Chelan County VSP- Chelan County continues to implement their VSP work group by focusing on overlaying the location of existing agricultural activity in the county with the location of critical areas. They are also developing a proposed landowner checklist for use by landowners identifying critical areas on their property.

Recreation Conservation Practice Program (RCPP)

USDA made an announcement earlier this week that Washington State was the recipient of 10% of the National money awarded. Out of nine proposals submitted, five were funded. A total of $23.9 million dollars will be coming to Washington State for the next five years. This is the most out of any state. Precision Conservation in Puget Sound was one of the projects developed by SCC staff partnering with The Nature Conservancy and American Farmland Trust. Others awards went to Palouse Conservation District and others in WRIA 34 for projects to reduce sediment from agricultural runoff, a project by Colville and a Yakama Nation proposal addressing water quality and salmon habitat. Mr. Shultz states that this is not a direct award of funding but rather a line of credit and proponents still need to get landowners to sign up in EQIP.

Pollution Identification and Correction (PIC) in Clallam County

Joe Holtrop, Clallam CD District Manager discussed the district's involvement in PIC. PIC is program coordination for local agencies and organizations to identify and address pathogen and nutrient pollution from a variety of non-point sources, including onsite sewage systems, farm animals, pets and storm water runoff. PIC programs are also recognized in the Puget Sound Action Agenda.

Agencies are supporting the use of PIC as an approach for counties and /or tribes to establish or enhance key elements for a sustainable adaptive management program for pathogen and nutrient pollution. Mr. Holtrop explained the grants came with water quality monitoring. Clallam CD board was very supportive doing this plan. Clallam CD went to their county to offer assistance; however, they said they did not have the staff capacity. Clallam CD felt it was important enough and found a way to write the proposal and developed a process. The plan has been done and not yet approved by anyone. The local enforcement will be done by the County as they have the authority to do. Implementation should be starting soon and Clallam CD is very hopeful.

Mr. Holtrop added that while developing the plan, they focused on the tone and emphasis that enforcement would be taken as the very, very, last resort. Clallam CD is there to help anyway they can during the implementation to educate and assist.

Presentation by Taylor Shellfish Farms: Bill Taylor 4th generation shellfish farmer and Diani Taylor, daughter of Bill and 5th generation shellfish farmer.

Budget

Debbie Becker, Budget Director, went over the chart in the members meeting packets on the 2015-2017 Capital Budget.

Commissioner Welker mentioned to the group that the Department of Natural Resources (DNR) has met their product deliverables for less than anticipated, before the end of the biennium. DNR may have extra funding available that would need to be spent by the end of June. Conservation Districts would need to send in proposals for shovel ready projects and would need to have them done by June 15. It would need to be a very quick turnaround in completing. 50/50 match. DNR has given funding to conservation districts in the past for forest health issues and fire.

Mrs. Becker also provided a financial report to the Commission.

Shellfish Funding

Mr. Shultz provided the status of the shellfish funding. SCC will be funding approximately $600K this week to more eligible districts and notifying all of them of their current standing in regards to their projects.

Communications Update

Laura Johnson, Communications staff briefed members on the recent efforts of the Communications Partners group. A photo gallery was recently created for photos to be shared and used throughout the state. Andrew Phay, CPO member from Whatcom CD was instrumental in the development of the gallery. The CPO group also hired a consultant to take a look at different tools districts can pull from on key messages. These tools will be available on the SCC website in a 'Tool Kit' for districts to use as a resource while developing materials. The Tool Kit is currently in progress.

Ms. Johnson shared the new logo concept for all conservation districts to use across the state as one unified logo and identity for districts to use on publication materials.

Mission Subcommittee Update

The subcommittee has been working together to reform the mission statement. The following was presented:

Purpose: To conserve natural resources on private lands through voluntary stewardship.

Mission Statement: *To work with conservation districts, the Governor's Office and partners in engaging landowners in voluntary stewardship.*

After much discussion, Commissioners would like this to be a topic at the May Strategic Planning Meeting. The following motion was made:

Motion by Commissioner Brown to move the mission statement discussion to the May Strategic Planning Session. For SCC Communications staff to send out to the Commission members and asking agency representatives to share with their communications staff for input. Seconded by Commissioner Bahrych. Motion passes.

WACD Resolutions

Dave Vogel, Executive Director of WACD, presented the resolutions that passed at their Annual Meeting and highlighted specific resolutions relating to the Conservation Commission.

Motion by Commissioner Stromberger for the Conservation Commission to support and help WACD with this (2014-01) resolution. Commissioner Longrie seconded. Motion passed.

Motion by Commissioner Longrie to accept resolutions 2014-02 through 2014-09. Seconded by Commissioner Brown. Motion passed.

Conservation Commission Executive Committee

Members discussed the need of an agency representative to serve on the Commission's Executive Committee.

Commissioner Kelly Susewind, Department of Ecology rep volunteered to fill the vacancy.

Chair O'Keefe adjourned the meeting at 3:26 p.m.

TAB 3

Washington State
Conservation Commission

March 6, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Legislative Update

Summary: There are three bills directly impacting the Conservation Commission (SCC) still alive in the 2015 legislative session. Commission staff will continue to track and where appropriate work this legislation.

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

Description:

All bills must be out of their house of origin by 5pm March 11. As of this writing, there are three bills impacting the SCC that have cleared their house of origin and are still alive. The legislation and our position on the bills are described below:

SHB 1685 – Creating the Food Policy Forum at the Conservation Commission.

Status: Passed the House 53 yeas, 45 nays.

SCC Position: Support / Testify

- Establishes the Washington Food Policy Forum (Forum) as a public-private partnership at the SCC for the purposes of creating a forum in which state food policy, food-related programs, and food-related issues can be examined, improved, and better integrated.

- The SCC is required to staff the forum. Our estimated costs for this work (as requested in our fiscal note on the bill) is approximately $100,000 for the biennium. The composition of the forum is to be selected by the director of the SCC

- Requires the Forum to make recommendations to the Legislature, transmitted through the SCC, by October 31, 2016.

The Forum makes recommendations after considering specific goals. The Forum's goals include:

1. increasing production, sales, and consumption of Washington-grown foods;

2. developing programs that increase purchases of Washington-grown foods for schools, adult care programs, and other state-funded food programs;

3. reviewing and developing programs that support providing proper nutrition and avoid burdens associated with obesity and chronic diet-related diseases;

4. protecting land and water resources needed for sustained local production;

5. examining ways to encourage and allow people to continue farming and providing for the continued economic viability of local food production, processing, and distribution in Washington; and

6. reducing food insecurity and hunger in Washington by ensuring that access to nutritious food is available to families of all income levels.

While making recommendations, the Forum is required to consider how the following things may help achieve the Forum's goals:

1. increased collaboration and communication between state agencies;

2. increased collaboration and communication between local, state, and federal agencies;

3. public-private partnerships that can leverage private and public market influence, like through institutional purchasing and contracting;

4. improvements to laws and regulations relevant to the food system and food security in the Washington;

5. improvements in how state and federal programs are implemented that are relevant to the food system and food security in Washington; and

6. identification of additional federal, state, local, and private investments needed to accomplish the recommendations.

<u>SSB 5322 – Addressing rates and charges for conservation districts.</u>

Status: Passed the Senate 30 yeas, 18 nays, 1 absent.

SCC Position: Support / Testify

Increases the allowable per parcel amount for King CD from $10 to $15; and for Snohomish, Pierce, and Spokane CDs the amount is raised from $5 to $10.

SSB 5347 – Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

Status: Passed the Senate 48 yeas, 1 nay.

SCC Position: Support the role of the SCC as convener / Testify

The SCC and WSDA, DNR, Ecology, and WDFW must jointly identify and assess three demonstration projects that test the effectiveness and costs of river management by using various management strategies and techniques to accomplish specified goals.

The SCC must convene a stakeholder group with the four departments, plus local and statewide agricultural organizations, tribes, land conservation organizations, and local governments to develop and assess three demonstration projects, one located in Whatcom county, one located in Snohomish county, and one located in Grays Harbor county.

The departments must report to the Legislature by December 31, 2015, and annually thereafter on the elements in the bill.

All requirements in the bill are subject to the availability of funds appropriated for the specific purposes described.

The SCC fiscal note requests $166,716 for our agency activities on this legislation.

ENGROSSED SUBSTITUTE HOUSE BILL 1685

State of Washington 64th Legislature 2015 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Gregerson, Hudgins, McBride, Peterson, Bergquist, Ortiz-Self, Tarleton, Orwall, Robinson, Farrell, Riccelli, Fitzgibbon, Walkinshaw, Senn, Lytton, Appleton, Ryu, Tharinger, Moscoso, Ormsby, Fey, and Jinkins)

READ FIRST TIME 02/16/15.

AN ACT Relating to the establishment of a Washington food policy forum; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Numerous governmental agencies, state programs, and private entities share goals and missions relating to food, nutrition, agriculture, health, education, and economic development through sustained agricultural production and improved access to nutritious foods;

(b) The food and agriculture industry generates forty-nine billion dollars annually, employs one hundred sixty thousand people, and contributes thirteen percent to the state's economy;

(c) Agriculture is a leading employer in the state, produces over three hundred different crops, and is composed of many diverse types of agricultural endeavors;

(d) The state of Washington continues to lose farmland every year to nonfarming uses;

(e) Washington is ranked with the bottom half of states for very low food security;

(f) According to data average for the years 2004 through 2008, nearly sixty-one percent of Washington adults are either obese or overweight;

(g) Obesity contributes substantially to the burden of preventable illnesses and premature death, which are estimated to cost Washington almost two billion dollars annually;

(h) There is a known link between food insecurity and housing insecurity;

(i) The state's food system is the network of people and activities connecting growing and harvesting, processing, distribution, consumption, and residue utilization, as well as associated government and nongovernment institutions, regulations, and programs.

(j) The current food system in the state of Washington is complex and directly affected by the activities and policies of multiple nongovernmental organizations, state agencies, and local governments, and a coordinated, systemic approach is necessary to improve the health of Washington's citizens and improve the economic viability of agriculture; and

(k) The work done by the regional food policy councils in the state can serve as a model for statewide efforts to bring together community, government, business, and agricultural interests to work on integrated and sustainable policy recommendations to strengthen the regional food system that works towards a thriving, inclusive, and just local and regional food system that enhances the health of people, diverse communities, economies, and environments.

(2) The legislature recognizes the need to understand the impacts of governmental rules and regulations on the viability of the agricultural sector and on the ability of citizens of all backgrounds to obtain sufficient, high quality foods for themselves and their families.

(3) The purpose of this act is to provide for the establishment of a forum whereby state food policy, food-related programs, and food-related issues can be examined, improved, and better integrated to accomplish the overarching public goals. It is the intent of the legislature to place the state in a favorable position to qualify for available federal funds, moneys from foundations, and other sources to fund the activities of the forum.

NEW SECTION. **Sec. 2.** (1) The Washington food policy forum is established as a public-private partnership. The purpose of the forum is to develop recommendations to advance the following food system goals:

(a) To increase production, sales, and consumption of Washington-grown foods;

(b) To develop and promote programs that bring healthy Washington grown foods to Washington residents, including increased state purchasing of local food products for schools, adult care programs, and other state-funded food programs;

(c) To review and develop programs that support providing proper nutrition and avoid burdens of obesity and chronic diet-related diseases;

(d) To protect the land and water resources needed for sustained local food production;

(e) To examine ways to encourage retention of an adequate number of farmers, the educational needs for an adequate agricultural workforce, and to provide for the continued economic viability of local food production, processing, and distribution in the state; and

(f) To reduce food insecurity and hunger in the state and ensure that the health and societal benefits of a healthy Washington food system that provides access to nutritionally dense foods are shared with families at all income levels, and particularly with vulnerable children, the elderly, people with disabilities, and communities of color.

(2) Recommendations of the food policy forum must consider, but not be limited to, ways in which the following may help achieve each of the six goals identified under subsection (1) of this section:

(a) Increased collaboration and communication between local, state, and federal governments and agencies;

(b) Innovative public-private partnerships that can leverage private and public market influence, such as through institutional purchasing and contracts;

(c) Improvements to state or federal laws or regulations relevant to the food system and food security in the state;

(d) Improvements in state or federal program implementation relevant to the food system and food security in the state; and

(e) Identification of additional federal, state, local, and private investments needed to accomplish the recommendations.

(3) In developing its recommendations, the food policy forum:

(a) Shall coordinate with the office of farmland preservation to avoid duplication of effort;

(b) Shall solicit public input through public hearings or informational sessions;

(c) May conduct research and analysis as needed within financial resources available to the forum;

(d) May form an advisory committee or committees to address issues identified by the forum as requiring additional study or particular expertise;

(e) Shall coordinate with, and build on the processes already undertaken by the Washington state food system roundtable initiated by executive order No. 10-02; and

(f) Shall coordinate with the Washington State University center for sustaining agriculture and natural resources as provided in section 3 of this act.

(4) The director of the state conservation commission is responsible for appointing participating members of the food policy forum. In making appointments, the director of the state conservation commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02 and from sources such as:

(a) State and federal government employees, including academia;

(b) Related nonprofit and community organizations; and

(c) The food industry, including food production, processing, distribution, marketing, and retail sales.

(5) A majority of the participating members appointed by the director of the state conservation commission must appoint an administrative chair for the forum.

(6) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(a) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(b) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(7) Each member of the food policy forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(8) Staff for the food policy forum must be provided by the state conservation commission. The state conservation commission is responsible for transmitting the recommendations of the food policy forum to the legislature. All recommendations of the food policy forum must be transmitted to the legislature by the state conservation commission, consistent with RCW 43.01.036, by October 31, 2016. The recommendations may include considerations for continuation of the food policy forum beyond the expiration date of this section and any changes to the mission, charge, or structure of the food policy forum should it continue beyond the expiration date.

NEW SECTION. **Sec. 3.** (1) The food policy forum shall coordinate with the Washington State University center for sustaining agriculture and natural resources and review, consider, and discuss the study described in this section that must be performed by the Washington State University center for sustaining agriculture and natural resources.

(2) The study shall build on the work performed by the Washington state food system roundtable initiated by executive order No. 10-02 and identify a twenty-five year goal for expansion of the state's food production, processing, and distribution capacity by:

(a) Evaluating the geographic distances between local farm production and points of local food consumption within the local food supply chain in order to define what constitutes a local economic impact;

(b) Evaluating the state's capacity to produce a variety of food products given the state's environment and climate;

(c) Assessing a potential market demand for an increased local food supply, through surveys of processors, distributors, and buyers;

(d) Analyzing the Seattle restaurant online resource as a model and potential navigational tool for local food producers as a potential replacement of the Washington state department of agriculture handbook for small and direct marketing farms, to reduce regulatory barriers within the local food supply chain;

(e) Identifying infrastructure needs to support the local food industry, including processing capacity and transportation networks;

(f) Assessing the relative economic impact of retaining local food supply chain business within the state and local food producers exporting goods out of state;

(g) Assessing the institutional capacity of state agencies and organizations to foster economic growth in the food sector;

(h) Evaluating changes in state planning, permitting, environmental regulation, and financing to enhance food production, processing, and distribution;

(i) Evaluating the economic impact of urban community gardens, including P-patches that are part of the local food supply chain and provide healthy foods for schools and local communities; and

(j) Identifying legislative actions needed to implement food system improvements.

(3) The recommendations of the study must include short and long-term action plans for the legislature to support and sustain the local food sector in Washington. The recommendations of the study must also include strategies for effective education and awareness programs with school and community groups about the local food supply chain. The recommendations of the study may include specific legislative approaches, such as changes in state law, and nonlegislative approaches, such as action plans for state agencies and local governments.

(4) The members of the food policy forum appointed pursuant to section 2 of this act may provide technical information, advice, and assistance to the Washington State University center for sustaining agriculture and natural resources in completing the study.

(5) The study, with findings and recommendations, must be reported to the food policy forum by July 1, 2016.

NEW SECTION. **Sec. 4.** This act expires July 1, 2017.

--- END ---

S-1324.1

SUBSTITUTE SENATE BILL 5322

State of Washington 64th Legislature 2015 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hatfield, Hobbs, and Honeyford)

READ FIRST TIME 02/04/15.

AN ACT Relating to conservation districts' rates and charges; and amending RCW 89.08.405.

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

Sec. 1. RCW 89.08.405 and 2012 c 60 s 1 are each amended to read as follows:

(1) Any county legislative authority may approve by resolution revenues to a conservation district by fixing rates and charges. The county legislative authority may provide for this system of rates and charges as an alternative to, but not in addition to, a special assessment provided by RCW 89.08.400. In fixing rates and charges, the county legislative authority may in its discretion consider the information proposed to the county legislative authority by a conservation district consistent with this section.

(2) A conservation district, in proposing a system of rates and charges, may consider:

(a) Services furnished, to be furnished, or available to the landowner;

(b) Benefits received, to be received, or available to the property;

(c) The character and use of land;

(d) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user;

(e) The income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or

(f) Any other matters that present a reasonable difference as a ground for distinction, including the natural resource needs within the district and the capacity of the district to provide either services or improvements, or both.

(3)(a) The system of rates and charges may include an annual per acre amount, an annual per parcel amount, or an annual per parcel amount plus an annual per acre amount. If included in the system of rates and charges, the maximum annual per acre rate or charge shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars, except that for counties with a population of over ((~~one million five~~)) four hundred eighty thousand persons, the maximum annual per parcel rate shall not exceed ten dollars, and for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed fifteen dollars.

(b) Public land, including lands owned or held by the state, shall be subject to rates and charges to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the rates and charges of a conservation district.

(c) Forest lands used solely for the planting, growing, or harvesting of trees may be subject to rates and charges if such lands are served by the activities of the conservation district. However, if the system of rates and charges includes an annual per acre amount or an annual per parcel amount plus an annual per acre amount, the per acre rate or charge on such forest lands shall not exceed one-tenth of the weighted average per acre rate or charge on all other lands within the conservation district that are subject to rates and charges. The calculation of the weighted average per acre shall be a ratio calculated as follows: (i) The numerator shall be the total amount of money estimated to be derived from the per acre special rates and charges on the nonforest lands in the conservation district; and (ii) the denominator shall be the total number of nonforest land acres in the conservation district that are served by the activities of the conservation district and that are subject to the rates or charges of the conservation district. No more than ten

thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the rates and charges that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate or charge.

(4) The consideration, development, adoption, and implementation of a system of rates and charges shall follow the same public notice and hearing process and be subject to the same procedure and authority of RCW 89.08.400(2).

(5)(a) Following the adoption of a system of rates and charges, the conservation district board of supervisors shall establish by resolution a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels.

(b) Any appeal must be filed by the landowner with the conservation district no later than twenty-one days after the date property taxes are due. The decision of the board of supervisors regarding any appeal shall be final and conclusive.

(c) Any appeal of the decision of the board shall be to the superior court of the county in which the district is located, and served and filed within twenty-one days of the date of the board's written decision.

(6) A conservation district shall prepare a roll that implements the system of rates and charges approved by the county legislative authority. The rates and charges from the roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of the rates and charges shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, and collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work. All remaining funds collected under this section shall be

transferred to the conservation district and used by the conservation district in accordance with this section.

(7) The rates and charges for a conservation district shall not be spread on the tax rolls and shall not be allocated with property tax collections in the following year if, after the system of rates and charges has been approved by the county legislative authority but before the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such rates and charges, which petition has been signed by at least twenty percent of the owners of land that would be subject to the rate or charge to be imposed for a conservation district.

--- END ---

ENGROSSED SUBSTITUTE SENATE BILL 5347

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hobbs, Hatfield, Warnick, Honeyford, and Pearson)

READ FIRST TIME 02/25/15.

AN ACT Relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains; and adding a new section to chapter 43.23 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature intends that the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources work together cooperatively, efficiently, and productively to facilitate the expeditious construction of three demonstration projects. The legislature expects that the joint and contemporaneous participation of all these state agencies will expedite the permitting of these demonstration projects. The legislature further intends that the collaborative process that the stakeholder group creates, including local stakeholders among others, will be used as a model for river management throughout the state.

(2) The legislature finds that floodplain management must address multiple benefits including: Reducing flood hazard to public infrastructure and other land uses caused by sediment accumulation or

for other causes; improving fish and wildlife habitat; sustaining viable agriculture; and public access.

(3) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and assess three demonstration projects that test the effectiveness and costs of river management by using various management strategies and techniques as applied to accomplish the following goals:

(a) Protection of agricultural lands;

(b) Restoration or enhancement of fish runs; and

(c) Protection of public infrastructure and recreational access.

(4)(a) The state conservation commission must convene a stakeholder group consisting of the departments of agriculture, natural resources, fish and wildlife, and ecology, local and statewide agricultural organizations, land conservation organizations, and local governments with interest and experience in floodplain management techniques. The stakeholder group must develop and assess three demonstration projects, one located in Whatcom county, one located in Snohomish county, and one located in Grays Harbor county. The departments must also consult with and obtain the views of the federally recognized tribes that may be affected by each pilot project.

(b) In developing and assessing these demonstration projects, the departments must examine sediment management conducted in the Fraser river, British Columbia, Canada and include any potentially applicable practices in the demonstration projects.

(c) The departments must: (i) Examine and find whether and how the Fraser river experience applies to the goals of this act; and (ii) set benchmarks and a timetable for progress toward achievement of the goals of this act.

(d) The disposition of any gravel resources removed as a result of these pilot projects that are owned by the state must be consistent with chapter 79.140 RCW, otherwise they must be: (i) Used at the departments' discretion in projects related to fish programs in the local area of the project or by property owners adjacent to the project; (ii) made available to a local tribe for its use; or (iii) sold and the proceeds applied to funding the demonstration projects.

(5) At a minimum, the pilot projects must examine the following management strategies and techniques:

(a) Setting back levees and other measures to accommodate high flow with reduced risk to property, while providing space for river processes that are vital to the creation of fish habitat;

(b) Providing deeper, cooler holes for fish life;

(c) Removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;

(d) Providing off-channels for habitat as refuge during high flows;

(e) Ensuring that any management activities leave sufficient gravel and sediment for fish spawning and rearing;

(f) Providing stable river banks that will allow for long-term growth of riparian enhancement efforts, such as planting shade trees and hedgerows;

(g) Protecting existing mature treed riparian zones that cool the waters;

(h) Restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding; and

(i) Developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields.

(6) The departments must report to the legislative committees with oversight of agriculture, water, rural economic development, ecology, fish and wildlife, and natural resources by December 31, 2015, on: (a) Their examination and findings of the applicability of the Fraser river experience to the goals of this act; (b) their progress toward setting benchmarks and meeting the stakeholder group's timetable; (c) any decisions made in assessing the projects; and (d) agency recommendations for funding of the projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, submitting the three projects for consideration in the biennial capital budget request to the governor and the legislature. The departments must report annually thereafter by December 31st of each year.

(7) The stakeholder group must be staffed jointly by the departments.

(8) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

--- END ---

Washington State
Conservation Commission

March 11, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Policy Update – Drought Preparations

Summary: Ecology is preparing for a potential drought condition this summer. The WSAC has been activated. SCC staff sit on this committee.

Next Steps: The WSAC will continue to meet in the coming weeks and evaluate snowpack reports to prepare for potential drought conditions.

Staff Contacts: Jon Culp, Water Resources Program Manager
(509) 385-7509 jculp@scc.wa.gov

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

Description:

Current and projected snowpack conditions are significantly reduced creating the very real potential for a drought this summer.

As of March 5th, Washington's SNOTEL system is indicating the current Snow Water Equivalent (if you melted the snow, how much water would it turn into) percent of normal is not good around the State:

- Statewide snowpack is 29 percent of normal.
- Lower Yakima - 37 percent of normal
- Upper Yakima - 25 percent of normal
- Lower Columbia - 15 percent of normal
- South Puget Sound - 21 percent of normal
- Central Puget Sound - 9 percent of normal
- Olympic Peninsula at - percent of normal snowpack

For a drought to be declared, the following finding must be made with respect to the water supply conditions in the state, or parts of the state:

1. Water supply is currently, or is expected to be, less than 75 percent of normal; **<u>and</u>**
2. There is an expectation of undue hardship due to the deficit in water supply.

Ecology convenes the Water Supply Availability Committee (WSAC) to make recommendations on whether water supply conditions are likely to be less than 75 percent of normal. If so, the Emergency Water Executive Committee can make a hardship call and recommend to the Governor's Office that a drought be declared.

Summary of Water Supply Conditions from Ecology:

- Snowpack is at record low and near record low conditions in some locations (e.g., Olympics, Lower Columbia, South Puget Sound, Central Puget Sound), and below normal conditions elsewhere.

- Precipitation has been normal or near normal for most of the state. Problem has been much-above-normal temperatures. December and January has record average warm temperatures in the Olympics and much of the Cascades.

- Water supply dependent on surface water likely to be more impacted than water supply dependent on groundwater.

- The Yakima Reservoirs are in near-full condition (93 percent of capacity). In 2005, they were at 65 percent of capacity on March 6. Current back-of-the-envelope calculations of Total Water Supply Availability indicate the situation is not clearly dire. **Whether, and to what extent, pro-rationing of junior users will be required is as yet UNKNOWN.** The situation is dynamic and much depends on what kind of spring we have.

- Columbia River mainstem flows projected to be 89 percent of average at The Dalles. It is very unlikely regulation of users junior to the Columbia River instream flow will be required.

- Climate outlook for this spring and summer calls for continued higher chance of warmer than normal temperatures.

Ecology has requested drought related funding from the legislature. The package includes the following:

In the Yakima Basin

- $500,000 for permanent water acquisitions to offset long-term flow reductions to TWSA due to emergency well use
- $500,000 to lease water rights in the Yakima Basin for tributary stream flow improvement and in-time mitigation for SVID to Roza ID transfers – 4,000 acre-feet
- $4,000,000 for public agricultural irrigation projects – based on 40,000 acre/feet of water to get Roza ID from 55-60% to 70% of their entitlement

- $183,000 to hire 6 temporary staff for Post 1905 compliance work, minimum flow compliance work in the Wenatchee, Okanogan and Methow Rivers

Statewide (outside of the Yakima basin)

- $450,000 to lease water rights in other basins across the state to improve flow during critical periods
- $2,000,000 to fund emergency work to assist public water systems facing water shortages as a result of drought conditions.
- $120,000 to fund temporary staff for drought assistance in the Eastern, Northwestern and Southwestern Region Offices.
- $50,000 for public education (workshops, technical guidance, drought condition updates) provided by the Office of State Climatologist and State Conservation Commission.
- $100,000 to fund stream gauging and stream flow measurement.

The Washington Department of Fish and Wildlife projected expenditures for drought response include actions necessary to provide reliable water to hatchery facilities, conduct emergency salvage operations or channel modifications and take actions to address drought impacts on WDFW lands.

- Total estimated cost for WDFW actions is $1,083,000.

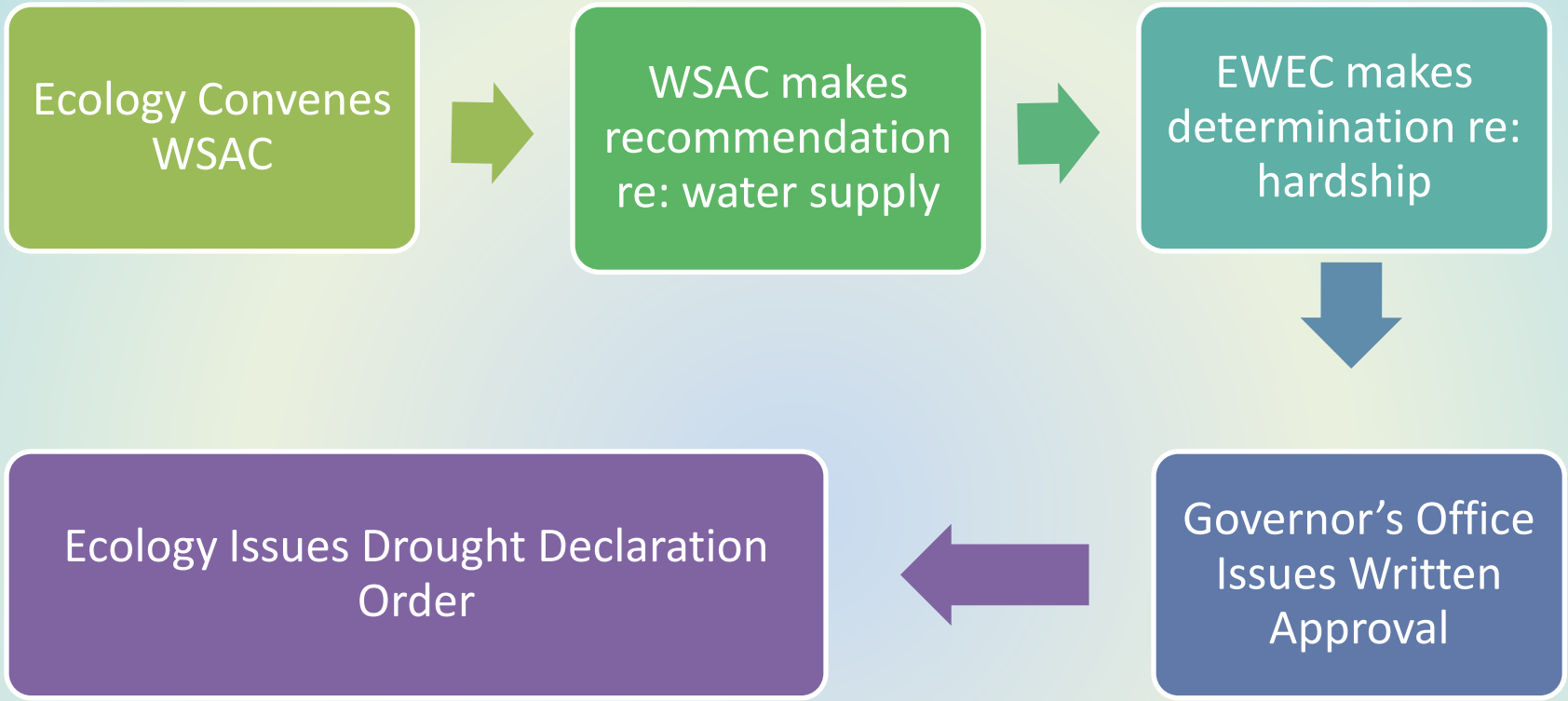
Administrative Drought Trigger

- Water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, *less than seventy-five percent of normal water supply* as the result of natural conditions **and** *the deficiency causes, or is expected to cause, undue hardship to water users within that area.*[WAC 173-166-030(2)]

Normal Water Supply

- "The average amount of water available to a geographical area on an annual basis, based upon evaluation of precipitation, streamflow, snowpack and other hydrological and meteorological factors" [WAC 173-166-030(6)]

Process



WSAC = Water Supply Availability Committee (Technical)
EWEC = Executive Water Emergency Committee (Policy)

Effect of Drought Order

- Expedited processing for Emergency Drought Permits
- Temporary transfers of water rights
- Funding assistance for public entities (municipalities, irrigation districts, PUDs, etc.)
- Workshops, public education
- Regulation to protect senior water rights

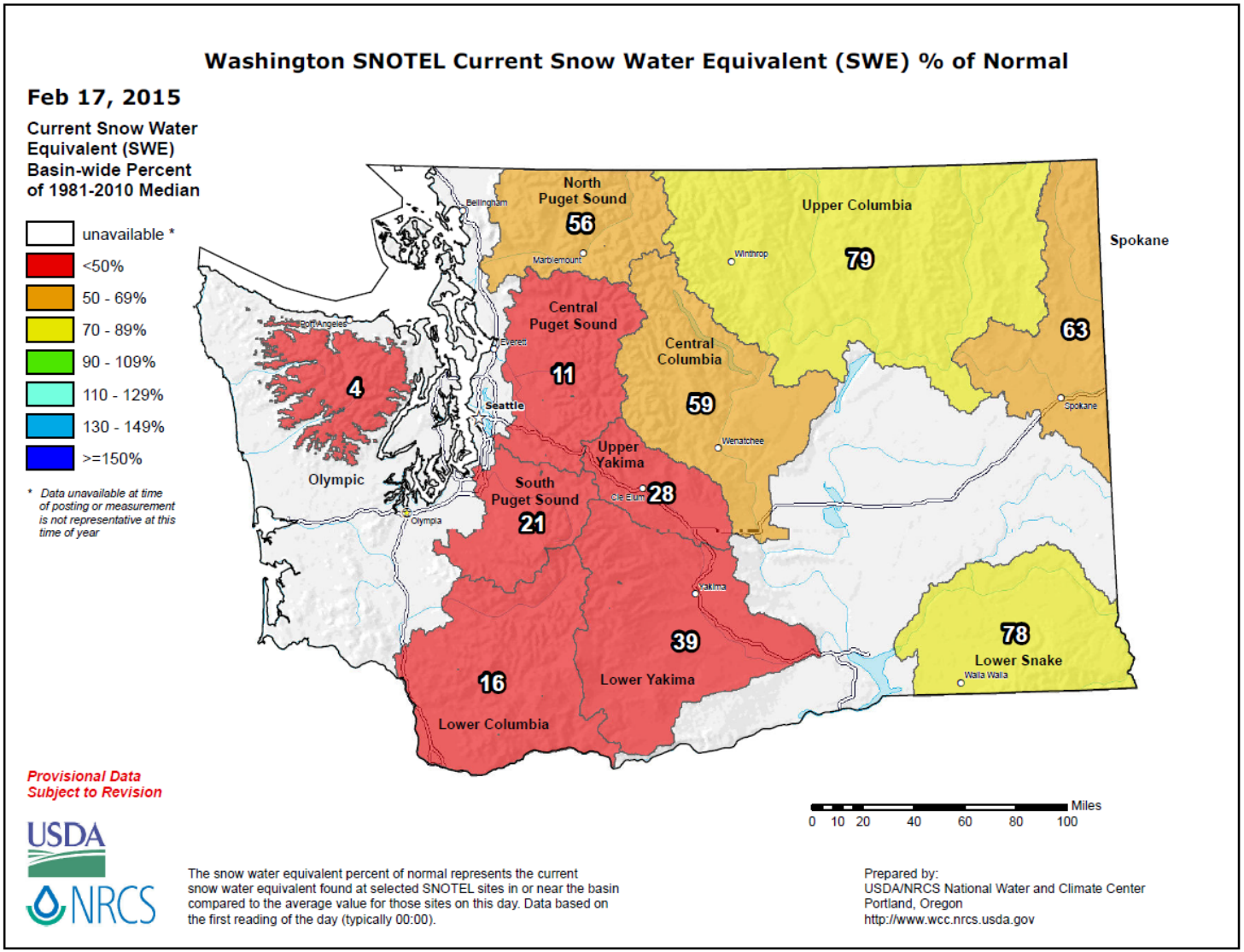
Public Water Systems
Water Shortage Response Plans
(>1000 connections)

Stage 1
- Advisory Actions
  - Potential shortage

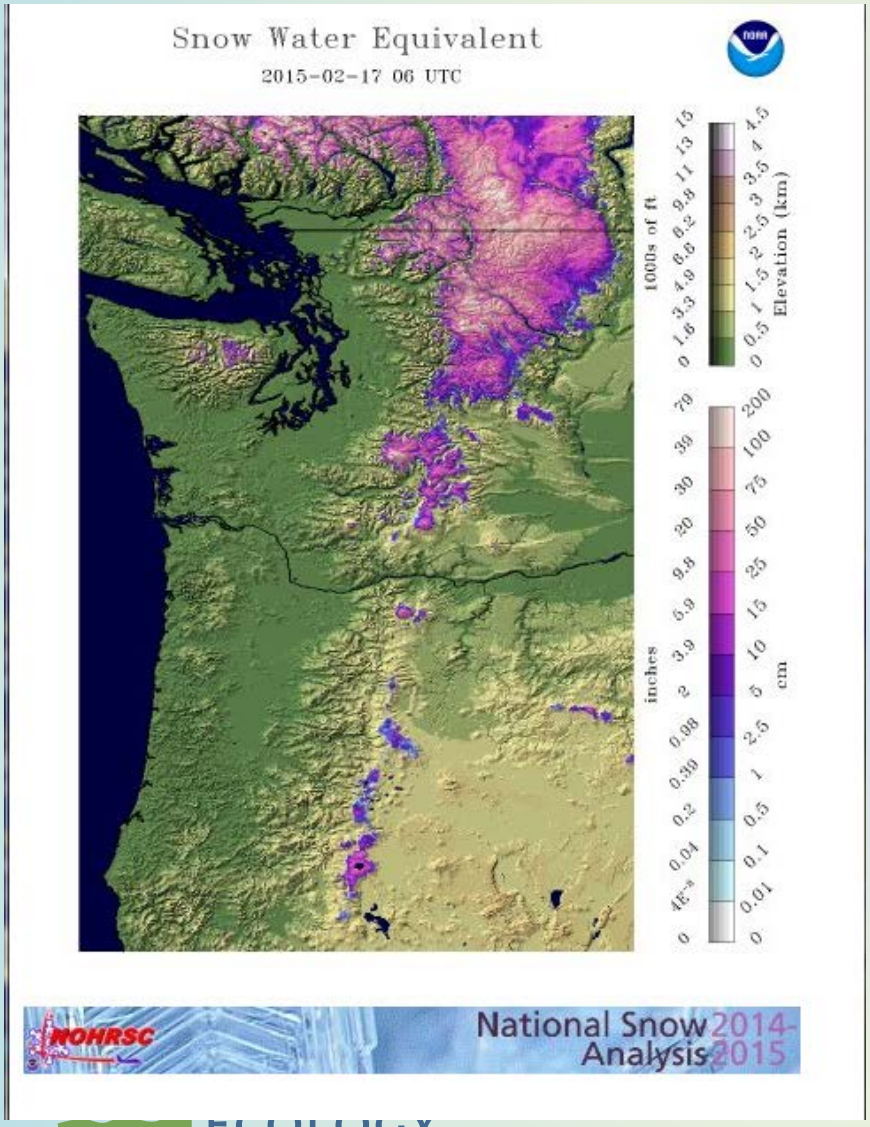
Stage 2
- Voluntary Actions
  - Minor loss of supply

Stage 3
- Mandatory Actions
  - Significant supply reduction

Stage 4
- Emergency Actions
  - Loss of Supply


Washington SNOTEL Current Snow Water Equivalent (SWE) % of Normal
Feb 17, 2015
Current Snow Water Equivalent (SWE) Basin-wide Percent of 1981-2010 Median
unavailable *
<50%
50 - 69%
70 - 89%
90 - 109%
110 - 129%
130 - 149%
>=150%
* Data unavailable at time of posting or measurement is not representative at this time of year
North Puget Sound
56
Upper Columbia
79
Spokane
63
Central Puget Sound
11
Central Columbia
59
Olympic
4
Upper Yakima
28
South Puget Sound
21
Lower Yakima
39
Lower Columbia
16
Lower Snake
78
Bellingham
Marblemount
Winthrop
Port Angeles
Everett
Seattle
Wenatchee
Spokane
Olympia
Cle Elum
Yakima
Walla Walla
Provisional Data Subject to Revision
USDA
NRCS
Miles
0 10 20 40 60 80 100
The snow water equivalent percent of normal represents the current snow water equivalent found at selected SNOTEL sites in or near the basin compared to the average value for those sites on this day. Data based on the first reading of the day (typically 00:00).
Prepared by:
USDA/NRCS National Water and Climate Center
Portland, Oregon
http://www.wcc.nrcs.usda.gov

Snow Analyses: Today vs. Last Year



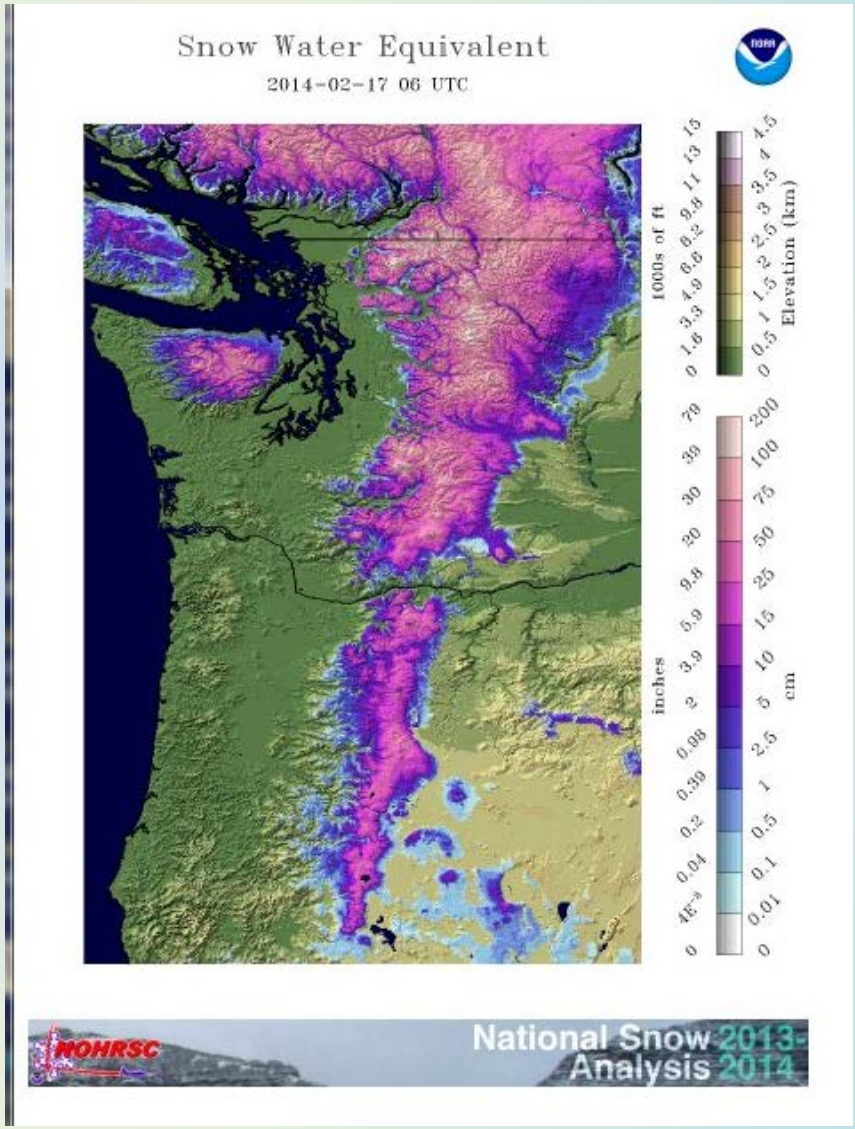


Photo taken of the Olympic Mountain range from Hurricane Ridge on January 27th. Hurricane Ridge snow course reported zero snow which has only happened twice since 1960 (1977 & 2005). Photo by Bill Baccus, Olympic National Park.

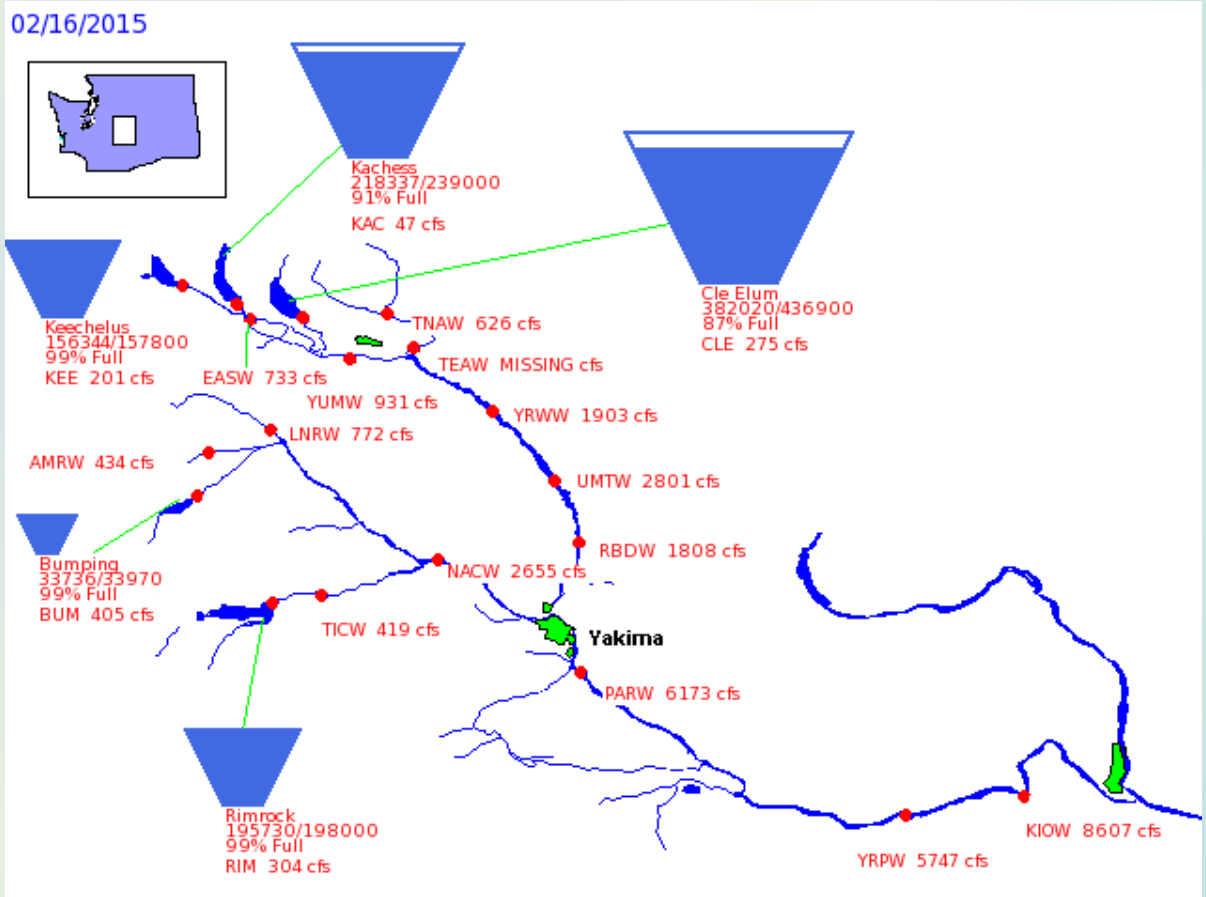
January 27

Regulating Columbia River Users

- Average runoff at The Dalles is about 93 Million Acre Feet (MAF) between April and September
- On March 1, a forecast of Less than 88 MAF but above 60 MAF triggers voluntary conservation
- If the March 1 forecast is equal to or less than 60 MAF, then users are subject to regulation
- **Current Forecast is for 80.5 MAF (February 24)**

Focus on Yakima Basin

- Five federal reservoirs. Snowpack is the "6th reservoir."
- Snowpack is currently about 34 percent of normal.
- Reservoir storage is currently 176 percent of average (93 percent of total capacity).
- Bureau of Reclamation will announce March 9st official forecast for water supply.



Washington State
Conservation Commission

March 6, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Nonpoint Plan Update

Summary: SCC staff has been working with WACD to develop informational materials for conservation districts on the Ecology update of the state's nonpoint plan.

Next Steps: SCC staff and WACD will continue to work with districts to prepare comments and provide input to Ecology as the agency prepares the final nonpoint plan.

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

Description:

The Commission was briefed at the December meeting by Ecology staff on the agency's plan for revising and updating the state's water quality nonpoint plan. This plan is required by section 319 of the federal Clean Water Act (CWA). The state's current plan was last approved in 2005. Plans are to be revised and updated every 5 years.

Ecology is on a path to have the plan updated this year and is reaching out to a variety of stakeholder groups, agencies, and tribes to gather input. On February 26 SCC staff sent a message to all conservation districts seeking their input on a series of questions developed by Ecology staff. The attached fact sheet includes these questions.

More information will be developed by SCC staff in cooperation with WACD for distribution to conservation districts to allow them to further engage with Ecology in the nonpoint plan revision. The attached fact sheet was developed by SCC staff in coordination with WACD and distributed to all districts.

A draft plan will be developed by spring 2015 after which public meetings and a public comment period will begin. A plan must be submitted to EPA by June 30, 2015.

Washington State
Conservation Commission

FEBRUARY 2014

POLICY FACT SHEET – ECOLOGY 319 NONPOINT PLAN UPDATE

Background

Ecology has announced they are beginning the process to review and update the state's nonpoint plan for the control of water pollution. The plan covers all types of nonpoint pollution, is a roadmap for how the state will address nonpoint pollution, and will include goals and clear standards.

A draft plan will be developed by spring 2015 after which public meetings and a public comment period will begin. A plan must be submitted to EPA by June 30, 2015.

The Conservation Commission in partnership with WACD will prepare informational materials for conservation districts and assist districts in engaging with Ecology during the draft plan development process.

WSCC and WACD believe **conservation districts must play a part in building** this nonpoint-source plan update.

How it impacts the SCC and conservation districts:

According to the federal statute, a nonpoint plan must include:

- Identification of nonpoint sources
- Describe the process, including intergovernmental coordination and public participation, for identifying best management practices and measures to control nonpoint pollution
- Identify state and local programs for controlling nonpoint pollution
- Schedule of annual milestones for program implementation and best management practice implementation

In developing and implementing a nonpoint program, the state "is to involve local public and private agencies and organizations which have expertise in control of nonpoint sources of pollution".[1]

[1] 33 U.S.C. section 1329(3)

Also, the state is to develop and implement the nonpoint program on a watershed-by-watershed basis.[2]

The nonpoint plan guides how the state will spend 319 funding received from EPA. Contributing to the building of a plan will provide conservation districts with an opportunity to help outline priorities for 319 and other funding allocated to nonpoint- source pollution management (e.g., practices, outreach, monitoring).

Details

The state's current nonpoint plan was completed in June 2005. The current update process is the first update since the current plan was completed. Ecology is the lead agency for the development and implementation of the plan by virtue of its delegated water quality authority. The agency is guided in this process by the federal statutes as well as guidance provided by U.S. EPA.

The nonpoint plan must include the following key components as identified by EPA:

1. Explicit short- and long-term goals, objectives and strategies to restore and protect surface water and ground water, as appropriate.

2. Strengthens working partnerships and linkages to appropriate state, interstate, tribal, regional, and local entities (including conservation districts), private sector groups, citizens groups, and federal agencies.

3. Utilization of a combination of statewide programs and on-the-ground projects to achieve water quality benefits; efforts are well-integrated with other relevant state and federal programs.

4. Describes how resources will be allocated between:
   (a) abating known water quality impairments from NPS pollution and
   (b) protecting threatened and high quality waters from significant threats caused by present and future NPS impacts.

5. Identifies waters and watersheds impaired by NPS pollution as well as priority unimpaired waters for protection. The plan should establish a process to assign priority to and progressively address identified

[2] 33 U.S.C. section 1329(4)

watersheds by conducting more detailed watershed assessments, developing watershed-based plans and implementing the plans.

6. Describe how all program components will be implemented as required by section 319(b) of the Clean Water Act, and establish strategic approaches and adaptive management to achieve and maintain water quality standards as expeditiously as practicable. The program should include a mix of regulatory, non-regulatory, financial and technical assistance, as needed. In addition, the plan should incorporate existing baseline requirements established by other applicable federal or state laws to the extent that they are relevant.

7. Describe how the state will manage and implement its NPS management program efficiently and effectively, including necessary financial management.

8. Describe how the state will review and evaluate its NPS management program using environmental and functional measures of success, and revise its NPS management program at least every five years.

Points of Impact

Several elements of the nonpoint plan have a direct impact on the work of conservation districts:

- Explicit strategies to restore and protect surface water and ground water.
- Working partnerships – with the EPA guidance specifically identifying conservation districts in this category.
- Utilization of statewide programs and on-the-ground projects to achieve water quality benefits.
- How to allocate resources between known impairments and protecting from threats.
- A process for identifying priority watersheds.
- Description of how non-regulatory programs would work with other program components to accomplish nonpoint water quality objectives.
- How monitoring will be conducted and what will be done with the monitoring results.

Conservation district engagement with Ecology on the update to the nonpoint plan should focus on these key areas of the plan and provide input and direction on how the plan could accomplish these objectives, taking advantage of contribution from conservation districts.

In addition to these plan elements, Ecology is interested in hearing from conservation districts on the following questions:

- What is important for your district to see reflected in the Nonpoint Plan?
- What are the top three nonpoint sources of pollution in your district?
- Who are the key partners and cooperators that you work with to address nonpoint pollution in your district?
- What sources of funding do you use to address nonpoint pollution in your district?
- Are additional tools needed to better address nonpoint source pollutions? If so, what are they?
- Is your district currently conducting any monitoring efforts? If so, can you provide a description?
- Do you have suggestions about language/phrasing that is helpful and/or harmful to advancing nonpoint efforts?
- How much of your work is devoted to "protection" projects vs. correcting identified resource impacts. Does your district have examples of a "protection" project that has been implemented in your district? If so, can you provide a description?

The above questions are meant to serve as a guide; the goal is to understand what the priority nonpoint pollution issues are in your district and what information your district thinks is important to be included in the nonpoint plan.

For more information contact:

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

Dave Vogel
Executive Director WACD
(360) 754-3588 x125
dvogel@wadistricts.org

Washington State Conservation Commission

March 19, 2015

To: Mark Clark, Executive Director

From: Bill Eller, Election Officer / Regional Manager

Re: Conservation District Elections Status Update

Summary

The 2015 conservation district election cycle is almost finished. Districts hold their election by March 31, and they are supposed to send the election materials, paperwork, and documents to the Commission by the end of April. Listed below is a status update on elections.

Action

None – informational only.

Election Status

As of March 3, 2015, out of the 45 conservation districts,

A. 29 districts have or will have automatically re-elected incumbent candidates (64%) pursuant to WAC 135-110-370.
B. 16 districts have or will have contested elections (36%). Of those sixteen, nine are still set to go in March (King, Thurston, Spokane, Whatcom, Benton, Pend Oreille, Skagit, Cowlitz and Ferry).
C. Three districts have notified the Commission of the unofficial results of their elections.
D. One district election has been observed, with nine more set to be observed. If the remaining elections are observed, Commission staff will have observed ten of sixteen contested elections (63%).
E. There have been thirty-three declared candidates so far.
F. 214 election forms have been processed by the Election Officer.
G. Approximately 135 emailed election questions have been answered by the Election Officer (~90 hours of Election Officer staff time spent (40 minutes per question x 129 questions = 5400 / 60 minutes = 90 hours). This does not include time processing election forms.
H. We are working with a few districts on some election issues. Below are four, listed for illustrative purposes: Thurston (general issues), Whatcom (absentee ballot issues), Pend Oreille (staffing issues), Ferry (staffing issues). A brief discussion of each follows.

District: Whatcom Conservation District

Election Supervisor: Dawn Bekenyi

Election Date: March 10, 2015

Issue(s): Whatcom CD staff has brought to the Commission Elections Officer issues surrounding absentee ballots. Specifically, the District has inquired about policy and procedure surrounding voter's requests for absentee ballots, the returning of those ballots and the verification and tallying of those ballots by the District. There are a host of Washington Administrative Code (WAC) sections that could be involved and apply. A summary of the on-going discussion included the following: a district must comply with WAC 135-110-550 and WAC 135-110-560, and voters must follow the directions in WAC 135-110-560 (and any guidance the District provides with regards to filling out absentee ballots (for example, Appendix A in the Election Manual). Voters must supply enough information for the District to comply with WAC 135-110-550, WAC 135-110-610, and WAC 135-110-700(2) (for absentee ballots), among other WAC provisions, so that the vote can be properly counted. Commission staff continues to monitor their election closely.

District: Pend Oreille Conservation District

Election Supervisor: John Floyd / Andy Huddleston

Election Date: March 11, 2015

Issue(s): Pend Oreille CD's district manager, Terry Holloway, recently passed away. The District's chairman resigned soon afterwards. These events caused some disruption in District operations and services. The District currently has just one part-time staff person to run the election on behalf of the District. This has put strain on the District capabilities in many areas. Commission staff continues to monitor their election closely.

District: Ferry Conservation District

Election Supervisor: Candy Lammon

Election Date: March 25, 2015

Issue(s): A long-time staffer at Ferry CD resigned in November 2014. When that staffer left, there was no transition or hand-off of information, direction, or other communication between the staffer who left and new staff. As a result, new staff has minimal information on district procedures and has had little training other than on-the-job training on how to conduct the District's election. The district manager has been working with the new staff member to bring her up-to-speed on election rules, policies

and procedures. Specific problems involve errors in the public notice that informs the voter of the election time and day. These errors were subsequently corrected by additional notice publications to the public. Commission staff continues to monitor their election closely.

District: Thurston Conservation District

Election Supervisor: Kathleen Whalen

Election Date: March 7, 2015

Issue(s): Numerous issues were brought to the Commission Election Officers attention by Thurston CD staff, supervisors, and a candidate in the election. Those issues include (but are not limited to): candidate statements, absentee ballots, District election policy, Commission election policy and procedure, District governance, District powers and duties, Commission powers and duties, Conservation District elections in general). Please see the attached for some of the details.

From: Eller, Bill (SCC)
To: davidhall1970@netzero.com; Kathleen Whalen
Cc: Clark, Mark (SCC); Shultz, Ron (SCC); Joy, Shana (SCC); Ledgerwood, Ray (SCC)
Subject: FW: IMPORTANT - RE: Thurston CD Elections Request
Date: Monday, February 23, 2015 12:06:25 PM
Attachments: 200010032211.pdf
Thurston CD response to 12.12.15 election complaint.memo.pdf
Importance: High

Chairman Hall – please see the attached memo and supporting documents. If you have any questions, please contact me.

Bill Eller † Southcentral Regional Manager † 509.385.7512 † beller@scc.wa.gov

---

From: Sarah Moorehead [mailto:SMoorehead@thurstoncd.com]
Sent: Thursday, February 12, 2015 3:22 PM
To: Eller, Bill (SCC); Dave Vogel; Joy, Shana (SCC); Shultz, Ron (SCC)
Cc: David Hall
Subject: IMPORTANT - RE: Thurston CD Elections Request
Importance: High

Attn: Bill Eller, Ron Schultz, Shana Joy and Dave Vogel,

At the request of Thurston CD Board Chair, David Hall, please review the attached letter received today regarding our district election.

District staff can be reached at: 360-754-3588

David Hall can be reached directly at: 360-438-2074

Sarah Moorehead
Agricultural Outreach Specialist
Thurston Conservation District
2918 Ferguson St. SW, Ste A
Tumwater, WA 98512
(360) 754-3588 ext. 136
www.thurstoncd.com

-----Original Message-----
From: Ricoh@thurstoncd.com [mailto:Ricoh@thurstoncd.com]
Sent: Tuesday, October 03, 2000 10:11 PM
To: Sarah Moorehead
Subject: Message from "RNP0026735B2B83"

This E-mail was sent from "RNP0026735B2B83" (Aficio MP 4002).

2402 Capitol Way South
Olympia, Washington 98501

February 12, 2015

FEB 12 2015
1:50 pm AN

David Hall
Chair
Thurston Conservation District Board of Supervisors
c/o Thurston Conservation District
2918 Ferguson Street SW, Suite A
Tumwater, WA 98512

Re: Request for Board action re election

Dear Dave,

I am writing to you and the Thurston Conservation District (TCD) Board to raise several concerns regarding the District's conduct of its election for board supervisor currently underway and, based on the statement of facts and assignments of error discussed below, to ask the Board to reschedule and restart the election later this year. I am currently serving as the incumbent in the position that's being elected and one of two candidates standing for election.

I am directing this letter to the Board with the understanding that it is the entity that is responsible for conducting this election fairly and within the requirements of law. (see Chap. 135-110 WAC, et. al.) I am recusing myself as a member of the board in matters pertaining to this election.

PREAMBLE

For the record, I am a strong supporter of county conservation districts, the Washington Association of Conservation Districts, and the Washington Conservation Commission. The system that they form promotes conservation of natural resources and support for agriculture statewide. The districts' role as a non-regulatory local government agency provides technical and financial assistance to local landowners and works with the public to encourage voluntary efforts to protect the environment and promote local food production.

I believe that the public service role of the conservation districts and the Conservation Commission will grow in the future and the benefit that they provide to the public will increase. One current example of this is through the State's Voluntary Stewardship Program (VSP) and the pivotal role that TCD is playing in Thurston County's VSP pilot program. Supporting TCD in general and especially as a part of the VSP program is why I accepted appointment to the TCD Board of Supervisors last fall.

I would add that I also support the notion of an independent Conservation Commission and local conservation districts. The Commission as a distinct state agency serves the public and acts as a bridge between conservation and agricultural interest which would not be possible if it were merely a

department within the Department of Agriculture or the Department of Ecology.

Conservation districts serve a similar purpose at the local level and benefit the public as both a partner to county government in protecting critical areas and supporting agriculture and as a non-regulatory alternative to the county's regulatory enforcement activities. For these reasons therefore, it is important that conservation districts continue to be independent agencies and be run by elected boards of supervisors.

Finally, in my six months as a conservation district supervisor, I have been privileged to work with talented, dedicated folks at both the state and local levels. I have been honored to serve on the Board with my fellow supervisors, impressed with the enthusiasm that TCD staffers have for their work, and appreciative of the support that Commission staff have provided to the District. In attending the WACD state convention in December, I was impressed by the wealth of knowledge there and the can-do attitude of the supervisors and staff from all around the state.

In short, I believe that the conservation districts and Conservation Commission are essential parts of governance in Washington State and an important resource for environmentalists, farmers, foodies, landowners, other local governments and frankly everyone else.

However, in order to maintain the conservation district system and its governance by elected supervisors, the system must have an election process that follows accepted election practices and assures the fair treatment of both candidates and the voting public. If conservation districts are to be local democratic institutions, the election of supervisors has to be conducted based on clear rules and in a manner which is impartial, transparent and free of bias or the appearance of bias. This brings me to the point of this letter.

The filing period for the supervisor's position currently up for election closed on February 2 and the election became a contested race with a last minute filing by Ms. Samantha Fleischner. Since then a series of events has occurred which individually and combined together raise serious questions about the election.

STATEMENT OF FACTS

A summary of the events as I understand them are as follows.

- On Feb. 3, TCD District Administrator Kathleen Whalen solicited candidate statements from Ms. Fleischner and me. In doing so, she did not provide guidelines for their form or content as the County Auditor does for other similar elections. Aside from the Election Resolution that was drafted and presented to the Board by Ms. Whalen, I am not aware of other rules adopted by the Board governing the conduct of elections.
- Ms. Fleischner submitted a candidate statement that represents herself to be a former TCD employee and current friend of TCD staff. Her first stated goal as a candidate is to "support staff" and she mentions Kathleen Whalen by name. Ms. Whalen is presently serving as both TCD District Manager and the Election Supervisor appointed by the Board to oversee this election.
- Ms. Fleischner's candidate statement included a photo of herself with TCD staff Dave Nygard and a narrative suggesting that they are shown working together at a TCD function.
- The use of the photo suggests that Mr. Nygard has either agreed to the use of his photo in this

campaign literature or is acquiescing to this use. Mr. Nygard has filed no protest of Ms. Fleischner's action so far as I know.

- Ms. Whalen, as Mr. Nygard's supervisor, apparently did not protest Ms. Fleischner's use of photos of TCD staff or TCD activities in campaign literature. She did not invoke Section 1.10 of the TCD Policy & Procedure Manual which governs "employee participation and political activities".
- Ms. Whalen, as Election Supervisor, similarly made no protest under Chapter 135.110 WAC nor did she apparently remind Ms. Fleischner that the District is required by law to run a fair election which is free of bias or the appearance of bias.
- To compound matters, Ms. Whalen then published Ms. Fleischner's campaign literature on the TCD website. This makes the material, including Mr. Nygard's photo, available to the general public and gives the impression that the use of staff photos and photographic representation of District activities for political purposes is officially acceptable to the District.
- Thereafter, Ms. Whalen left town. She is presently traveling out of state for a family vacation and "delegated" her election responsibilities to her administrative assistant. According to WAC 135-110-210, only the Board can appoint an Election Supervisor and must do so by Resolution after sufficient notice to the public.
- When I raised a concern about this before the fact, Ms. Whalen did attempt to convene an emergency session of the Board but was unable to obtain a quorum. As a result, she left the state in the middle of an election without the Board's permission and without the Board's appointment of another Election supervisor.
- Ms. Whalen has indicated that she will remain available by phone during her time away but this still leaves on-site administrative duties, safe-guarding of ballots, and the decision when to contact her to TCD staff.
- Since Ms. Fleischner has made a campaign issue of the fact that TCD staff are her friends and her first stated priority is to "support" them if elected, this appears to create a conflict of interest for staff who are involved in election activities. It also makes the lack of on-site supervision of staff by the appointed Election Supervisor a critical issue. These things raise the question of whether the election now meets the requirements of law, policy, or notions of fundamental fairness to the candidates and to the public.

ASSIGNMENT OF ERRORS

Given the foregoing, the assignment of errors are as follows:

1. **The TCD Board has not adopted rules to govern elections, guide its Election Administrator, and protect the public.** Most elections in Washington State are conducted pursuant to state law passed by the Legislature (see Chap 29A.32 RCW) and administrative rules developed by the Secretary of State and the local county auditors. The Thurston County Auditor, for example, has developed a comprehensive Candidate Guide with administrative rules that govern voter pamphlets and other election matters. (see www.co.thurston.wa.us/auditor /Elections/candidate/ candidate_guide.pdf). These rules help to keep elections fair and transparent. They provide uniformity in election administration for the candidates and the public alike. They also assign clear responsibility to election administrators to oversee the election process and to refuse election materials which may be illegal or otherwise improper.

   Conservation District elections however do not use the State's general election laws and instead rely

on Chap. 89.08 RCW and the administrative rules enacted by the State Conservation Commission. Recent efforts to reform the District election process have met with limited success and conservation districts continue to use rules that are not based on general election laws or do not necessarily follow all of the customary election practices deemed important in other elections. As a result, voter participation in district elections is usually very low (sometimes in the tens of voters), election oversight is lacking, and decisions about election practices may be made without legally adopted rules to base them on. As one might imagine, the District voting process has been the subject of public criticism and a fair summary of its history, compiled by the League of Women Voters in 2011, may be found at
http://www.lwvwa.org/pdfs/studies/LWVWA_WAConservationDistrictsStudy_May2011.pdf

The Conservation Commission rules make the District's Board of Supervisors responsible for conducting district election and appointing an Election Supervisor. The Conservation Commission also plays a part in the election process and after the voting is complete, the Commission is responsible for canvasing and certifying/not certifying the election. (see Chap 135.110 WAC and Chap 89.08 RCW).

So far as I am aware, except for the Election Resolution that the Board adopts before each election, TCD has not created written rules for conducting its elections or for guiding the Election Supervisor which it appoints. Therefore, election administration is left largely to the discretion of its Election Supervisor. TCD has customarily appointed its District Manager to serve as Election Supervisor but the District has had few contested elections in the last 10 years and so the current District Manager has apparently not had the opportunity to run many elections.

2. **Candidate Statement submitted by Ms. Fleischner raises ethical and legal issues and serves to taint the election**. When the District Administrator/Election Supervisor asked that I submit *"a candidate statement that explains a bit about yourself and your interests to provide to voters"*, I included several photos of our farm and family but was careful not to use pictures that included others. My concern was that doing so would draw those people into the campaign without their knowledge and imply that they were helping me with the election. I was doubly concern about using photos of conservation district staff or conservation district activities because of the requirements of Chapter 135.110 WAC and Sec. 1-10 of the TCD Policy & Procedure Manual.

   Unfortunately, Ms. Fleischner did not have similar concerns and the candidate statement that she submitted prominently features her with Dave Nygard apparently engaged in a conservation district activity. Mr. Nygard is a long-time employee of TCD and is well-known as such around Thurston County. This raises several issues:

   A. Conservation Districts must remain impartial in conducting election. No conservation district supervisors, municipal officers or employees may adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate. (WAC 135.110.150)

   B. District Employees must refrain from political activity in certain instances. No District employee or elective official of the District may use, directly or indirectly, the facilities of the District for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. (TCD Policy & Procedure Manual, Sec. 1.10)

   C. Implication of the District. Ms. Fleischner's use of Mr. Nygard's image in her campaign literature implies his support of her campaign and suggests that a conservation employee has taken an official position in support of one candidate over another.

   D. Implication of the Employee. Mr. Nygard's permission to use his image in Ms. Fleischner's

campaign literature, or his acquiescence of same, constitutes a second violation of this rule on the part of a TCD employee. So far as I am aware, Mr. Nygard has not protested the use of his photo and asked that it be removed.

E. Unauthorized claim of endorsement. In the event that Mr. Nygard eventually disclaims his support of Ms. Fleischner's candidacy, Ms. Fleischner will then be responsible for making an unauthorized use of his image in her campaign literature.

3. **Publication of Ms. Fleischner's candidate statement on the official Thurston Conservation District website compounds the impropriety of the situation.** The Election Supervisor solicited candidate statements from both candidates but provided no guidelines for creating them. She then posted the statements on the TCD website without challenging the use of Mr. Nygard's photo or the photographic representation of a District activity.

   A. Official Publication. TCD's publication of Ms. Fleischner's candidate statement using Mr. Nygard's photo is a third assignment of error. The District's action serves to validate the candidate's use of district employee photographs and portrayals of district activity in campaign literature. TCD's publication this material on-line puts it before the Thurston County electorate and creates the appearance of "official status" for the content. This constitutes "state action" in the context of both the State and Federal Constitutions and raises both substantive and appearance of fairness issues regarding the conduct of this election.

   B. Failure to Control Candidate Materials. The TCD's Election Supervisor failed to question Ms. Fleischner's use of Mr. Nygard's photo and did not reject the material or ask that the photo be deleted from the candidate statement prior to posting it on the TCD website. The Election Administrator did not consider the prejudice which this may create for the candidates or the electoral process.

   C. Failure to Supervise District Staff. The TCD Election Supervisor also serves as the TCD District Administrator and therefore as Mr. Nygard's supervisor. As TCD staff supervisor then, the District Administrator should have protested Ms. Fleischner's actions and demanded that Mr. Nygard's photo be deleted from her campaign materials.

4. **The Election Supervisor is not satisfactorily supervising the election.** According to WAC 135-110-230, the election supervisor (a) serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election; (b) organizes, coordinates, and facilitates election-related activities of the conservation district; (c) assures that required election procedures are properly conducted; and (d) assures that required information is properly transmitted to the conservation commission.

   A. Election Supervisor has left town in the middle of an election. The Election Supervisor is presently not available on site. She is away on an out-of-state family vacation and will be away for a week or so which represents approximately 25% of the election period.

      1) Inability to Supervise. The election supervisor is not available to oversee the election or supervise staff who are now responsible for sending out ballots and responding to public inquiries.

      2) Improper Delegation of Duties. The election supervisor has apparently delegated her duties to an administrative assistant working for the District while she is away. WAC 135-110-230

provides that the Board of Supervisors appoints an election supervisor but contains no language authorizing that person to thereafter transfer his/her duties to another person.

3) Lack of Formal Election Rules. The election is now apparently being run on informal instructions left by the Election Supervisor for District staff. It appears that these instructions have not been published for the public, the candidates, or the Board.

4) Security. Without on-site supervision by the Election Supervision, security of ballots and election materials is a concern

5) Failure to Assure Proper Conduct. Without published election rules and on-site supervision by the designated Election supervisor, neither the candidates nor the public have reasonable assurances that the election can be properly conducted.

5. **TCD Staff has a potential conflict of interest in serving as election supervisors.** The Thurston Conservation District is using District staff to run the election but has directed that ballots be returned to and counted by the County Auditor. While this saves a good deal of money in election costs, it also asks District staff to administer an election process which they may have little training for or few rules to guide them.

   In addition, District staff face potential conflicts of interest when they actively support, or appear to support, one candidate over the other and then must act as neutral election administrators. The potential for this conflict increases when one candidate declares that she has close personal friendships with staff and publically announce that "supporting staff" is a primary feature of her campaign.

   Therefore, in future elections the Board should consider relieving District staff of election responsibilities and appointing an Election Supervisor who has training and experience in elections administration.

   At the same time, the Board should also consider extending its election period from the current 35 days in order to give candidates time to prepare a campaign. It should also take steps to better publicize the election and increase voter participation.

PRAYER FOR RELIEF

The assignments of error detailed above raise significant questions about the fundamental fairness of the election, the transparency of the election process, and the neutrality of the District in conducting the election. Given the very short time allowed for this election (33 days) and the fact that we are approaching the middle of that period, there is insufficient time to correct the problems and address the prejudice that has occurred. These difficulties are compound by the absence of the District's Election Administrator.

In election matters, appearance of fairness is of equal importance to substantive and procedural fairness.

Therefore, I am asking that the TCD Board reschedule and restart this election for later this year. I am further asking that during the interim the District address the concerns expressed above.

While recent amendments to the election rules provide that a District must hold an election during January, February, or March in the year a three-year term of an elected supervisor will expire (WAC 130-110-200), the law does contemplate that elections may be held later in the year for good cause shown.

For example, the Conservation District has the power to change the date(s) or location(s) or times for poll sites when it declares an emergency (WAC 130-110-800).

In addition, the Conservation Commission may refuse to certify an election if it determines that the election was not properly conducted according to the requirements of its procedures. (WAC 135-110-760). "Significant noncompliance" is defined by the Commission as the failure to follow the requirements of the Commission Rules in a manner that may affect the outcome of an election or deny voters their right of privacy in voting. (WAC 134-110-120(2))

The "may affect" standard creates a very low threshold for nullifying an election. The law does not require a showing of actual damage but only a possibility that non-compliance may create <u>some</u> effect on the election.

The circumstance of this situation and the assignments of errors detailed above establish a strong case of non-compliance with both the spirit and letter of the Conservation Commission's election rules.

They also represent potential violations of the District's Policy & Procedures.

Finally, they raise questions of whether the District's conduct of the election runs counter to established election principles which are contained in the State's general election laws.

Therefore, it is reasonable to conclude that these things will have a substantial effect on the outcome of the election and the public's confidence in the integrity of the electoral system.

They may also serve to dissuade members of public for running for the office of District Supervisor in the future. The non-compensated office requires a substantial commitment of time and effort from the incumbents and history shows that the districts often have a difficult time finding people to serve.

There is no foreseeable prejudice in rescheduling the election and doing so should not interrupt District operations. Nor is it likely that the other candidate in the race can identify a basis for a reasonable protest.

After the District addresses the assignment of errors above, a rescheduled election should result in better public knowledge and increased voter turnout. It should also result in a better, more equitable and transparent election process.

Time is of the essence in these things and I ask that the TCD Board act on the issues presented in an expeditious manner.

Thank you.

Sincerely,

James Goche'

James Goche'

To: David Hall, Chair, Thurston Conservation District
From: Bill Eller, Election Officer / Regional Manager, Washington State Conservation Commission
Date: February 23, 2015
Re: Response to Thurston Conservation District election complaint

---

On February 12, 2014, the Conservation Commission (Commission) received an email forwarded to us from staff at the Thurston Conservation District (TCD). The email contained a letter dated February 12, 2015, from current TCD board member and current candidate for an elected seat on the board, James Goche.

In the letter Mr. Goche listed a number of his concerns / complaints about the pending March 7, 2015 Thurston CD election. Based on these concerns, Mr. Goche requested the Thurston CD Board reschedule and restart the election later this year.

As Commission Election Officer, I was asked by the executive director of the Commission to investigate the issues raised in the letter and provide my recommendation as to Mr. Goche's request. Based on an analysis of the complaint as submitted and ancillary investigation, I do not find any violations of TCD election policy or Commission election policy and procedure. As a result, I find no significant noncompliance with the election rules and procedures. While there were issues subject to varying interpretations, I find no issue of noncompliance which rose to the level of significant noncompliance.

Therefore, I recommend the Thurston Conservation District election continue as scheduled.

A more detailed analysis is attached. If you have any questions, please contact me.

Bill Eller
Election Officer / Regional Manager
Washington State Conservation Commission
beller@scc.wa.gov
509-385-7512
POB 47721
Olympia, WA 98504-7721

Washington State Conservation Commission

To: Mark Clark, Executive Director
From: Bill Eller, Election Officer / Regional Manager
Date: February 23, 2015
Re: Response to Thurston Conservation District election complaint

On February 12, 2014, the Conservation Commission (Commission) received an email forwarded to us from staff at the Thurston Conservation District (TCD). The email contained a letter dated February 12, 2015, from current TCD board member and current candidate for an elected seat on the board, James Goche. In the letter Mr. Goche (the Complainant) listed a number of his concerns / complaints about the pending March 7, 2015 Thurston CD election.

The issues from the February 12, 2015 letter are summarized and/or paraphrased below, along with responses.

1. ***"On Feb. 3, TCD District Administrator Kathleen Whalen solicited candidate statements from Ms. Fleischner and me. In doing so, she did not provide guidelines for their form or content as the County Auditor does for other similar elections. Aside from the Election Resolution that was drafted and presented to the Board by Ms. Whalen, I am not aware of other rules adopted by the Board governing the conduct of elections."***

Response: Ms. Kathleen Whalen (Ms. Whalen), TCD District Administrator, has been appointed by the TCD board as their election supervisor for the 2015 election cycle (as per TCD board Resolution #12-2014, dated November 25, 2014. In speaking with Ms. Whalen on February 19, 2015, she does confirm that she sent both declared, nominated candidates (Mr. James Goche and Ms. Samantha Fleischner) an email on or about February 3, 2015 soliciting statements from both candidates. The substantive portion of the email is as follows:

We would like to have a candidate statement that explains a bit about yourself and your interests to provide to voters. The district will begin mailing absentee ballots, as requested by qualified electors, on Thursday. If you can email your candidate statement to me by Thursday at noon, we can provide that information with the initial mailing of any absentees, and post the same on our website.

Email from TCD District Administrator Ms. Whalen to candidate James Goche, February 3, 2015. Responses from both candidates were received by TCD staff on February 5, 2015, and, without editing the, both statements were posted on the TCD web site that same day. The candidate statements were also provided to voters who requested absentee ballots. There is no TCD policy, written or otherwise, that addresses the form or content of candidate statements, nor is TCD required to have such a policy under the conservation district election code (Washington Administrative Code (WAC) Chapter 135-110). The possible adoption of such a policy has been discussed subsequent to this event with Ms. Whalen.

Regardless, we believe the WAC and Commission election manual (EM) sections govern this situation, as explained below.

The Revised Code of Washington (RCW) Title 29A generally governs elections in Washington and includes the duties of county auditors and county elections departments. Specifically, RCW 29A.04.216 sets out the duties of county auditors and also sets out the exception to those duties. One of the exceptions applies to conservation district elections. That exception is listed here:

...This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

RCW 29A.04.216. The duties of the county auditor apply to all elections except "general or special elections for any ... district that is not subject to... RCW 29A.04.330." RCW 29A.04.216.

A review of RCW 29A.04.330(1)(b) indicates that the general provisions of RCW 29A.04.330 do not apply to "... conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto...[.]" RCW 29A.04.330(1)(b).

So, therefore, while RCW Chapter 29A governs general elections in Washington State, it does not govern conservation district elections. Conservation District elections are governed by RCW Chapter 89.08, WAC Chapter 135-110, and elections policy and procedures as determined by the Commission, the state agency charged with establishing procedures for elections.

The Commission is authorized in RCW 89.08.190 to establish conservation district election procedures: "The Commission shall establish procedures for elections, canvass the returns and announce the official results thereof."

The Commission has adopted election rules in WAC Chapter 135-110, effective November 19, 2010. District elections are to be conducted annually, and must comply with election rules and procedures.

The election procedures exist to assist conservation districts and conservation district supervisors in the election, appointment, and replacement of supervisors in the State of Washington, and to assure fair treatment of all parties involved in such proceedings, and to provide guidance for compliance with WAC Chapter 135-110.

In the event the rules, procedures, or both are not substantially followed, the Commission may make a determination of significant noncompliance. Significant noncompliance consists of failures to follow these procedures that, in the sole judgment of the Commission, may (1) affect the outcome of an election; (2) affect the appointment of a supervisor; or (3) deny voters their right of privacy in voting. If a determination of significant noncompliance is made, the Conservation Commission may choose not to certify the election. WAC 135-110-120.

WAC 135-110-430 allows a district to publish candidate-provided information. To assist voters in the selection of a candidate during voting, a conservation district may publish information provide by a nominated or declared write-in candidate. Further, if the district chooses to publish information about candidates, it must provide equal opportunity for publication and equivalent space to each candidate. WAC 135-110-430. The full text of WAC 135-110-430 is below:

Conservation district may publish candidate-provided information.
(1) To assist voters in the selection of a candidate during voting, a conservation district may publish information provided by nominated and declared write-in candidates.
(2) If a conservation district chooses to publish information about candidates, it must provide equal opportunity for publication and equivalent space to each nominated and declared write-in candidate.
(3) Candidate information provided by candidates and published by the conservation district may be mailed or delivered to voters before election day, but may not be provided to voters at poll sites on election day.

WAC 135-110-430. Similarly, the EM mirrors WAC 135-110-430 on pg 22, Section D(2)J(i) "*Conservation District Duties - Before an Election*," and on pg 32, Section G(1)e "*Candidate Duties - Before an Election*". Section G(1)e provides further that *"[i]t is the responsibility of a candidate to inform voters of the candidate's desire and qualifications to be elected to the office of conservation district supervisor. A conservation district may provide equal opportunity and equivalent space to candidates for this purpose but are not required to do so."*

So, in analyzing both the WAC and EM related to this question, if the district chooses to publish information provided by the candidate, it must provide equal opportunity for publication and equivalent space to each candidate. It would appear that this was done in this case. Both candidates were provided equal opportunity and equivalent space for their candidate statements. Mr. Goche's statement consists of one page of text with photos, numbering 564 words. Ms. Fleischner's statement consists of one page of text with photos, numbering 915 words. Images of the statements appear below:

James Goche' - Candidate for Thurston Conservation District Board of Supervisors

I have been associated with the Thurston Conservation District for over a decade as a local farmer and more recently as a member of its Board of Supervisors. I support the District's good work and service to local landowners in helping them voluntarily protect natural resources and support agriculture.

Apple picking at
Friendly Grove Farm

I accepted appointment to TCD's Board of Supervisors last year to help increase the District's involvement with local agriculture and to help with its participation in Thurston County's Voluntary Stewardship Program. Since then, I have been working with the Board and staff to increase the District's visibility in our community and to promote partnerships with other agencies.

My family has lived in Thurston County for many years and we have a small family farm just north of Olympia where we raise row crops, tree and vine fruit, and chestnuts commercially. We also teamed up with Kiwanis several years ago to host one of its garden projects and since then have been working with Kiwanis volunteers to grow fresh food for the Thurston County Food Bank. In running the farm, we use organic methods and observe good conservation practices.

We also support diversity in local fauna and have a special affinity for Corgis

I have also been active over the years in a variety of projects which helped to conserve natural resources and protect the environment. One of these involved a seven year position with the Commencement Bay Clean Action Committee, working with local governments, environmental groups, and private industry to meet the requirements of state/federal cleanup and restoration laws in the Commencement Bay Superfund site. CBCAC was an outstanding success and some of its accomplishments include restoring eel grass beds in the lower Bay, helping to set PCB clean-up levels in the Hylebos Waterway, and reestablishing one of the first urban anadromous fish run in Western Washington (Puget Creek). CBCAC also successfully lobbied EPA to change its regulations to allow for partial delisting of the Superfund site so the remediated land could be returned to productive use and put back on the tax rolls.

Another project closer to home involved working with the Port of Olympia, first as a program manager and later as a consultant, to help it create a formal strategic and business planning process. This has helped the Port significantly improve its finances, create jobs, and meet community needs. Deliverables from this project include the cleanup and remediation of the Cascade Pole site on the Port Peninsula, development of the Port Plaza where local events, like *Sand And The City* take place, and saving the Olympia Farmers' Market by moving it to its present location at the north end of Capitol Way.

Two primary goals for the future are 1) to actively promote the economic and environmental health of our community and (2) to help reestablish the link in public policy between agriculture and natural resource conservation.

To be successful in this, we have to respect differing needs and points of view, focus on our common interest, and then work together effectively to make our community a prosperous and sustainable place to live. *(Feb.5, 2015)*

SAMANTHA FLEISCHNER

Thurston CD Board of Supervisors Candidate

360.446.7645 x102 samanthah@wcnx.org Rainier, WA

My particular interest in the conservation district stems from my longstanding relationship with organization, which began when I was offered the **Natural Resource Technician internship position with Thurston CD** by current District Administrator, Kathleen Whalen nearly a decade ago. Working under Senior Natural Resource Specialist, David Nygard, I learned the unique needs of landowners in our community through my work writing Conservation Plans and **became infatuated with providing resources to farmers** large and small. I support the district's current efforts to preserve farmland and provide assistance to beginning farmers through their South Sound FarmLink program. **Preserving agricultural land in the South Sound** is a priority to **strengthening our local food system, local economy and supporting new and generational farmers!**

David Nygard and myself hosting the Regional Envirothon and supporting youth Environmental Education!

I had the pleasure of working alongside some of the most passionate and experienced staff and I feel now it is my turn to support them by providing my expertise and leadership to further strengthen the mission of the organization and provide voluntary natural resource conservation to landowners in Thurston County. I believe bringing multiple generations and diverse stakeholders to the table will lay the foundation for creative solutions and collective impact for a sustainable future.

I graduated with a **BA in Natural Resource Management and BS in Biological Sciences** from **The Evergreen State College.** I have a diverse background of experiences including spending time studying rotational grazing, soil health, and the impacts of limited resources on agricultural operations in water deficient Southeast Oregon. Seeing firsthand the hardships these farming families faced solidified the **importance of working with the community** to conserve these precious shared resources **so that our children and grandchildren can live healthy, sustainable lives**.

I spent some time **working with the Nature Conservancy**, promoting the symbiotic and beneficial relationship between wildlife habitats and working agricultural lands. I also had the opportunity to aid in many **habitat restoration and invasive species removal projects first-hand**. I enjoyed my many years of experience getting my hands dirty and working in the field, including my time working with the **Silver Springs Cattle Ranch in Tenino**, learning the ins and outs of all natural beef production and putting my soil science background to good use **assisting with the construction of a new local composting facility**.

Girl Dog in her safety gear – ready for a day on the job!

Now, I am the **Site Manager for Silver Springs Organics** where I oversee the compost facility and staff along with my partner-in-crime PJ (or Girl Dog as she likes to be called), and work to educate the community on the **importance of soil health and sustainable land management, along with the connection of human impacts to all of our natural resources**.

My journey into conservation began as a child, growing up between the beaches and the mountains of California. I have always had a love for the outdoors and a passion for taking care of those special places I visited in my youth. Naturally, I was eager to visit the Pacific Northwest and behold its natural beauty. Once I landed in this ecologically diverse region I decided to make it my home and have happily lived in the rural community of Rainier ever sense. Not only have I resided in Thurston County for some 13 years now, but I have dedicated my life to supporting the growth and enrichment of my community.

I have been **an active board member with the Washington Organics Recycling Council** since 2008. I have been involved in writing revisions to the Solid Waste Handling Standards for Washington State and continue to offer guidance and expertise on policy revisions in regards to compost and soil health. Part of my involvement with WORC is to **bring compost into the Ag market and promote soil health through reintroducing organic matter**.

Getting my hands dirty prepping the family garden and pruning our small orchard!

My biggest passion is spending time with my family. We enjoy riding quads, camping, and sharing good meals with friends. I am a budding confectionary artist (or so I'm told) and enjoy cooking elaborate meals and making decadent desserts for my family and friends. In addition I enthusiastically support my partner and children in their flat track racing careers! In my down time I take pleasure in traveling and reading as many books as possible.

I believe in the unique ability Thurston Conservation District has to serve the entire Thurston County community, urban and rural. I will always be passionate about **sustainable resource management, voluntary conservation and being involved in my community**.

My main goals are to:

- Provide **more educational and economic resources to our rural communities;**
- **Support local agricultural production;**
- **Educate every citizen about their role in improving the health of Puget Sound and our local watersheds!**

My positive and hardworking attitude, dedication to our community and experience working in natural resources management provide me with the necessary tools to help guide and serve the conservation district. I am ready to work together to provide a bright future for our land, our families and this beautiful world we live in!

In conclusion, it appears from our investigation that TCD has followed current election procedures with regard to candidate statements. However, though RCW Chapter 29A does not govern conservation district elections, policies and procedures used in general elections can be relevant if applied to conservation district elections. In the instant case, we recommended to the TCD that it adopt a policy on the form and content of candidate statements. We also recommend providing clear guidance to districts with a revision to the EM that addresses this issue. A template for candidate statements to districts should be included in the EM to promote uniformity among conservation districts, and decrease the likelihood of future issues involving candidate statements.

The Commission actively promotes the sovereignty of local government by allowing for procedural variations, whenever possible, among conservation districts related to how they conduct elections. Illustrations of this can be found in all aspects of elections procedures (choosing an election date, picking the type of election, and advertising methods are examples). Regardless of which variation they choose, all conservation districts place great value in the integrity of the election process.

In the present case, for the aforementioned reasons, we find no significant noncompliance with the election rules and procedures. Ultimately, the WAC and EM put the responsibility on the candidate to inform voters of the candidate's desire and qualifications to be elected to the office of conservation district supervisor. Candidates are free to run campaigns as they see fit and can provide voters with any information they choose, so long as the information provided is lawful and otherwise complies with the RCW, WAC, EM, and Commission election procedures. Here, while the instructions for candidate statements were clear, they were also open-ended and therefore could have been more precise. Still, we find no issue of noncompliance which rose to the level of significant noncompliance. Therefore, we recommend no action at this time.

2. ***"Ms. Fleischner submitted a candidate statement that represents herself to be a former TCD employee and current friend of TCD staff. Her first stated goal as a candidate is to "support staff" and she mentions Kathleen Whalen by name. Ms. Whalen is presently serving as both TCD District Manager and the Election Supervisor appointed by the Board to oversee this election."***

Response: Ms. Fleischner did submit a candidate statement in which she identifies herself as having a "Natural Resource Technician internship..." with TCD "...nearly a decade ago". See Ms. Fleischner's candidate statement contained in the response to Issue #1 above. In speaking to Ms. Whalen, she was able to confirm that Ms. Fleischner was an intern with TCD in approximately the year 2005. Ms. Whalen believes it was an unpaid internship. Ms. Fleischner does mention TCD employees in her candidate statement, specifically Ms. Whalen and David Nygard, her internship supervisor. Both Ms. Whalen and Mr. Nygard still work for TCD. As previously indicated in the response to Issue #1 above, Ms. Fleischner complied with TCD's instructions to her with regard to form and content of her candidate statement. There are presently no prohibitions on candidate statement content that would prohibit this content.

3. ***"Ms. Fleischner's candidate statement included a photo of herself with TCD staff Dave Nygard and a narrative suggesting that they are shown working together at a TCD function."***

Response: We spoke with Mr. David Nygard, TCD Resource Specialist, on February 19, 2015. Both he and Ms. Whalen believe the picture was taken in 2005. Mr. Nygard believes the photo shows TCD hosting the regional Envirothon competition. Mr. Nygard recalls being the coordinator of the local Envirothon at that time, and vice-chair of state chair of the Envirothon committee. While Mr. Nygard is not sure of the location where the photograph was taken, he believes was likely taken at the Nisqually National Wildlife Refuge visitor center meeting room as the Envirothon was held there that year. While he doesn't recall the photo in particular, doesn't have any reason to dispute the photo's caption. He says he saw the photo in the candidate statement for the first time on February 19, 2015. Since 2005, he believes his next contact with Ms. Fleischner was in 2010 during a tour of her property. While no permission was sought from him by Ms. Fleischner, none was needed as he is alright with her use of the photo in the statement. He believes the photo's caption is a statement of fact.

"No conservation district supervisors, municipal officers or employees may adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate." WAC 135-110-150 (see also EM, Section E(8) on pg 3). In the case at hand, the appearance of Ms. Fleischner in a photograph with a TCD employee while she was a TCD intern, *taken ten years before the election at issue*, does not invoke the prohibition of WAC 135-110-150, nor does it jeopardize the appearance of fairness in the TCD election. The photo was not taken during the current election cycle or even during the current campaign, but ten years ago. While seeking Mr. Nygard's permission to use the photo would typically be the appropriate format for Ms. Fleischner if she wanted to include his likeness in her statement, Mr. Nygard's acquiescence to its use in no way creates any prejudice to the election process. Further, we spoke with Ms. Whalen about WAC 135-110-150 and the applicable EM section, and she relayed to us that she has repeatedly admonished her staff to not promote any candidate during the election. The Commission strives for factual and accurate dissemination of information about conservation district activities, events, and functions, and we do not find any factual inaccuracies here. We do not find any evidence of a violation of WAC 135-110-150.

4. ***"The use of the photo suggests that Mr. Nygard has either agreed to the use of his photo in this campaign literature or is acquiescing to this use. Mr. Nygard has filed no protest of Ms. Fleischner's action so far as I know."***

Response: See response to Issue #3 above.

5. ***"Ms. Whalen, as Mr. Nygard's supervisor, apparently did not protest Ms. Fleischner's use of photos of TCD staff or TCD activities in campaign literature. She did not invoke Section 1.10 of the TCD Policy & Procedure Manual which governs "employee participation and political activities"."***

Response: See response to Issue #3 above. Further, we believe the Complainant is referring to TCD Policies and Procedures 1.10 Employee Participation and Political Activities, Effective Date: June 9, 2000, reproduced below:

THURSTON CONSERVATION DISTRICT

Policies & Procedures

1.10 Employee Participation and Political Activities
Effective Date: June 9, 2000

Background: Pursuant to RCW 42.17.30, no elective official or employee of any public Agency "may use or authorize the use of any of the facilities of a public office or agency, directly, or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition."

Purpose: To establish parameters for employee participation in political activities.

Policy: No District employee or elective official of the District may use, directly or indirectly, the facilities of the District for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. This includes the wearing or displaying of political paraphernalia while conducting District business. This policy does not purport to regulate District employees or elective officials while they are not conducting District business.

District employees may express opinions on political subjects and candidates, take an active part in political campaigns, and wear political campaign badges and buttons when not serving in an official capacity or meeting the public. In addition, District Employees may not:

1. Use their official authority or influence to interfere with or affect the results of an election or nomination for office.

2. Coerce, command, or advise another District employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

3. Use Thurston Conservation District equipment, time, supplies, staff or facilities for any political purposes or when assisting or opposing any candidate for partisan or nonpartisan offices or on any ballot proposition.

Page 26
12/08/14

The TCD Policies and Procedures 1.10 Employee Participation and Political Activities (TCD Politics Policy) is taken from RCW 42.17.30, which has since been recodified as RCW 42,17A.550. While this policy likely needs updating by TCD to reflect the current statutory reference, it is still effective. The Commission encourages the adoption and use of such policies in furtherance of the goals of fairness and honest in district elections. In the present case, there is no allegation that any employee used any TCD facility to assist or promote an election. Therefore, the TCD Politics Policy is not relevant to this issue.

6. ***"Ms. Whalen, as Election Supervisor, similarly made no protest under Chapter 135.110 WAC nor did she apparently remind Ms. Fleischner that the District is required by law to run a fair election which is free of bias or the appearance of bias."***

Response: See responses to Issues #3-5 above.

7. ***"To compound matters, Ms. Whalen then published Ms. Fleischner's campaign literature on the TCD website. This makes the material, including Mr. Nygard's photo, available to the general public and gives the impression that the use of staff photos and photographic representation of District activities for political purposes is officially acceptable to the District."***

Response: See responses to Issues #3-6 above.

8. ***"Thereafter, Ms. Whalen left town. She is presently traveling out of state for a family vacation and "delegated" her election responsibilities to her administrative assistant. According to WAC 135-110-210, only the Board can appoint an Election Supervisor and must do so by Resolution after sufficient notice to the public."***

Response: As part of its duties to adopt an election resolution, each district must appoint an individual "to fulfill the duties of election supervisor." Here, TCD's board did so on November 25, 2014 with the adoption of Resolution #12-2014. TCD identified Ms. Whalen as the Election Supervisor for the 2015 election cycle. As such, the TCD board delegated its authority to conduct the election at issue to Ms. Whalen. Under RCW 89.08.210, a conservation district board of supervisors

may employ a secretary, treasurer, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine their qualifications, duties, and compensation. It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. The supervisors may delegate to their chair, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper.

RCW 89.08.210 allows the TCD to delegate its ability to conduct its election to "one or more agents or employees.... as it deems proper." Kathy sent a memo to the board about how things

were going to be handled in her absence. Ms. Whalen had a previously scheduled vacation that encompassed four business days (February 11-13, and 17, 2015). On February 10, 2015, after a failed attempt by Ms. Whalen to convene the TCD board for a special meeting, Ms. Whalen sent an email to all TCD board members informing them of her absence from the TCD office for four business days (February 11, 12, 13, and 17, 2015). The TCD office was closed on February 16th, in observance of President's Day. In that email, Ms. Whalen informed the TCD board that during her absence, she delegated responsibility for processing absentee ballots to TCD's administrative assistant, Ms. Ashley McBee. Ms. Whalen indicated to the TCD board that Ms. McBee has been fully trained on the proper procedures for the handling and distribution of the absentee ballots, and has had the opportunity to process a few absentee ballot requests already during the current election cycle. Ms. Whalen further indicated that she instructed Ms. McBee to pass to Ms. Whalen any messages or questions regarding TCD's election to Ms. Whalen, and she would answer those questions in due course even while she was on vacation and out of the office for those four days.

We find that the TCD board has properly delegated election oversight, powers and duties to Ms. Whalen and the TCD staff in general, as allowed under RCW 89.08.210. Further, we find Ms. Whalen's efforts to address her pre-planned vacation time away from the TCD office as more than adequate to address election inquires during her absence.

9. ***"When I raised a concern about this before the fact, Ms. Whalen did attempt to convene an emergency session of the Board but was unable to obtain a quorum. As a result, she left the state in the middle of an election without the Board's permission and without the Board's appointment of another Election supervisor."***

Response: See response to Issue #8 above.

10. ***"Ms. Whalen has indicated that she will remain available by phone during her time away but this still leaves on-site administrative duties, safe-guarding of ballots, and the decision when to contact her to TCD staff."***

Response: See responses to Issues #8 and #9. Further, Ms. Whalen indicates that absentee ballots received at TCD are locked in her office. Absentee ballots returned to the Thurston County Auditor (Auditor), who handles a substantial portion of the administration of TCD's election (and have been doing so since 2002, according to TCD board minutes from November 26, 2002), are retained by the Auditor in a secure location. The Auditor brings them on Election Day to TCD in a secure fashion and they are counted using a ballot counting machine after the signatures are verified.

11. ***"Since Ms. Fleischner has made a campaign issue of the fact that TCD staff are her friends and her first stated priority is to "support" them if elected, this appears to create a conflict of interest for staff who are involved in election activities. It also makes the lack of on-site supervision of staff by the appointed Election Supervisor a critical issue. These things raise the question***

of whether the election now meets the requirements of law, policy, or notions of fundamental fairness to the candidates and to the public."

Response: See responses to Issues #1-#9.

12. *"The TCD Board has not adopted rules to govern elections, guide its Election Administrator, and protect the public. Most elections in Washington State are conducted pursuant to state law passed by the Legislature (see Chap 29A.32 RCW) and administrative rules developed by the Secretary of State and the local county auditors. The Thurston County Auditor, for example, has developed a comprehensive Candidate Guide with administrative rules that govern voter pamphlets and other election matters. (see www.co.thurston.wa.us/auditor /Elections/candidate/ candidate guide.pdf). These rules help to keep elections fair and transparent. They provide uniformity in election administration for the candidates and the public alike. They also assign clear responsibility to election administrators to oversee the election process and to refuse election materials which may be illegal or otherwise improper."*

Response: See responses to Issues #1-#9, in particular #1-#3, #5, and #8. RCW 89.08 and WAC Chapter 135-110 govern conservation district election procedure. RCW Chapter 29A can provide insight and guidance in instances where RCW 89.08 and WAC Chapter 135-110 are silent. In the case at hand, the Commission will review its election procedures in light of the complaints raised herein, and seek to enhance them where applicable.

13. *"Conservation District elections however do not use the State's general election laws and instead rely on Chap. 89.08 RCW and the administrative rules enacted by the State Conservation Commission. Recent efforts to reform the District election process have met with limited success and conservation districts continue to use rules that are not based on general election laws or do not necessarily follow all of the customary election practices deemed important in other elections. As a result, voter participation in district elections is usually very low (sometimes in the tens of voters), election oversight is lacking, and decisions about election practices may be made without legally adopted rules to base them on. As one might imagine, the District voting process has been the subject of public criticism and a fair summary of its history, compiled by the League of Women Voters in 2011, may be found at*

http://www.lwvwa .org/pdfs/studies/LWVWA WAConservationDistrictsStudy May201l.pdf

The Conservation Commission rules make the District's Board of Supervisors responsible for conducting district election and appointing an Election Supervisor. The Conservation Commission also plays a part in the election process and after the voting is complete, the Commission is responsible for canvasing and certifying/not certifying the election. (see Chap 135.110 WAC and Chap 89.08 RCW).

So far as I am aware, except for the Election Resolution that the Board adopts before each election, TCD has not created written rules for conducting its elections or for guiding the Election Supervisor which it appoints. Therefore, election administration is left largely to the discretion of its Election Supervisor. TCD has customarily appointed its District Manager to serve as Election Supervisor but the District has had few contested elections in the last 10 years and so the current District Manager has apparently not had the opportunity to run many elections."

Response: See responses to Issues #1-#9, in particular #1-#3, #5, and #8. In addition, the Commission provides yearly webinar training on election procedure, policy and new developments in August / September. Conservation districts are encouraged to attend or to view the webinar at a later date if they cannot attend it live. Ms. Whalen has informed us that she has regularly attended or viewed the annual election webinar. The Commission also provides and election "Boot-camp" consisting of an in-depth, half-day, in person training for conservation district personnel new to election procedure and responsibilities. Election boot-camps serve to inform conservation district personnel in detail on all aspects of election procedure and policy. All election materials, policies, procedures, forms, and the annual webinar are posted on the Commission's web site, and available to all conservation district, the public, candidates, and voters.

14. *"Candidate Statement submitted by Ms. Fleischner raises ethical and legal issues and serves to taint the election. When the District Administrator/Election Supervisor asked that I submit "a candidate statement that explains a bit about yourself and your interests to provide to voters", I included several photos of our farm and family but was careful not to use pictures that included others. My concern was that doing so would draw those people into the campaign without their knowledge and imply that they were helping me with the election. I was doubly concern about using photos of conservation district staff or conservation district activities because of the requirements of Chapter 135.110 WAC and Sec. 1-10 of the TCD Policy & Procedure Manual.*

Unfortunately, Ms. Fleischner did not have similar concerns and the candidate statement that she submitted prominently features her with Dave Nygard apparently engaged in a conservation district activity. Mr. Nygard is a long-time employee of TCD and is well-known as such around Thurston County. This raises several issues:

A. Conservation Districts must remain impartial in conducting election. No conservation district supervisors, municipal officers or employees may adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate. (WAC 135.110.150)

B. District Employees must refrain from political activity in certain instances. No District employee or elective official of the District may use, directly or indirectly, the facilities of the District for the purpose of assisting a campaign for election of

any person to any office or for the promotion of or opposition to any ballot proposition. (TCD Policy & Procedure Manual, Sec. 1.10)

C. Implication of the District. Ms. Fleischner's use of Mr. Nygard's image in her campaign literature implies his support of her campaign and suggests that a conservation employee has taken an official position in support of one candidate over another.

D. Implication of the Employee. Mr. Nygard's permission to use his image in Ms. Fleischner's campaign literature, or his acquiescence of same, constitutes a second violation of this rule on the part of a TCD employee. So far as I am aware, Mr. Nygard has not protested the use of his photo and asked that it be removed.

E. Unauthorized claim of endorsement. In the event that Mr. Nygard eventually disclaims his support of Ms. Fleischner's candidacy, Ms. Fleischner will then be responsible for making an unauthorized use of his image in her campaign literature."

Response: See responses to Issues #1-#3, #5, and #8.

15. *"Publication of Ms. Fleischner's candidate statement on the official Thurston Conservation District website compounds the impropriety of the situation. The Election Supervisor solicited candidate statements from both candidates but provided no guidelines for creating them. She then posted the statements on the TCD website without challenging the use of Mr. Nygard's photo or the photographic representation of a District activity.*

A. Official Publication. TCD's publication of Ms. Fleischner's candidate statement using Mr. Nygard's photo is a third assignment of error. The District's action serves to validate the candidate's use of district employee photographs and portrayals of district activity in campaign literature. TCD's publication this material on-line puts it before the Thurston County electorate and creates the appearance of "official status" for the content. This constitutes "state action" in the context of both the State and Federal Constitutions and raises both substantive and appearance of fairness issues regarding the conduct of this election.

B. Failure to Control Candidate Materials. The TCD's Election Supervisor failed to question Ms. Fleischner's use of Mr. Nygard's photo and did not reject the material or ask that the photo be deleted from the candidate statement prior to posting it on the TCD website. The Election Administrator did not consider the prejudice which this may create for the candidates or the electoral process.

C. Failure to Supervise District Staff. The TCD Election Supervisor also serves as the TCD District Administrator and therefore as Mr. Nygard's supervisor. As TCD staff supervisor then, the District Administrator should have protested Ms. Fleischner's actions and demanded that Mr. Nygard's photo be deleted from her campaign materials."

Response: See responses to Issues #1-#12.

16. *"The Election Supervisor is not satisfactorily supervising the election. According to WAC 135-110-230, the election supervisor (a) serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election; (b) organizes, coordinates, and facilitates election-related activities of the conservation district; (c) assures that required election procedures are properly conducted; and (d) assures that required information is properly transmitted to the conservation commission.*

A. Election Supervisor has left town in the middle of an election. The Election Supervisor is presently not available on site. She is away on an out-of-state family vacation and will be away for a week or so which represents approximately 25% of the election period.

1) Inability to Supervise. The election supervisor is not available to oversee the election or supervise staff who are now responsible for sending out ballots and responding to public inquiries.
2) Improper Delegation of Duties. The election supervisor has apparently delegated her duties to an administrative assistant working for the District while she is away. WAC 135-110-230 provides that the Board of Supervisors appoints an election supervisor but contains no language authorizing that person to thereafter transfer his/her duties to another person.
3) Lack of Formal Election Rules. The election is now apparently being run on informal instructions left by the Election Supervisor for District staff. It appears that these instructions have not been published for the public, the candidates, or the Board.
4) Security. Without on-site supervision by the Election Supervision, security of ballots and election materials is a concern.
5) Failure to Assure Proper Conduct. Without published election rules and on-site supervision by the designated Election supervisor, neither the candidates nor the public have reasonable assurances that the election can be properly conducted."

Response: See responses to Issues #1-#15. Further, the TCD passed Resolution #12-2014 on November 25, 2014. Before that, the TCD published its Notice of Intent to Adopt and Election Resolution on November 11, 2014. TCD's election is set for March 7, 2015. One could argue that the election season for TCD actually started on November 11, 2014, when the Commission requires the first notice to the public about the 2015 election cycle, and ends on March 7, 2015 – a period of 76 business days. In that case, Ms. Whalen's absence for four business days would end up being .05% of the election cycle.

The TCD's past practice, from at least 2002, was to delegate a substantial portion of its election activities to the Auditor. As such, it was working within delegation parameters established by RCW 89.08.210 and Commission election policy and procedures. TCD also maintains a detailed

web page devoted to its elections, available to the public, candidates, and voters. It provides sufficient instruction to its staff on election procedure and policy.

17. *"TCD Staff has a potential conflict of interest in serving as election supervisors. The Thurston Conservation District is using District staff to run the election but has directed that ballots be returned to and counted by the County Auditor. While this saves a good deal of money in election costs, it also asks District staff to administer an election process which they may have little training for or few rules to guide them.*

In addition, District staff face potential conflicts of interest when they actively support, or appear to support, one candidate over the other and then must act as neutral election administrators. The potential for this conflict increases when one candidate declares that she has close personal friendships with staff and publically announce that "supporting staff' is a primary feature of her campaign.

Therefore, in future elections the Board should consider relieving District staff of election responsibilities and appointing an Election Supervisor who has training and experience in elections administration.

At the same time, the Board should also consider extending its election period from the current 35 days in order to give candidates time to prepare a campaign. It should also take steps to better publicize the election and increase voter participation."

Response: See responses to Issues #1-#16. The Commission provides for and encourages training to district staff on election policy and procedure. It also encourages districts to develop policies and procedures in those areas that RCW Chapter 89.08 and WAC Chapter 135-110 leave available to local options and interpretation. The Commission also encourages districts to expand the minimum times and public notices established in the election procedures to ensure as wide a range of participation by candidates and voters as possible. We have reiterated these principals to TCD's staff, and will encourage them to further examine their election procedure and policy.

18. *"The assignments of error detailed above raise significant questions about the fundamental fairness of the election, the transparency of the election process, and the neutrality of the District in conducting the election. Given the very short time allowed for this election {33 days) and the fact that we are approaching the middle of that period, there is insufficient time to correct the problems and address the prejudice that has occurred. These difficulties are compound by the absence of the District's Election Administrator.*

In election matters, appearance of fairness is of equal importance to substantive and procedural fairness.

Therefore, I am asking that the TCD Board reschedule and restart this election for later this year. I am further asking that during the interim the District address the concerns expressed above.

While recent amendments to the election rules provide that a District must hold an election during January, February, or March in the year a three-year term of an elected supervisor will expire (WAC 130-110-200), the law does contemplate that elections may be held later in the year for good cause shown.

For example, the Conservation District has the power to change the date(s) or location(s) or times for poll sites when it declares an emergency (WAC 130-110-800).

In addition, the Conservation Commission may refuse to certify an election if it determines that the election was not properly conducted according to the requirements of its procedures. (WAC 135-110-760). "Significant noncompliance" is defined by the Commission as the failure to follow the requirements of the Commission Rules in a manner that may affect the outcome of an election or deny voters their right of privacy in voting. (WAC 134-110-120{2))

The "may affect" standard creates a very low threshold for nullifying an election. The law does not require a showing of actual damage but only a possibility that non-compliance may create some effect on the election.

The circumstance of this situation and the assignments of errors detailed above establish a strong case of non-compliance with both the spirit and letter of the Conservation Commission's election rules.

They also represent potential violations of the District's Policy & Procedures.

Finally, they raise questions of whether the District's conduct of the election runs counter to established election principles which are contained in the State's general election laws.

Therefore, it is reasonable to conclude that these things will have a substantial effect on the outcome of the election and the public's confidence in the integrity of the electoral system.

They may also serve to dissuade members of public for running for the office of District Supervisor in the future. The non-compensated office requires a substantial commitment of time and effort from the incumbents and history shows that the districts often have a difficult time finding people to serve.

There is no foreseeable prejudice in rescheduling the election and doing so should not interrupt District operations. Nor is it likely that the other candidate in the race can identify a basis for a reasonable protest."

Response: See responses #1-#17. Also, conservation district elections must occur during the first quarter of the calendar year (January, February or March). WAC 135-110-200; RCW 89.08.190. If the TCD were to seek to reschedule the election, it would have to pursue the rescheduling in superior court, as there is no other way for the district to reschedule the election and still comply with the directive in WAC 135-110-200 or RCW 89.08.190, and the other general notice requirements in WAC Chapter 135-110. WAC 135-110-800 would not apply in this situation, as an emergency during an election, allowing for the date of the election to be changed, could only come after the election supervisor determines that "adverse conditions may negatively affect the health or safety of voters or the timely return of absentee ballots." Neither the health, safety, nor the timely return of absentee ballots is at issue here, therefore WAC 135-110-800 couldn't properly be used to change the election date.

The pursuit of a new election date in superior court pursuant to Wash. Constitution Art. IV, sections 1 and 6, RCW 7.24.010 and RCW 2.08.010 would allow for a new election to occur. However, this would necessitate the filing of a court case in Thurston County Superior Court, requiring TCD to incur the costs incident to such a pursuit. Furthermore, TCD would have to redo each aspect of the election process, further increasing its costs. TCD, as a division of local government, has a duty to safeguard the use of taxpayer funds. The pursuit of a new election in superior court is not warranted under these conditions, nor warranted under these issues.

Conclusion

The Washington State Conservation Commission is authorized in Chapter 89.08.190 Revised Code of Washington to establish conservation district election procedures: "The Commission shall establish procedures for elections, canvass the returns and announce the official results thereof."

The Commission has adopted election rules in WAC Chapter 135-110, effective November 19, 2010. District elections are to be conducted annually, and must comply with election rules and procedures.

The election procedures exist to assist conservation districts and conservation district supervisors in the election, appointment, and replacement of supervisors in the State of Washington, and to assure fair treatment of all parties involved in such proceedings, and to provide guidance for compliance with WAC Chapter 135-110.

In the event the rules, procedures, or both are not substantially followed, the Conservation Commission may make a determination of significant noncompliance. Significant noncompliance consists of failures to follow these procedures that, in the sole judgment of the Conservation Commission, may (1) affect the outcome of an election; (2) affect the appointment of a supervisor; or (3) deny voters their right of privacy in voting. If a determination of significant noncompliance is made, the Conservation Commission may choose not to certify the election.

It appears from our investigation that TCD properly complied with all of the relevant election procedures and policies, as discussed above.

The Commission actively promotes the sovereignty of local government by allowing for procedural variations, whenever possible, among conservation districts related to how they conduct elections. Illustrations of this can be found in all aspects of elections procedures (choosing an election date, picking the type of election, and advertising methods are examples). Regardless of which variation they choose, all conservation districts place great value in the integrity of the election process.

In the present case, for the aforementioned reasons, we find no significant noncompliance with the election rules and procedures. While there were issues that arouse that were subject to varying interpretations, we find no issue of noncompliance which rose to the level of significant noncompliance. Therefore, we recommend the Thurston Conservation District election continue as scheduled.

Washington State
Conservation Commission

March 6, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Ag & Water Quality Guidance Document

Summary: The Ecology Ag and Water Quality advisory group is currently discussing a guidance document for landowners. It would be a tool for producers, Ecology, and partners to integrate risk management concepts into land management.

Action Requested: Information Only

Staff Contacts: Kelly Susewind, Special Assistant to Director, Ecology
Ksus461@ecy.wa.gov (360) 407-6829

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

Description:

The Conservation Commission has been briefed before on the ongoing activities of the Ecology Ag and Water Quality advisory group. Formed by Ecology Director Maia Bellon in December 2013, the group has been discussing a number of topics, including the development of a risk management tool for landowners.

The general idea is to develop a transparent approach to identifying the conditions of land that may give rise to water quality or other resource concerns. With this information it's hoped landowners can make informed decisions as to conditions that need immediate attention, those needing fixing, and conditions the landowner should keep an eye on so they don't get worse. It also provides guidance on positive conditions so the landowner can maintain good sites and know what the targets are for improvement.

The attached presentation provides more information as to the development of the guidance document and the general approach the document takes.

Agriculture and Water Quality Advisory Committee

Meeting #7

Kelly Susewind
Department of Ecology

Intent

- Transparency
- Tool for Producers, Ecology, and Partners
- Integration of Risk Management Concepts

Key Principles

- Improve compliance with state and federal law and the water quality standards.
- Recognize the importance of the livestock industry to Washington State.
- Clearly articulate examples of good and bad site conditions. Enable landowners to make informed decisions about their operations related to protecting water quality.

Document Outline

- Introduction
  - Recognize importance of livestock production.
  - Recognize importance of clean water.
  - Livestock related pollution concerns.
- Risk Management Concepts
- Site Conditions
  - Riparian Areas, Confinement Areas, Upland Pasture Areas, Manure Storage.
- Conclusion
  - Water Quality Law.
  - Recognize the range of actions available to address WQ problems.

Risk Continuum

Compliance	Lower Risk	Medium Risk	Higher risk	Violation
Desirable site conditions and management practices ensure compliance	Mostly desirable site conditions and no significant undesirable site conditions present	Undesirable site conditions are present	Significant undesirable site conditions are present or multiple undesirable site conditions are present	Immediate action is required to achieve compliance

Key Questions

- Are there sources of nonpoint pollution?
- Is surface water present at the site or in proximity to the site? Are there ground water concerns?
- Are there pathways for pollution to get to state waters?
- Is there evidence that pollutants have left the site and entered state waters?
- Are management practices in place for identified sources of nonpoint pollution to prevent the delivery of pollution to state waters?

Watershed & Other Environmental Considerations

- Soil conditions and characteristics (runoff class, permeability, leaching potential, saturation, etc.)
- Slope of the land surface
- Precipitation and climate
- Anticipated flooding/flooding frequency
- Depth to groundwater-shallow groundwater is more vulnerable to pollution

Site Conditions-General Format

- Introduction

Healthy Riparian Area

Indications that livestock may be affecting stream health.
Any one or combination could be a violation, or lead to a violation.

Clear Violation

Riparian Areas

- Protecting stream corridors is often a key to keeping waters of the state from being polluted
- Site conditions can indicate if it is a healthy stream corridor or if there are indications that stream health is being impacted.
- Examples:
  - Manure accumulations
  - Bare ground
  - Trails
  - Slumping banks
  - Erosion
  - Streamside vegetation sufficient to filter out pollutants

Confinement Areas

- Confinement and winter feeding areas if properly sited and maintained can help prevent pollutants from reaching surface water.
- Are there pathways to surface waters?
- Are there signs that pollution is moving to surface water?
- Is water diverted around confinement areas?
- Are there stockpiles of manure?

Upland Pasture Areas

- Recognize that upland practices can affect water quality.
- Well managed upland areas can ensure that riparian areas and water quality are protected from pollution.
- Poorly managed upland areas can overwhelm a well protected riparian area.
- Are there pathways to surface waters and indications that those areas are affecting stream health?

Manure Storage

- Proper collection, disposal, storage, and use of manure is key to protecting water quality.
- Can affect surface and groundwater.
- Are there pathways to surface waters and indications that those areas are affecting stream health?
- Distance to surface water or vulnerable ground water.
- Sufficient size and design considering the number of animals.

Discussion

TAB 4

Washington State
Conservation Commission

March 13, 2015

TO: Conservation Commission Members

FROM: Debbie Becker

SUBJECT: Proposed SCC Grant & Contract Procedures

Background summary:

SCC publishes grant and contract guidelines for conservation districts and partners when funding is received through SCC appropriations. The guidelines are necessary in describing the role of the contract, reimbursable expenses, expected contract compliance, getting paid, as well as a number of other components.

The current set of guidelines for grants and contracts was issued in 07-09. This version is a re-organization and re-write of the document for the purposes of addressing updated requirements of SCC, state and federal law, and any new or unique situations impacting conservation districts since the 07-09 version.

The manual will be provided at the meeting on March 18, 2015, with any proposed changes in policy and procedure identified.

Action requested:

The following action by the Conservation Commission members is requested:

Authorize the proposed Grant & Contract Procedure Manual follow the Commission members adopted Policy on Policies, and be sent to conservation districts for the 45-day review period. All comments and concerns would be presented to Commission members during the May 2015 meeting, with the anticipated adoption date of July 1, 2015.

In addition, SCC staff will send the manual to the AAG, Phyllis Barney for review and comment during the 45-day comment period.

Staff Contact: Debbie Becker, 360.470.6211 or dbecker@scc.wa.gov

Policy #	Proposed Update to SCC Grant & Contract Procedures
Applies to:	All Grants & Contracts Issued by SCC
Effective Date:	July 1, 2015

PURPOSE

SCC publishes grant and contract guidelines for conservation districts and partners when funding is received through SCC appropriations. The guidelines are necessary in describing the role of the contract, reimbursable expenses, expected contract compliance, getting paid, as well as a number of other components.

BACKGROUND

The current set of guidelines for grants and contracts was issued in 07-09. This version is a re-organization and re-write of the document for the purposes of addressing updated requirements of SCC, state and federal law, and any new or unique situations impacting conservation districts since the 07-09 version.

POLICY

This manual would become the official procedures of funding awarded by SCC and available to partners on SCC's website.

Washington State
Conservation Commission

March 13, 2015

TO: Conservation Commission Members

FROM: Debbie Becker

SUBJECT: Proposed Cash Advance Policy

Background summary:

SCC proposes the addition of a Cash Advance Policy for capital project funds awarded to conservation districts. In the last biennium, we have seen several impacts to conservation districts financial health, which may be impacting their ability to comply with state law, and SCC's contract.

This proposed policy mirrors a similar policy in place at RCO (Recreation and Conservation Office).

This policy has been previously reviewed by SCC's AAG Phyllis Barney for review and comment.

Action requested:

Two separate actions are requested.

1. SCC staff proposes Commission members authorize this policy follow the Commission members adopted Policy on Policies, and be sent to conservation districts for the 45-day review period. All comments and concerns would be presented to Commission members during the May 2015 meeting, with the anticipated adoption date of July 1, 2015.

In addition, SCC staff is concerned about conservation districts ability to follow state law, and SCC's contract between now and June 30, 2015 due to the dollar level and number of projects not yet completed.

2. For the period between now and July 1, 2015, using the attached draft policy, SCC staff requests the executive director be granted the authority to make advance allocations outside of the Policy on Policies procedure for the Shellfish and Non-Shellfish grant programs.

Staff Contact: Debbie Becker, 360.470.6211 or dbecker@scc.wa.gov

Policy #	Proposed Advance Policy For Capital Grants
Applies to:	Conservation Districts
Effective Date:	July 1, 2015

PURPOSE

To address the financial shortfall facing conservation districts when reimbursing landowners for approved project implementation.

BACKGROUND

Washington State Conservation Commission (SCC) recognizes conservation districts may not have the cash flow needed to reimburse landowners for expenditures related to the implementation of approved projects. SCC is proposing a capital funds advance policy allowing for short-term cash advances of capital funds.

The gravity of this situation has been building for the last few years. SCC is concerned whether or not conservation districts will have the means to comply with state law, and SCC's contract, by ensuring all expenditures are paid by the conservation district prior to seeking reimbursement.

The financial health of conservations has been impacted by a number of factors, and in some cases, multiples of these factors. They include:

- reduced or no grant awards outside of SCC funds;
- increased requirements for rental payments for office space;
- delays of reimbursements from other granting agencies beyond a 30 day period;
- the increase of the landowner maximum financial assistance from $25,000 to $50,000; and,
- an increase in capital funding received by SCC to fund project implementation, increasing landowner project implementation ten-fold.

SCC procedures currently allows for advances for grants awarded from general fund dollars. This proposal would extend the policy to include to capital funded grants.

POLICY

For all conservation districts requesting an advance under this policy, the following shall apply:

- Advances may not exceed 50 percent of the balance of the SCC share of the awarded funds in the grant agreement and may be restricted to less than that amount, determined by SCC financial staff.
- SCC financial staff will evaluate the financial management activity and financial standing of the conservation district in determining the maximum amount eligible.
- Advances are not automatically granted. SCC may decline any request it deems necessary to ensure the integrity of the program.
- SCC reserves the right to inspect the conservation district records on any advance, at any time.

To apply for funds

- The conservation district must send SCC a request that includes the SCC Capital Funds Advance Agreement. (Attachment A)
- The request for an Advance shall be signed by the district manager or chair.
- Requests for the Advance shall be approved for periods to cover only expenses anticipated over the immediate 90-day period.
- Requests for the Advance must be eligible to be fully and properly expended within 90 calendar days of receipt.

Reconciling the Advance

- Advances are considered satisfied after an approved SCC financial staff review of the Invoice Voucher and appropriate documents. The invoice must reflect the full amount of expenditures and amount of any match required to receive the advance. All necessary and required documentation must be provided.
- A complete billing must be submitted within 110 calendar days of the SCC payment date of the advance, or
- Be reconciled within 10 days of the end of each fiscal year, to include the end of the biennium.
- A conservation district may only have one active advance request per capital grant at any one time.

If SCC staff has follow-up questions or further inquiries about the advance documentation submitted by a conservation district, the conservation district shall have five business days from the date of contact by SCC to fully respond to the request for additional or clarifying information. An incomplete response to an SCC request may result in a finding of noncompliance.

Noncompliance with Advance Policy

Failure to comply with the SCC capital funds advance policy and requirements shall result in the following:

- A first noncompliance offense shall result in suspension of all advances for three months for the conservation district.
- A second noncompliance offense shall result in suspension of all advances for six months for the conservation district.
- A third noncompliance offense shall result in suspension of all advances for one year or more for the conservation district.
- For any noncompliance, and at the discretion of the Conservation Commission members, future grant awards may be impacted through delay or reduction.

Additionally, SCC may:

Make a referral to the Attorney General or State Auditor if expenditures cannot be properly accounted for.

The SCC Executive Director or Conservation Commission Members may authorize changes to this policy for individual projects or situations.

SCC Capital Funds Advance Agreement

Please fill out the following information in order to request a payment. We will follow up with you within two weeks after you have submitted this form.

Date

Mar ▼ 11 ▼ 2015 ▼

Dropdown List

Select Your Conservation District ▼

Name*

First Name

Last Name

Email*

Which grant program are you requesting an advance?*

- ☐ Shellfish
- ☐ NonShellfish
- ☐ CREP
- ☐ Other:

Start Date Requested*

▼ ▼ ▼

Total Value of Projects Currently Under Contract in this grant?*

$

Maximum Authorized*

$ 0.00

Requested Amount*

$

Remember, this amount is only for 90 days. Please ensure the landowner(s) have the ability to complete the projects within this timeframe.

Has the Board approved this request?*

○ Yes ○ No

Signature

[clear]

Use your mouse or finger to draw your signature above

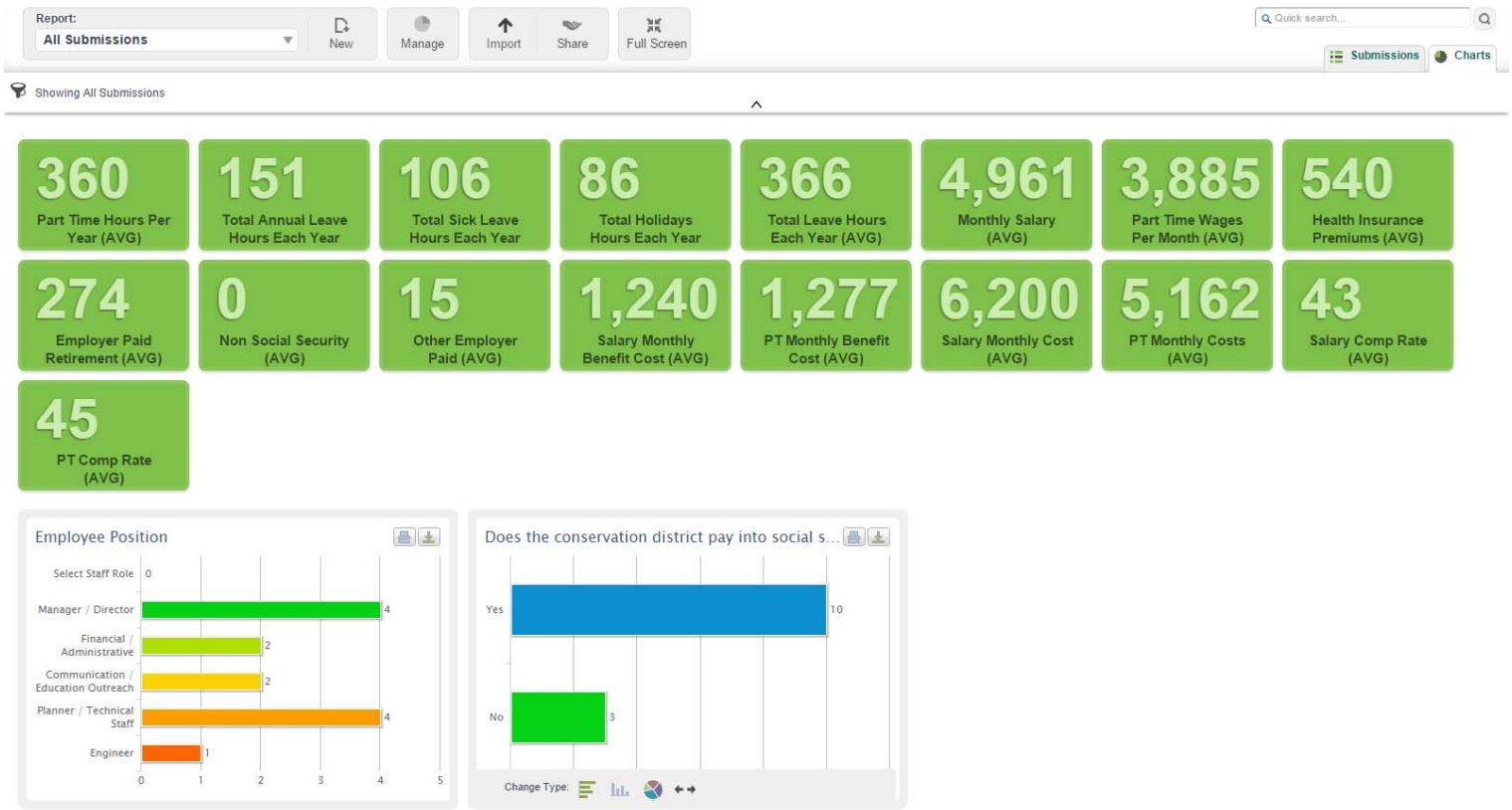
You will receive a copy of this request with your data in an email after submitted. SCC financial staff will respond within 2 weeks.

Submit Form

Data can be exported into EXCEL for additional evaluation and reporting, different fields graphed and included in analysis from this page. Each of the green data areas allows you to view the following results: Sum, Average, Minimum, Maximum. For all rates submitted by districts, it save about 4 steps at the district and 4 steps at SCC.

Steps saved in this process at district level:		Steps Saved at SCC:	
Current	New	Current	New
1. Working in Excel format	1. Complete Online Form	1. Print from district email	1. Save file from district email
2. Conducting math & checking entries	2. Will receive email to print and file	2. Check math	
3. Save		3. Scan	
4. Print		4. Save into System	
5. Scan		5. File hard copy in notebook	
6. Email to SCC			

In addition, if a request of data is to evaluate compensation rates in a particular region, and by staff type, it will be easy to generate the report. And the confidence of knowing the math is correct.



See page 3 for a copy of the fillable form, and page 2 for a copy of the current form.

Old Excel Format.

Composite-Rate-Worksheet-

Home | Insert | Page Layout | Formulas | Data | Review | View | Developer | Add-Ins | Acrobat

Cut / Copy / Paste / Format Painter | Arial 12 | Wrap Text | Merge & Center | General

Clipboard | Font | Alignment | Number

A1 (FOR GRANT BILLING PURPOSES ONLY)

(FOR GRANT BILLING PURPOSES ONLY)

CONSERVATION COMMISSION "COMPOSITE HOURLY RATE" WORKSHEET

Use this sheet for FULL TIME EMPLOYEES ONLY

Complete a New Composite Rate Worksheet for Each Employee Every January 1st

This worksheet can be used for all full-time employees. Calculated on a monthly cost, the "Composite Hourly Rate" is an ***estimated*** rate that includes all payroll costs paid by the employer for the return of services provided by the employee. See the explanation form for more information.

District _____

Employee: _____ Effective Date: _____

Employee is: ☐ Exempt from overtime pay -- Depending on district policy, employee may accumulate exchange time at a rate of 1 hr exchange time for every 1 hr worked over 40 hrs in any work week.

☐ Non-Exempt from overtime pay -- Depending on district policy, employee may either be paid for, or offered compensation time for, overtime hours at a rate of 1½ times the hourly pay rate for every 1 hr worked over 40 hrs in any work week.

Were Cells Altered? _____

What Was Altered? _____

1. GRANT REIMBURSABLE HOURS IN A YEAR - **New comp rate must be calculated each time the paid leave hours change**
   a. Paid Hours in a Year = (52 wks/yr X 5 work days/wk = 260 days) X 8 hrs/day 1a. 2080.00 hrs
   b. Total hours of Paid Leave Hours Per Year
   Annual Leave: _____ hrs/mo X 12 mos = 0 hrs
   Sick Leave: _____ hrs/mo X 12 mos = 0 hrs
   Holidays: _____ days/yr X 8.00 hours = 0 hrs
   1b. 0.00 hrs
   Average # of hours worked: 1. 2080.00 (Subtract line 1b from line 1a)

2. Enter the amount of monthly gross salary - **New comp rate must be calculated each time the salary ch** 2. _____

3. a. Social Security Rate: 6.2% X Line 2 (wages) = 3a. $ -
   b. Medicare Rate: 1.45% X Line 2 (wages) = 3b. $ -
   Total 7.65%
   3. $ - (Total 3a + 3b)

4. L & I Benefit - Employer's Portion - (Based on an average of the number of office hrs and field hrs per month).
   The total number of hours may not exceed 160 hrs/mo
   a. Office Code _____ Rate $: _____ X _____ hrs (average # office hrs worked/mo) = 4a. $ - (Office Benefit)
   b. Field Code _____ Rate $: _____ X _____ hrs (average # field hrs worked/mo) = 4b. $ - (Field Benefit)
   4. $ - (Total 4a + 4b)

5. Unemployment Insurance -
   New comp rate must be calculated after each employee has met the wage base of $41,300 annually AND if the rate changes
   Rate: 0.0000 X LINE 2 **(wages up to $41,300)** 5. $ -

6. Medical Benefits, per month - **EMPLOYER PAID PORTION ONLY. Do not include what is deducted from wages** 6. _____
   New comp rate must be calculated if this amount changes

7. Retirement contribution, per month - **EMPLOYER PAID PORTION ONLY! Do not include what is deducted from** 7. _____
   New comp rate must be calculated if this amount changes

8. Other - **EMPLOYER PAID PORTION ONLY! Do not include what is deducted from wages**
   New comp rate must be calculated if this amount changes
   _____ 8. $ -

9. TOTAL MONTHLY COSTS (add lines 2 through 8) 9. $ -

10. TOTAL YEARLY COST (Multiply line 9 X 12 months) 10. $ -

11. **COMPOSITE HOURLY RATE** (Divide line 10 by line 1) 11. $ -

12. **NON-EXEMPT OVERTIME COMPOSITE HOURLY RATE** (Step 1: add lines 2 through 5; Step 2: multiply Step 1 answer by 12; Step 3: divide Step 2 answer by line 1a; Step 4: multiply Step 3 answer by 1.5) 12. $ -

Workbook A - Full Time | Workbook B - PT | Explanation

Ready

Compensation Rate Form. Includes form logic, meaning how you answer certain questions determines how some fields are completed.

Washington State
CONSERVATION COMMISSION

Grant and Billing Composite Rate Form

Complete one form and submit for each employee.

A new form must be updated and submitted any time rates, wages, and/or benefit numbers change.

Your Conservation District* Select Your Conservation District

Current Date Mar 04 2015

Your Email*

Effective Date*

Employee Name*
First Name
Last Name

Employee Position* Select Staff Role

Is this employee Overtime Eligible?* Yes No

Is this employee Part Time?* Yes No

Does the conservation district pay into social security?* Yes No

Leave Hours (old lines 1b)

Annual Leave Hours Each Month	Sick Leave Hours Each Month	Holiday Days Per Year	Total Part Time Leave Hours
			0.0
Total Annual Leave Hours Each Year	**Total Sick Leave Hours Each Year**	**Total Holidays Hours Each Year**	**Total Leave Hours Each Year**
0.0	0.0	0.0	0.0
Average Hours Worked Each Year	**Average Hours Worked Each Month**	**Total Part Time Hours Each Year**	**Total Part Time Hours Each Month**
2080.0	173.3	0.0	0.0

Wages - (old line 2)

Monthly Salary*	Salary Base Hourly Rate	Part Time Hourly Wage	Part Time Wages Per Month
$ 0	$ 0.00	$	$ 0.00

Employer Paid Benefits

Social Security - Wage Cap $113,700 (old line 3a)	Salary Social Security* $ 0.00	Hourly Social Security $ 0.00
Medicare - No Wage Cap (old line 3b)	Salary Medicare $ 0.00	Hourly Medicare $ 0.00
Unemployment Insurance - Rate (old line 5) $ Wage Base $42,100	$ 0.00	$ 0.00
Health Insurance Premiums - (old line 6)	$	
Employer Paid Retirement - (old line 7)	$	

Labor & Industries - Employer Paid Share Only - total hours may not exceed 160 hours. (old line 4)

Office Hours	LI Office Rate $	LI Office Benefit $ 0.00
Field Hours	LI Field Rate $	LI Field Benefit $ 0.00
Total Labor & Industries $ 0.00		
Other Emp Paid Benefits (define) (old line 8)	Other Employer Paid $	
Subtotal Employer Paid Benefits - per month	$ 0.00	$ 0.00

Monthly Employee Costs

Total Monthly Cost to Employer - (old line 9)	$ 0.00	$ 0.00
Total Annual Cost to Employer - (old line 10)	$ 0.00	$ 0.00
Hourly Composite Rate - (old line 11)	$ 0.00	$ 0.00
Overtime Hourly Composite - (old line 12)	$ 0.00	

Submit Form (you will receive an email in a few minutes with a printable copy of all the data).

Washington State
Conservation Commission

March 13, 2015

TO: Conservation Commission Members

FROM: Debbie Becker

SUBJECT: Financial Report

Background summary:

The financial report through month 20 reviews the current fund balances, not reflected in this report are the obligations of the funds.

Page 1 covers SCC operations.

- Salaries & Benefits – within acceptable limits, likely under budget do to vacancies in last fiscal year.
- Contracts – slightly over, will be covered by savings with Salaries & Benefits
- Goods & Services – this will definitely be in excess of budget by the end of the fiscal year. Will be covered with savings in salaries.
- Travel – this too, will ultimately be over by end of fiscal year. Additional vehicles from motor pool, new staff costs, additional travel across all levels.
- Equipment – currently unspent, only because ECY purchased the necessary laptops and desktops for staff, and we have not yet been invoiced. This will be fully expended by fiscal year end.
- Retro – labor and industries self insurance premium rebate. Used for sit/stands, health and safety, wellness, etc. This amount is fully expended through this fiscal year.

Pages 2 & 3 cover the individual Grants & Contracts

- Not reflected in the balances remaining are any obligations of these funds.
- Conservation districts have been notified if balances look abnormally high, to let us know by the end of March if funding is expected to be unspent.

Pages 4 & 5 provide an analysis of each conservation district's current balance of operating and capital funds.

- Districts with higher than normal balances are in contact with staff regarding the likelihood of spending by June 30.

Page 6 is a graphical representation of the data identified on pages 4 & 5.

- The orange dotted line indicates the time remaining in the biennium (conservation district balances represent through a January 2015 period).
- The solid black line is showing the mean/average, providing a visual of the over/under spending to date.

Action requested:

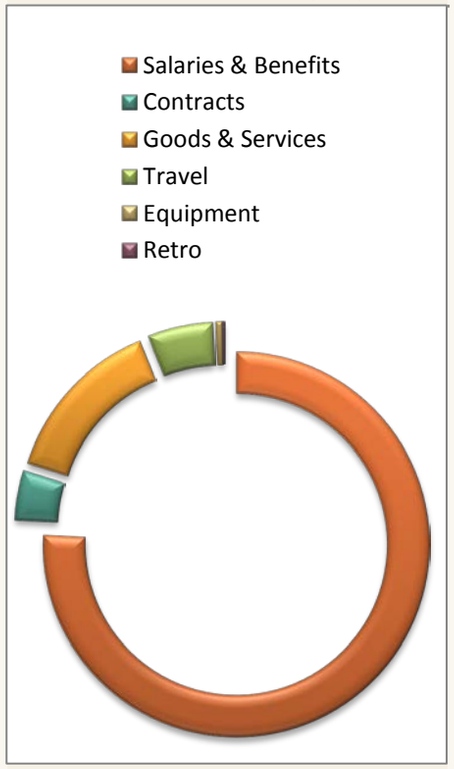
None

Staff Contact: Debbie Becker, 360.470.6211 or dbecker@scc.wa.gov

State Conservation Commission Operations — Financial Status Report - As of 2/25/2015

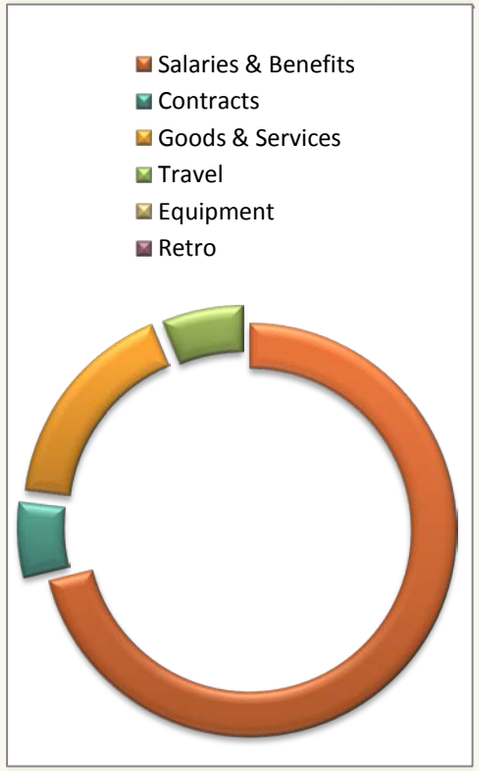
SCC Operations

Total $2,448,567.00



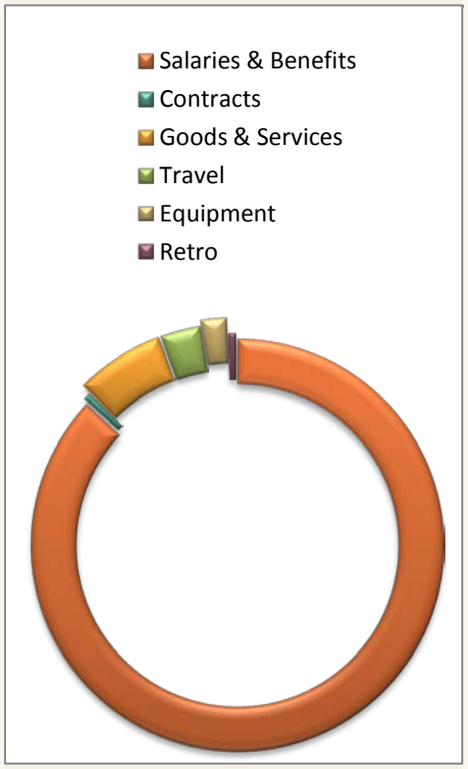
Expenses To Date

Total $1,768,861.08



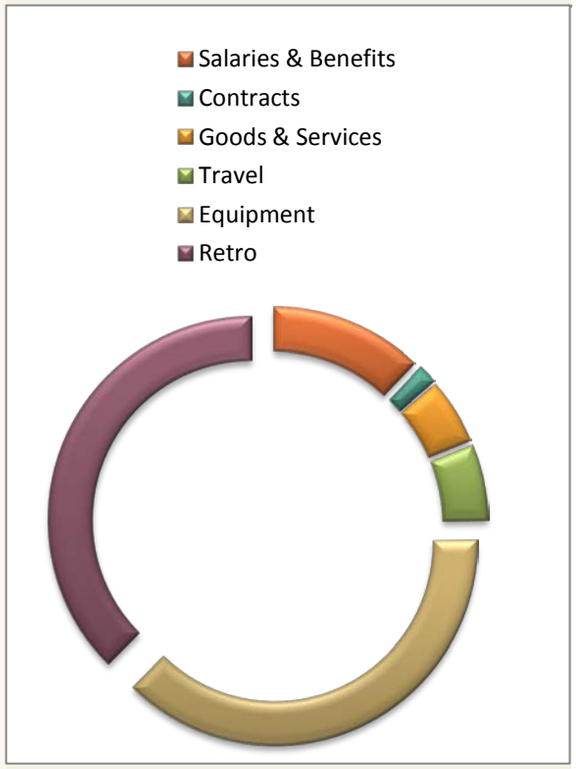
Balance Remaining

Total $679,705.92



Percentages By Object Remaining

Total 27.76%



Allottment Detail	Total
Salaries & Benefits	$1,855,763
Contracts	$99,500
Goods & Services	$343,785
Travel	$132,000
Equipment	$13,500
Retro	$4,019
Total	*$2,448,567*

Expenses To Date	Total
Salaries & Benefits	$1,257,814
Contracts	$103,510
Goods & Services	$296,658
Travel	$110,878
Equipment	$0
Retro	$0
Total	*$1,768,861*

Balance Remaining	Total
Salaries & Benefits	$597,949
Contracts	($4,010)
Goods & Services	$47,127
Travel	$21,122
Equipment	$13,500
Retro	$4,019
Total	*$679,706*

Percentage Remaining	Annual
Salaries & Benefits	32.22%
Contracts	-4.03%
Goods & Services	13.71%
Travel	16.00%
Equipment	100.00%
Retro	100.00%

NOTES:
8 months (66%)completed.

State Conservation Commission Grant & Contracts — Financial Status Report - As of 2/25/2015

Programs

Total $33,349,318.89

Category 1, Category 2, Engineering, Toxics, TSP State, VSP State, Shellfish, Non-Shellfish, CREP, CREP Riparian, CREP CF, CREP PIP, Jobs CF, Irrigation Efficiencies, Specialty Crop, Critter Pad, Lewis Flood, TSP Federal, RCO Cowiche

Expenses To Date

Total $13,448,817.68

Category 1, Category 2, Engineering, Toxics, TSP State, VSP State, Shellfish, Non-Shellfish, CREP, CREP Riparian, CREP CF, CREP PIP, Jobs CF, Irrigation Efficiencies, Specialty Crop, Critter Pad (new), Lewis Flood, TSP Federal, RCO Cowiche

Balance Remaining

Total $19,900,501.21

Category 1, Category 2, Engineering, Toxics, TSP State, VSP State, Shellfish, Non-Shellfish, CREP, CREP Riparian, CREP CF, CREP PIP, Jobs CF, Irrigation Efficiencies, Specialty Crop, Critter Pad, Lewis Flood, TSP Federal, RCO Cowiche

Percentages By Program Remaining

Total 59.67%

Category 1, Category 2, Engineering, Toxics, TSP State, VSP State, Shellfish, Non-Shellfish, CREP, CREP Riparian, CREP CF, CREP PIP, Jobs CF, Irrigation Efficiencies, Specialty Crop, Critter Pad, Lewis Flood, TSP Federal, RCO Cowiche

Biennial Appropriation	Total
Category 1	1,900,000
Category 2	4,782,500
Engineering	1,290,000
Toxics	1,000,000
TSP State	650,000
VSP State	546,000
Shellfish	4,500,000
Non-Shellfish	4,500,000
CREP	2,590,000
CREP Riparian	2,231,000
CREP CF	850,000
CREP PIP	180,000
Jobs CF	500,000
Irrigation Efficiencies	5,047,362

FY 15 Expenses To Date	Total
Category 1	1,895,727
Category 2	2,175,766
Engineering	289,948
Toxics	541,027
TSP State	349,558
VSP State	366,275
Shellfish	1,233,346
Non-Shellfish	1,458,381
CREP	1,739,341
CREP Riparian	908,787
CREP CF	12,265
CREP PIP	11,845
Jobs CF	46,133
Irrigation Efficiencies	1,664,671

Balance Remaining	Total
Category 1	$4,273
Category 2	$2,606,734
Engineering	$1,000,052
Toxics	$458,973
TSP State	$300,442
VSP State	$179,726
Shellfish	$3,266,654
Non-Shellfish	$3,041,619
CREP	$850,659
CREP Riparian	$1,322,213
CREP CF	$837,735
CREP PIP	$168,155
Jobs CF	$453,867
Irrigation Efficiencies	$3,382,691

Percentage Remaining	Annual
Category 1	0.22%
Category 2	54.51%
Engineering	77.52%
Toxics	45.90%
TSP State	46.22%
VSP State	32.92%
Shellfish	72.59%
Non-Shellfish	67.59%
CREP	32.84%
CREP Riparian	59.27%
CREP CF	98.56%
CREP PIP	93.42%
Jobs CF	90.77%
Irrigation Efficiencies	67.03%

State Conservation Commission Grant & Contracts — Financial Status Report - As of 2/25/2015

Programs	
Total	$33,349,318.89
Specialty Crop	86,556
Critter Pad	798,480
Lewis Flood	120,000
TSP Federal	1,301,000
RCO Cowiche	476,421
Total	*$33,349,319*

Expenses To Date	
Total	$13,448,817.68
Specialty Crop	36,415
Critter Pad (new)	229,851
Lewis Flood	29,610
TSP Federal	441,711
RCO Cowiche	18,162
Total	*$13,448,818*

Balance Remaining	
Total	$19,900,501.21
Specialty Crop	$50,141
Critter Pad	$568,629
Lewis Flood	$90,390
TSP Federal	$859,289
RCO Cowiche	$458,259
Total	*$19,900,501*

Percentages By Program Remaining	
Total	59.67%
Specialty Crop	0.00%
Critter Pad	0.00%
Lewis Flood	75.32%
TSP Federal	66.05%
RCO Cowiche	96.19%
	56.68%

NOTES:

Conservation District Grant Status As of 3/5/2015 - Combined Operating & Capital Funds

Grants & Contracts

Total	$27,706,870.65
Funds Under Contract	Operating/Capital $
Adams	$ 208,452
Asotin	$ 757,320
Benton	$ 378,558
Cascadia	$ 440,281
Central Klickitat	$ 305,215
Clallam	$ 1,215,226
Clark	$ 241,276
Columbia	$ 426,139
Cowlitz	$ 293,746
Eastern Klickitat	$ 136,016
Ferry	$ 222,896
Foster Creek	$ 190,660
Franklin	$ 525,758
Grant	$ 954,024
Grays Harbor	$ 413,225
Jefferson	$ 445,421
King	$ 664,701
Kitsap	$ 421,849
Kittitas	$ 1,865,814
Lewis	$ 2,378,555
Lincoln	$ 263,606
Mason	$ 657,887
North Yakima	$ 443,836
Okanogan	$ 1,856,093
Pacific	$ 1,127,031
Palouse	$ 438,569
Palouse Rock-Lake	$ 144,774
Pend Oreille	$ 273,513
Pierce	$ 639,661
Pine Creek	$ 136,256
Pomeroy	$ 511,373
San Juan	$ 294,065
Skagit	$ 1,185,964

Expenses To Date

Total	$15,260,493.28
Expenses TD	Operating/Capital $
Adams	$ 151,163
Asotin	$ 387,315
Benton	$ 227,738
Cascadia	$ 330,895
Central Klickitat	$ 261,572
Clallam	$ 973,524
Clark	$ 126,234
Columbia	$ 223,828
Cowlitz	$ 141,530
Eastern Klickitat	$ 118,169
Ferry	$ 151,005
Foster Creek	$ 186,891
Franklin	$ 220,256
Grant	$ 484,122
Grays Harbor	$ 225,307
Jefferson	$ 316,038
King	$ 247,372
Kitsap	$ 234,606
Kittitas	$ 948,931
Lewis	$ 955,790
Lincoln	$ 228,170
Mason	$ 405,302
North Yakima	$ 340,533
Okanogan	$ 554,205
Pacific	$ 224,724
Palouse	$ 279,614
Palouse Rock-Lake	$ 126,395
Pend Oreille	$ 131,603
Pierce	$ 303,643
Pine Creek	$ 118,073
Pomeroy	$ 403,400
San Juan	$ 139,126
Skagit	$ 891,490

Percentage Expended

Total	55.08%
% Expended by Fund	%
Adams	72.52%
Asotin	51.14%
Benton	60.16%
Cascadia	75.16%
Central Klickitat	85.70%
Clallam	80.11%
Clark	52.32%
Columbia	52.52%
Cowlitz	48.18%
Eastern Klickitat	86.88%
Ferry	67.75%
Foster Creek	98.02%
Franklin	41.89%
Grant	50.75%
Grays Harbor	54.52%
Jefferson	70.95%
King	37.22%
Kitsap	55.61%
Kittitas	50.86%
Lewis	40.18%
Lincoln	86.56%
Mason	61.61%
North Yakima	76.73%
Okanogan	29.86%
Pacific	19.94%
Palouse	63.76%
Palouse Rock-Lake	87.30%
Pend Oreille	48.12%
Pierce	47.47%
Pine Creek	86.66%
Pomeroy	78.89%
San Juan	47.31%
Skagit	75.17%

Percentage Remaining

Total	44.92%
% Remaining	%
Adams	27.48%
Asotin	48.86%
Benton	39.84%
Cascadia	24.84%
Central Klickitat	14.30%
Clallam	19.89%
Clark	47.68%
Columbia	47.48%
Cowlitz	51.82%
Eastern Klickitat	13.12%
Ferry	32.25%
Foster Creek	1.98%
Franklin	58.11%
Grant	49.25%
Grays Harbor	45.48%
Jefferson	29.05%
King	62.78%
Kitsap	44.39%
Kittitas	49.14%
Lewis	59.82%
Lincoln	13.44%
Mason	38.39%
North Yakima	23.27%
Okanogan	70.14%
Pacific	80.06%
Palouse	36.24%
Palouse Rock-Lake	12.70%
Pend Oreille	51.88%
Pierce	52.53%
Pine Creek	13.34%
Pomeroy	21.11%
San Juan	52.69%
Skagit	24.83%

Grants & Contracts

Total	$27,706,870.65
Funds Under Contract	Operating/Capital $
Snohomish	$ 1,106,584
South Douglas	$ 129,880
South Yakima	$ 652,679
Spokane	$ 221,272
Stevens	$ 310,185
Thurston	$ 282,087
Underwood	$ 401,297
Wahkiakum	$ 335,822
Walla Walla	$ 646,361
Whatcom	$ 2,667,931
Whidbey Island	$ 324,974
Whitman	$ 170,039
Total	*$ 27,706,870.65*

Expenses To Date

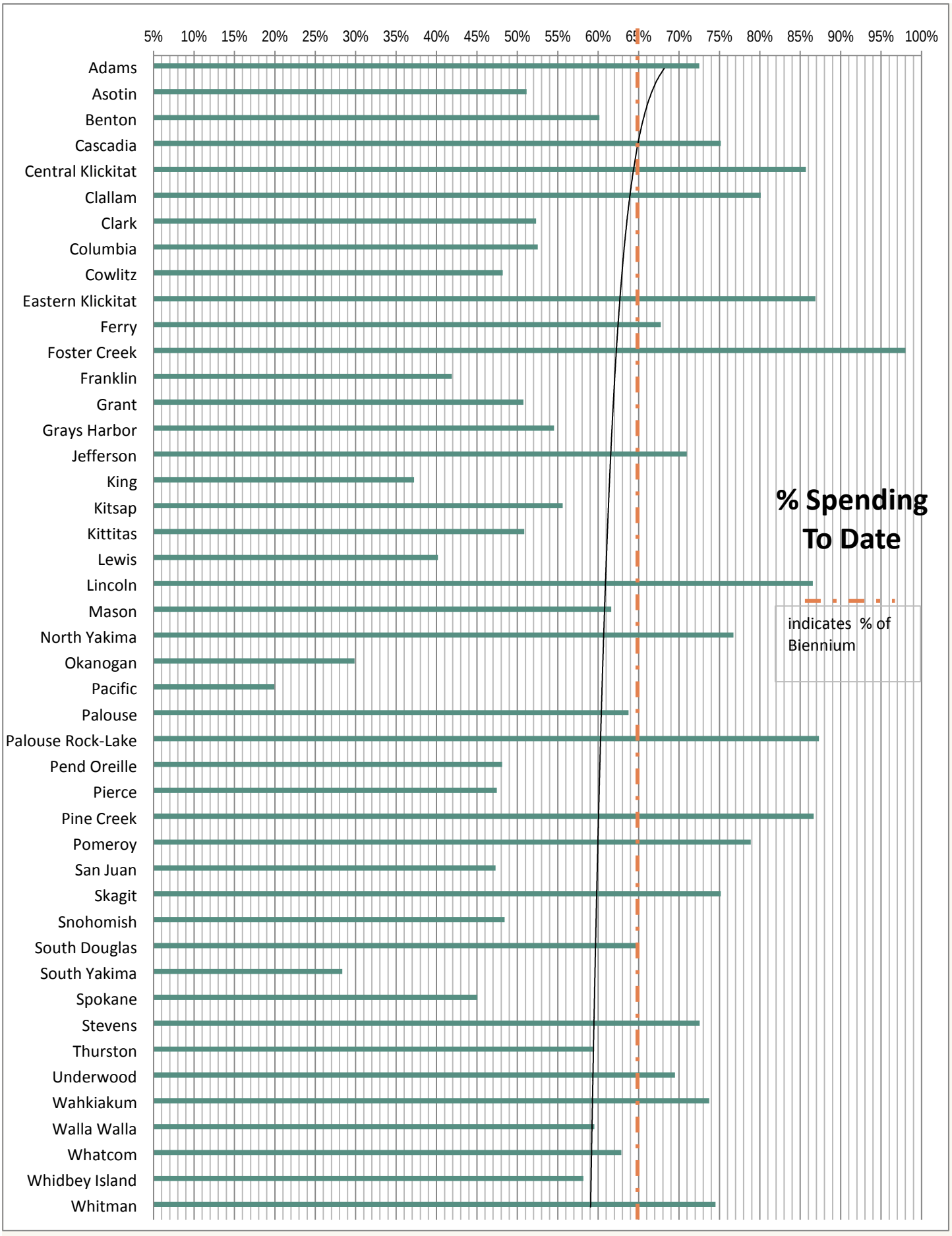
Total	$15,260,493.28
Expenses TD	Operating/Capital $
Snohomish	$ 535,843
South Douglas	$ 84,540
South Yakima	$ 185,062
Spokane	$ 99,677
Stevens	$ 225,029
Thurston	$ 167,373
Underwood	$ 278,869
Wahkiakum	$ 247,610
Walla Walla	$ 384,677
Whatcom	$ 1,677,511
Whidbey Island	$ 189,055
Whitman	$ 126,684
Total	*$ 15,260,493*

Percentage Expended

Total	55.08%
% Expended by Fund	%
Snohomish	48.42%
South Douglas	65.09%
South Yakima	28.35%
Spokane	45.05%
Stevens	72.55%
Thurston	59.33%
Underwood	69.49%
Wahkiakum	73.73%
Walla Walla	59.51%
Whatcom	62.88%
Whidbey Island	58.18%
Whitman	74.50%

Percentage Remaining

Total	44.92%
% Remaining	%
Snohomish	51.58%
South Douglas	34.91%
South Yakima	71.65%
Spokane	54.95%
Stevens	27.45%
Thurston	40.67%
Underwood	30.51%
Wahkiakum	26.27%
Walla Walla	40.49%
Whatcom	37.12%
Whidbey Island	41.82%
Whitman	25.50%
	38.69%


5%
10%
15%
20%
25%
30%
35%
40%
45%
50%
55%
60%
65%
70%
75%
80%
85%
90%
95%
100%
Adams
Asotin
Benton
Cascadia
Central Klickitat
Clallam
Clark
Columbia
Cowlitz
Eastern Klickitat
Ferry
Foster Creek
Franklin
Grant
Grays Harbor
Jefferson
King
Kitsap
Kittitas
Lewis
Lincoln
Mason
North Yakima
Okanogan
Pacific
Palouse
Palouse Rock-Lake
Pend Oreille
Pierce
Pine Creek
Pomeroy
San Juan
Skagit
Snohomish
South Douglas
South Yakima
Spokane
Stevens
Thurston
Underwood
Wahkiakum
Walla Walla
Whatcom
Whidbey Island
Whitman
% Spending To Date
indicates % of Biennium

TAB 5

March 2015 Commission Meeting

District Operations Staff Report (January 2015 to March 2015)

Conservation District Assistance

Activities included:

- Supervisor election and appointment assistance (all districts & Ferry, Thurston, Whatcom, Pend Oreille, Spokane)
- District operating policies (Thurston)
- Conservation Practice Data System (CPDS) projects review, prioritization, assistance and data (all districts)
- Land owner contacts (Grays Harbor, Pacific)
- Conservation easement assistance (Eastern Klickitat & Central Klickitat)
- Good Governance self-assessment, Schedule 22, Internal audit, year-end funding request assistance (all districts)
- Audit history report (all districts)
- Audit follow-up assistance (Mason, Stevens, Skagit)
- District capacity building (Pend Oreille, Foster Creek, Grays Harbor, Clark)
- Long Range Planning assistance (Adams, Ferry, Lincoln, Whitman, Lewis)
- Permit issue assistance (Okanogan)
- Rates & Charges and assessment summary update (districts with assessment or rates & charges)
- Open Government training assistance (all districts)
- Regional Managers provided in-person assistance and follow-up with; Conservation Districts

Looking Ahead

- District Capacity Building Assistance
- District Operations Issues Resolution Assistance
- Orientation & Open Government Training of new Supervisors
- CPDS & Project Development
- Sharing of Examples, Templates, Information
- Good Governance District Self Evaluations
- District Supervisor Elections & Appointments

Cultural Resources:

Larry Brewer has prepared policy recommendations for Commission member consideration at their March meeting along with the development of a summary of district responses prepared by Alicia Johnson. Ray Ledgerwood attended the 2.25.15 meeting of the 0505 work group with representatives of state agencies working on ways to coordinate on cultural resource investigations. Conservation Districts were provided the opportunity to input on the draft Cultural Resources Policy for the past 6 weeks. Results of the input will be brought to the Conservation Commission at the March Meeting. For more information contact Larry Brewer

Resource Management System Planning:

Ray Ledgerwood moderated a 2.25.15 webinar on Resource Management System program offered by NRCS for Conservation Districts and Conservation Commission staff, supervisors, and members with Peter Bautista (NRCS) presenting. For more information contact Ray Ledgerwood

Carlton Complex:

Bill Eller addressed a contracting research issue with landowners who might want to participate with us and the Okanogan CD on cost-share related to the Carlton Complex fire. For more information contact Bill Eller

Emergency Management:

Bill Eller has submitted, on behalf of the Commission, our quarterly ICOOP report to EMD. For more information contact Bill Eller

Supervisor Elections:
Bill Eller prepared and sent information to each district on election records retention requirements. Bill wrote a one-page elections brochure / FAQ designed for districts to use in explaining the CD election process to voters and the public in general. Whatcom CD requested the brochure for use during their election this March, so time was short in order to create such a brochure. Whatcom CD wanted something that addressed why CD elections are different from and outside of the general election procedure that most voters are familiar with. The brochure is in draft stage now, but we hope to have it available for download by all districts and anyone who wants the information on our web page next week. Bill also observed the Pine Creek CD Election. He also sent warning emails to all CD's that had not met their initial deadline to send Election Form 1 to the Commission by their candidate filing deadline. This necessitated a review of the election database for each individual CD election date in order to calculate their candidate filing date so that an assessment of whether or not the district had complied with the rule could be done. All that work was successful as all districts have met this first paperwork deadline. He also continued to process a mountain of election forms, and answer elections and appointment related questions – some easy to answer, more very complex with four elections having significant issues to address. Bill also has been working with Lori Gonzalez and Alicia Johnson on improvements to the appointed supervisor nomination forms. For more information contact Bill Eller

Disasters and Districts:
Bill Eller facilitated the initial meeting of the Disasters and Districts Work group on 1.23.15 following up on the session was put on at this year's WACD involving a panel of eight different conservation districts – managers, staff, and supervisors were present to talk about their experiences – good and bad – in disasters over the last few years. About 50 folks attended the session. The first meeting of a group of attendees willing to serve on a Workgroup to move this effort forward and to gauge interest, participation, future direction and set up a schedule for further meetings, as necessary. Bill Eller and Craig Nelson will be presenting a program on Disasters and Districts at the NACD meeting in New Orleans. Bill Eller continued to coordinate the work of the Disasters & Districts (D&D) Workgroup. About 20 people are interested in serving on the D&D Workgroup. Four Sub-Committee assignments were created for four areas (Plans, Agreement, Informational Materials, and Training) and are working on assigning Commission and CD staff and supervisors to each Sub-Committee. The Sub-Committees with create, review, and edit materials that CD's can use before, during and after disasters. We hope to have our work finished by the WADE conference in June. Bill also researched permitting issues during times of disaster – when, where, and how permits can be waived or expedited. For more information contact Bill Eller

Partners in Preparedness Conference:
Bill Eller developed a PowerPoint Presentation on Districts and Disasters for the 2015 Partners in Preparedness Conference (PIP) in April. The Commission will be presenting during a break-out session along with Okanogan CD (Craig Nelson) on the Carlton Complex Fire and how the Commission and Districts can and should be part of the recovery efforts for such disasters. PIP is the largest and most successful regional emergency preparedness conference in the Pacific Northwest. PIP annually hosts nearly 700 people representing business, schools, government, the nonprofit sector, emergency management professionals, and volunteer organizations. PIP is billed as an event that "attracts top-notch speakers with expertise that includes lessons learned from recent worldwide events like earthquakes, work place violence, current hazards research, contingency planning, school preparedness, technology, media interactions, and public health issues. Speakers and exhibitors provide cutting-edge information on subjects such as business continuity planning, school safety, public health preparedness, homeland security, and public information. For more information contact Bill Eller

Long Range Planning
Regional Managers have begun work with the thirteen conservation districts that have long range plans that are due for work this year. Regional Managers work included facilitation of long range planning meetings during this reporting period with Ferry and Adams CDs including public participation meetings, a 2.24.15 LRP work session with Lewis County CD and a 3.2.15 LRP work session with Lincoln County CD. A new format will be developed for use in 2016 built from recommendations by Conservation Districts and Commission members and staff. For more information contact Stu Trefry or Ray Ledgerwood

Chehalis Flood Projects:
Butch Ogden worked this reporting period with a Grays Harbor landowner on some issues he is having with the Flood Authority and a project to protect his house, met with the Farm Bureau, and Grays Harbor County Commission. Butch found a clause in the building permit ordinance that may allow us to build farm pads without any permitting. Butch also attended a meeting and tour hosted by the Governor's Chehalis work group and the Chehalis tribe to make Congressman Kilmer aware of the flood recovery efforts in the basin. He had an opportunity to share some with Congressman Kilmer and answered some questions for him including ways he can help from D.C. Butch suggested support for CREP in the federal budget would be appreciated. He also met with two landowners on the tour about farm pads. The Chehalis tribe offered to fence a large pile of dirt they have for any farmers would need evacuation areas on South Bank Rd. For more information contact Butch Ogden

Internal Audits, Schedule 22:
Regional Managers made contact with conservation districts regarding assistance on self-assessment activities including Good Governance, Internal Audit, and Schedule 22. For more information contact Ray Ledgerwood

Good Governance:
Correspondence was sent to each district promoting a self-assessment at each district using the current Good Governance 23 elements and encouraging districts to work with their Regional Manager on any district operations items needing addressed. We will be using the existing Good Governance policy, checklist and procedure for this year, while calling for any recommendations from Conservation Districts, Commission members and staff to improve the future Good Governance process. Regional Managers are also working with districts on internal audits, Schedule 22 financial procedures and audit preparation reviews. For more information contact Ray Ledgerwood

Coordinated Resource Management:
Ray Ledgerwood chaired the 2.10.15 in-person meeting of the CRM Task Force. Topics included the development of a tracking system for status of CRMs, Two potential CRMs with Forest Service, MOU signing and funding for facilitation. For more information contact Ray Ledgerwood

Whatcom CRM:
Ray Ledgerwood facilitated a 2.6.15 meeting of the Whatcom Watershed Improvement Districts with Whatcom County Public Works, Dairy Federation and Whatcom Conservation District on a coordinated water sampling and monitoring effort along with technical and financial assistance coordination to address water quality issues in Whatcom County including the recent closure of Portage Bay shellfish area. 25 people participated. For more information contact Ray Ledgerwood

North Lynden CRM:
Ray Ledgerwood facilitated a meeting of the North Lynden CRM on 1.20.15. Discussion topics included: the Lummi Tribe correspondence indicating they were no longer going to participate because of the recent closure of Portage Bay shellfish area; meeting with all Whatcom County Watershed Improvement Districts, Whatcom County, Whatcom Conservation District and Dairy Federation to coordinate water quality sampling and follow-up technical assistance and cost share in areas with water quality issues leading to the shellfish closure (meeting on 2.6.15). For more information contact Ray Ledgerwood

Easements:
Bill Eller re-wrote and edited an MOU between WDFW and Eastern Klickitat and Central Klickitat CDs related to a conservation easement (CE) on 23,000 acres of land above Goldendale owned currently by Western Pacific Timber. The Districts hope to work with WDFW to purchase the land and hold a CE on it. We are early in the process, so there is a lot of heavy lifting to be done yet. For more information contact Bill Eller

NACD & NASCA:
Stu Trefry participated in the NACD Urban and Community Resource Policy Group meeting and met with several contacts from across the nation involved in training and district capacity building at the NACD Annual Meeting. Bill Eller and Craig Nelson presented a program on Disasters and Districts. Shana Joy presided as President of NASCA for meetings of the State Conservation Agency leaders and partners throughout the NACD Annual Meeting, For more information contact Stu Trefry, Bill Eller and Shana Joy

Ecology Watershed Assessments – Eastern WA:
The Ecology sponsored State Agriculture Water Quality Stakeholder Group (Cattlemen, Farm Bureau, WACD) sponsored and completed the series of three informational meetings on a revised process for eastern WA watershed assessments that will occur this spring. The revisions are based on producer input from last year's watershed assessments and letters written to land owners with water quality issues. Ray Ledgerwood facilitated both the 1.27.15 meeting in Fairfield with 89 people attending and the 1.29.15 meeting in Pullman with 41 people attending and this week's 2.4.15 meeting in Walla Walla with 49 people attending. For more information contact Ray Ledgerwood

NRCS State Technical Advisory Committee
Mike Baden and Ray Ledgerwood participated in the NRCS STAC meeting on 2.27.15. Topics included background on Local Work Groups (LWG) purpose and role, a survey of LWGs needs, State Resource Assessment needed by June 30, reports of accomplishment by each LWG including accomplishment reports on state initiatives, and planned process for LWG work in FY2016. For more information contact Ray Ledgerwood or Mike Baden.

Shellfish & Special Projects
Butch Ogden has continued work on landowner contacts with cranberry growers who want to have help with chemigation for their bogs funded with shellfish funds. Butch also attended the WRIA 24 citizens committee meeting to meet with the shellfish growers and worked with Pacific CD on approved landowner agreements for about 10 cranberry growers. Worked with a landowner in Pacific who the district is working with through the FFFPP program on removing a tide gate and culvert and replacing 3 blockages with one bridge thus opening up a lot of habitat including about a mile of salt water estuary. Worked also with a landowner in the Naselle river valley on both a CREP contract and a fish blockage project with WSCC and SRF board funding. For more information contact Butch Ogden

WADE Annual Conference:
Stu Trefry and Craig Nelson are developing the Supervisors track for the 2015 WADE Annual Conference. For more information contact Stu Trefry

NRCS Tribal Conservation Advisory Council:
Ray Ledgerwood facilitated the 2.19.15 and 2.20.15 NRCS Tribal Conservation Advisory Council strategic planning session in Marysville. Ten tribes were represented in the work session on strategic areas, structure and procedures, goal setting, input to NRCS. For more information contact Ray Ledgerwood

WSU Career Day & Internships with WSU Students:
Monte Marti, Jennifer Boie and Ray Ledgerwood met with dozens of perspective new employees and new supervisors at WSU's Spring Career Day this week (2.3.15) in Pullman and provided information to students on district jobs and internships now available. Monte, Jennifer and Ray also met with Rich Koenig and Kim Kidwell to discuss a statewide internship program for Conservation Districts with WSU College of Agriculture and Natural Resources. For more information contact Ray Ledgerwood

Open Government Training:
Forty Conservation Districts have all or majority of their supervisors completing the legislatively required Open Government Training requirements. A new web-based system for districts to enter the names of supervisors and staff that have completed the training was used for tracking the progress. For more information contact Alicia Johnson or Stu Trefry

CPDS Data for Capital Projects:
Each Regional Manager reviewed district's CPDS data related to priority projects in preparation for the development of a capital project budget summary. RMs worked with Melissa Vander Linden on issues to be resolved and then followed up with districts they serve regarding any issues with incomplete data, districts priority criteria worksheets, and any questions on projects not meeting a capital project criteria. For more information contact Melissa Vander Linden or Ray Ledgerwood

Technical Training & Certification:
The Conservation District Training Work Group provided a webinar on 1.21.15 to review progress on their activities on: technical proficiencies and training; certification programs for Dairy Nutrient Management Planning and Riparian Management; technical policy input from districts; communication with technical employees on training and development opportunities; and quality assurance. For more information contact Larry Brewer

District Rental Payments:
At Debbie Becker's request regional managers contacted each conservation district in their service area regarding the amount of office rental being paid by those impacted with the USDA NRCS decision to require rental or services for being in NRCS office space. Many districts moved out of NRCS office space this past year. The summary rental costs of effected districts totaled $483,000 per year. For more information contact Ray Ledgerwood or Debbie Becker

New Regional Manager:
Mike Baden began work on January 16th as our new North Central/Northeast Regional Manager. Mike has been busy completing logistics with Lacey staff including his new employee forms, equipment, and vehicle needs. Mike also received orientation on RM duties, policies, measures of success and protocols with Ray Ledgerwood. He has completed calls to each of the district managers and requested information on services they would like to have from him in the next few months. For more information contact Mike Baden or Ray Ledgerwood

Quick Notes for Districts:
Stu Trefry coordinates with other WSCC staff to prepare a monthly briefing paper called Quick Notes as a quick reference for district managers and chairs to important district operations updates, training and schedule items. For more information contact Stu Trefry

WADE/Supervisor Track Coordination:
Stu Trefry participated on WADE monthly teleconferences and worked with Craig Nelson on coordinating the Supervisor Track for the 2015 WADE Conference. For more information contact Stu Trefry

In Person Work with Districts:
Regional Managers provided in-person assistance this reporting period with; Thurston, Jefferson, Pine Creek, Whitman, Lewis, Lincoln, Pacific, Grays Harbor, King, Clallam, Kitsap, Pend Oreille, Stevens, Palouse, Whatcom, Cowlitz, Walla Walla, Benton, Franklin, Adams, Central Klickitat, Snohomish, Skagit, South Yakima, Kittitas, Palouse Rock Lake, North Yakima, Lewis, San Juan, South Douglas, Lewis, Eastern Klickitat, Grant County, Cascadia, Ferry, Spokane, and Foster Creek Conservation Districts.

Follow-up assistance on district operations issues and needs with Palouse, Asotin, Pomeroy, Adams, King, Clark, Underwood, Stevens County, Lewis, Cowlitz, Wahkiakum, Asotin, Whatcom, Thurston, Mason, Pomeroy, Pend Oreille, Ferry, Okanogan, Foster Creek, Grant County, Whidbey Island, Snohomish, Cascadia, Underwood, Pacific, Palouse Rock Lake, and Grays Harbor Conservation Districts. For more information contact Ray Ledgerwood

Washington State
Conservation Commission

March 19, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Larry Brewer, Special Projects Manager

SUBJECT: WSCC Cultural Resource Policy for WSCC funded cost shared projects.

Background:
A Cultural Resource Policy and some CR Review procedures, were developed, reviewed by a commission committee, accepted by the Commission at their December 2014 meeting, sent to the Districts for their comments, changes made, and is being presented for final consideration at this March 2015 meeting.

District comments were collected, reviewed, and a Q& A sheet developed to answer the concerns and clarify some points. Some minor changes were made to the policy and procedures, but for the most part remain as were approved in December.

Requested Action:
For WSCC to comply with Governor's Executive Order 0505 (GEO-0505), I would request that the Commission adopt the attached Cultural Resource (CR) policy to begin July 1, 2015.

This action will support the WSCC biennial budget request that was submitted Fall of 2014, which told OFM that the Commission will be adopting a Cultural Resource (CR) policy to comply with the GEO-0505.

Brief Summary of Policy and Procedure:
The proposed Cultural Resource policy would apply to all conservation practices done with any WSCC-managed funds including Operational Funds or Capital funds beginning July 1, 2015.

The proposed Procedure would allow for a district to do the required GEO-0505 Cultural Resource compliance themselves or a District could ask WSCC to assist with their CR compliance process.

-In short, the procedure for projects needing CR review, is:

1)for the DAHP project description forms (EZ1) to be provided to DAHP and the affected tribes for their review of potential effects on Cultural Resources.
2)Based upon comments from DAHP and/or the affected tribes, projects would be a)implemented, b)further reviewed, c) CR site surveys completed for review, or d)other actions taken such as formal consultation before implementation can proceed.
-Districts will notify WSCC when CR compliance is completed before WSCC reimbursement.

Other Cultural Resource issues will be addressed to support the Policy and Procedures such as:
-All Districts must have an Inadvertent Discovery Plan (IDP).
-Exemptions will be sought by WSCC for all Districts.
-CR Training for Districts will be requested and individual District trainings encouraged.
-Training for this policy and procedures will be provided.
-This policy and procedure will be reviewed in 2016.

March 6, 2015 DRAFT

Cultural Resource Review Policy for WSCC-Funded Conservation Work

Goal:
WSCC is sensitive to the cultural resource concerns of the tribes in Washington State and in an effort to help preserve and protect those cultural resources, the Commission encourages each District to communicate with their local tribes regarding the conservation work that they do, in an effort to develop a working relationship that supports their conservation activities while protecting important cultural resources.
The WSCC for its part will ensure that future activities of the Washington State Conservation Commission (WSCC) are compliant with the Governor's Executive Order (GEO) -0505 regarding the preservation and protection of our statewide Archeological and Cultural Resources in the disbursement of State funds to conservation districts for capital construction projects to conserve the state's natural resources.

Policy:

Before a Conservation District can be reimbursed for conservation practices (capital construction projects) with WSCC managed funds (regardless of the source, such as Operational Funds or Capital funds), a District must provide documentation to WSCC that:

1. ***a GEO-O505 review has been completed or***
2. ***the project/practice is exempted from the GEO-0505 review or***
3. ***a GEO-0505 review is not needed.***

Policy to take effect on 7/1/15.

DRAFT

Procedure: District <u>Options for Cultural Resource Review</u> when using WSCC funds. – 3-6-15 version

I. CR Goal:
-The WSCC goal for the CR Review process is to comply with GEO-0505, minimize the impact of any conservation work on CR, and to get conservation practices implemented in a cost effective manner.

II. Final Authority:
-Because the Governor's Executive Order 0505 holds WSCC accountable for Cultural Resource reviews for Projects funded by WSCC, the WSCC Executive Director will make final decisions regarding whether a Cultural Resource Site Survey or any additional Cultural Resource activities are required prior to WSCC grant reimbursement.

III. Applicability:
This process applies to all District construction projects that are funded in whole or in part with WSCC managed funds.
The cost of complying with the CR review process is eligible for grant reimbursement.

IV. CR review can be <u>completed in one of three ways:</u>

Option A. Another <u>State or Federal agency</u> completes the review which is documented by a
1. "*GEO-0505 complied statement*" signed by an authorized District signer.
   (Statement would say: CR Review completed by BPA, or WDFW, etc)

Option B. <u>District</u> completes the review which is documented by a:
1. "*GEO-0505 complied statement*" signed by an authorized District signer or
2. "*GEO-0505 complied statement*" signed by a Professional Archeologist

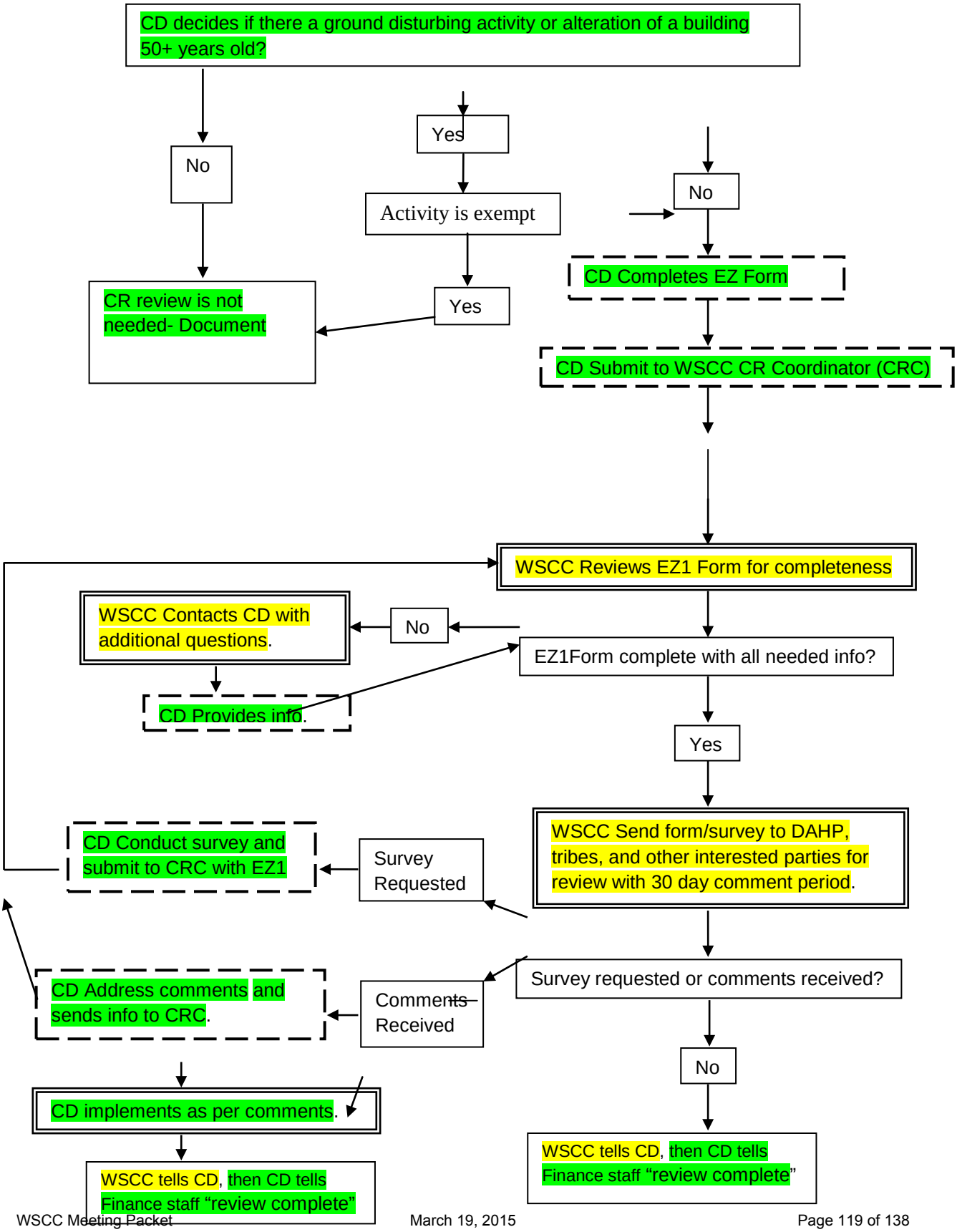
Option C. WSCC assisted compliance with GEO-0505, if requested by District
-The WSCC will have a procedure to assist districts with the CR review of the District's cost shared practices, if assistance is requested by the District.
-The WSCC will notify the District when the CR review is completed and the District will document the completion by a:
1. "*GEO-0505 complied statement*" signed by authorized District signer, based upon the report from WSCC.

V. Compliance documentation before WSCC payment.
- District must provide a signed "GEO-0505 complied statement" to Financial Staff prior to eligibility for grant reimbursement.

*A standard "GEO-0505 complied statement" template will be provided for Options A, B, and C above in which an applicable box (i.e. Complied, Exempted, Does not apply, or CR Review completed by _____ agency) is checked.

VI. Internal CR documentation:
-Each District is responsible for internally documenting their GEO-0505 compliance which would be subject to external review.

Procedural Flow Chart for WSCC Assisted Cultural Resource Reviews (Option C) (3-6-15 version)



Continued: **Procedural Flow Chart for WSCC Assisted Cultural Resource Reviews** (Option C)(3-6-15)

Section 106 versus Governor's Executive Order 05-05

- Section 106 of the National Historic Preservation Act is applied to actions funded by federal agencies.
    - If Section 106 has been conducted for a project by a federal agency, it may be accepted by WSCC for compliance with GEO-0505.
- Governor's Executive Order 0505 is required for all state funded capital construction projects. This includes projects with both state operating and capital funds provided by the WSCC.
    - GEO-0505 cannot be adopted to meet Section 106 requirements for federally funded projects.
    - The Conservation Commission can accept another state agency's GEO-0505 process to meet WSCC cultural resources review requirements.

Correspondence: Washington State Conservation Commission is responsible, as the funding agency, for contacting the Department of Archaeology and Historic Preservation (DAHP), affected tribes, and other interested parties to meet cultural resource review requirements. Previous approval from DAHP nor the tribes does not necessarily fulfill these requirements but may be considered. WSCC may delegate this to a District with the capacity to do their own GEO-0505 compliance.

EZ Forms: found at http://www.dahp.wa.gov/governors-executive-order-05-05

- EZ-1: This form is to provide information about ground disturbing activities.
- EZ-2: This form is to provide information about alterations to buildings 50 years or older.

Ground Disturbing Activities: This refers to any work that impacts the soil or ground from its current conditions. There is no threshold for this criterion. If the activity requires any work that goes below the surface of the ground, it requires a cultural resources review, unless exempted by agreement with DAHP

Changes to Project Design or Project Area: If there are any changes made to the project area or design after cultural resources review has been completed, review will have to be reinitiated in order to capture the changes. It is suggested that cultural resources review begin only after the final design is complete to expedite the process.

Timing: The time period it takes for cultural resources review occurs cannot change. Please plan ahead to ensure enough time is permitted prior to implementation, which could be 45 days or more.

Eligibility

- All activities associated with cultural resources review are grant eligible.
- Construction or BMP implementation that occurs prior to cultural resources review may not be eligible for reimbursement.

Questions? Contact your WSCC Cultural Resource Coordinator.

**** NOTE: In cases where practices or projects are done involving other state agency funds or federal funds, those other agency CR guidelines should be followed and may be considered to have taken care of WSCC CR requirements.**

Washington State
Conservation Commission

DRAFT – 3-6-15

Option C – Procedures for WSCC Assisted Cultural Resource Reviews

-In order to comply with GEO-0505, the WSCC will use the following procedures when WSCC assists districts with their District's CR review.

Step 1. The District will determine if the project involves any ground disturbing activities or involves any structures 50 years or older and a CR Review is needed (considering authorized exemptions).

- If the answer is "NO", the District must document this in their practice file.
- If the answer is "YES", go to step 2 and/or 3.

Step 2. For any activities involving structures 50 years or older, the district fills out a Historic Property Inventory (HPI) form on DAHP's Historic Property Inventory online database for DAHP's review. Department of Archeology and Historic Preservation (DAHP) may require more intensive investigation or mitigation of impacts to the structure depending on the historical significance of the building.

Step 3. For any ground disturbing activity, the District must complete DAHP's EZ-1 form to describe the project.

If the District chooses to go ahead and have a professional archeologist do a site specific cultural resources survey (with the archeologist following DAHP guidelines), then the complete survey report will accompany the EZ1 form. (A district may choose to have a Cultural Resource Site Specific Cultural Resource Survey done at any time, if the District thinks one is warranted.)

-DAHP EZ forms available at: http://www.dahp.wa.gov/governors-executive-order-05-05

-DAHP CR Report Cover Sheet at: http://www.dahp.wa.gov/sites/default/files/CRSURVEYcoversheet_Aug2011.doc

Note: This step could certainly be augmented by the District working with any Tribe that is interested and willing to work with the district. Any tribal agreement concerning the project, verbal or otherwise, should be documented and included with the EZ1 report.

Step 4. The District will submit a copy of the EZ-1 Form electronically, and if available, a site specific cultural resources survey, and any previous tribal or DAHP correspondence regarding the project to the WSCC.

Step 5. The WSCC will compile and process all of the appropriate forms and correspondence:

a. If an EZ-1 Form is submitted by the District, the following will be sent out by the WSCC:

1) WSCC tribal cover letter with the Director's signature and the EZ1 form to all potentially interested tribes.

2) An email to DAHP for review: the EZ1 form and all project correspondence including tribal, WSCC, and District correspondence.

b. If both an EZ1 form and a Site Specific Cultural Resources Survey have been submitted by the District, the following will be sent out by the WSCC:

1) WSCC tribal cover letter with the WSCC Director's signature and only the Cultural Resource Survey (and no other correspondence unless necessary) asking for concurrence to implement to all potentially interested tribes.

2) Electronic versions of all WSCC letters, any tribal or district correspondence, and the survey will be emailed to DAHP for review.

Step 6. The WSCC will send DAHP's and the tribes' correspondence and responses, or a lack of response notice to the District,

a. If DAHP and tribes respond that there will be no effect to cultural resources or do not respond within the 30 day request period then the WSCC will notify the district that the project will be considered to have complied with GEO-0505 and the project may be implemented.

The District will insure that every person working on the project site be familiar with the District's Inadvertent Discovery Plan (IDP) procedures in case any cultural resources are discovered.

The District will consider all mitigation measures into the project that are mentioned in any responses.

b. If DAHP or a tribe requests more information, the District will be asked to compile required information and submit to WSCC and the cultural resources review process will continue.

c. If DAHP or a tribe suggests that a Site Specific CR Survey is warranted, then the District in consultation with WSCC will decide if a survey is to be done. If one is done then go back to Step 4 and proceed.

d. If the District, DAHP, or the tribes determine there will be a negative effect on cultural resources or historic properties, that cannot be avoided or adequately minimized, then go to step 7.

Step 7. The WSCC Executive Director's may make a determination that a project will have an effect on Cultural Resources or historic properties that would trigger a process of formal consultation regarding whether the effect is adverse or not. Or the WSCC Executive Director may determine that a project will have no effect or minimal effect on CR or historic properties.

The WSCC will coordinate the formal consultation process, if formal consultation is needed.

Formal consultation can result in a memorandum of agreement detailing how the adverse effects will be resolved. The CR process is complete after the MOA has been signed by the appropriate consulting parties and then the District/Landowner may proceed with project activity.

WSCC may ask for a professional archeologist to provide input into the process at any time, if needed.

Useful References

-The WSCC Coordinator will maintain tribal contact information and provide it upon request.
-The WSDOT web site also has a current list of tribal contacts at:
http://www.wsdot.wa.gov/tribal/TribalContacts.htm
-Tribal cultural resources contact information at:
http://www.dahp.wa.gov/sites/default/files/Washington%20Tribes%20Contact%20List.pdf
-Washington Department of Archaeology and Historic Preservation (DAHP) EZ forms at:
http://www.dahp.wa.gov/governors-executive-order-05-05
-Governor's Office of Indian Affairs at: http://www.goia.wa.gov/
-Tribal information map at: http://www.goia.wa.gov/Tribal-Information/Map.htm
-National Historic Preservation Act, 16 USC 470: http://www.usda.gov/rus/water/ees/pdf/nhpa.pdf
-Protection of Historic Properties, 36 CFR 800: http://www.usda.gov/rus/water/ees/pdf/36cfr800.pdf
-Advisory Council for Historic Preservation: http://www.achp.gov/
-National Register of Historic Places at: http://www.cr.nps.gov/nr

TAB 6

From: Teri Murrison
Sent: Wednesday, March 04, 2015 2:24 PM
To: Werntz, James; Peak, Nicholas (Peak.Nicholas@epa.gov); 'Stewart, Bill'; Dave Pisarski (Dave.Pisarski@deq.idaho.gov)
Cc: Carolyn Watts (Carolyn.Watts@swc.idaho.gov)
Subject: July WQ Tour

Gentlemen,

Thanks for meeting with me this morning to brainstorm the July tour. It was very helpful to get your input.

Here, to the best of my recollection, is what we discussed. We didn't specify timeframes for the tasks so I am throwing some in. Please let me know if you remember differently or if a timeframe is not realistic. I have already booked some rooms and made arrangements for Bill's favorite restaurant. ☺ Please forward this info to the folks who will hear from my folks to begin planning the site tours.

Reflecting the sites we discussed,

- Lava Hot Springs: I plan to ask Chris Banks to be the lead on developing a draft itinerary of site visits (with our staff, districts, NRCS, and DEQ region folks – Lynn Van Everiand EPA (Bill)) for the tour from Lava to Pocatello on the 21st.
- Twin Falls: I will ask our Nitrate Priority Area expert Carolyn Firth to coordinate efforts with our staff, districts, U of I, NRCS, DEQ - Sunny Boohider, and EPA (Bill) to develop a draft site visit itinerary for the 22nd (Pocatello to Boise).
- Boise: I will ask someone (yet to be determined) to come up with a proposed itinerary for Friday's site visits (with districts, NRCS, DEQ – Lance Holloway, and EPA (Bill)).

Date	Activity	Comments/Responsible Person	Due	Hotel/Meals
Mon., July 20	Arrive Lava Hot Springs by 6 pm BBQ	Each agency arrange (and report to Teri) own participants, transportation, lodging – no bus Nick - provide EPA headcount, Dave - provide DEQ's Celia – provide ISDA's Chris Banks/districts	Headcount due by 4/1	**Lava Hot Springs – Home Hotel**, 208-776-5050 Kathy (http://www.homehotel.com/) 20 rooms blocked off under "Conservation Commission" @ $92/nt., release rooms on 7/1, please book directly
Tues., July 21	Lava – leave @ 8 am, tour projects in Whiskey Creek/Bear River area, arrive Pocatello by 6 pm	Commission/DEQ (Steven, Jerry) with NRCS input develop draft itinerary, include Matt Woodard w/TU, Dave will engage Lynn Van Everi, Sunny Boohider, and Lance Holloway, keep Curt, Barry in loop	Draft due 4/1	**Pocatello – Holiday Inn Express**, 200 Via Venitio (up the hill from Hampton Inn. 208-478-9800 20 rooms blocked off under "Conservation Commission" @ $83/nt., release rooms on 7/1, please book directly

		Teri to distribute draft itin to EPA/DEQ		
Weds., July 22	**Pocatello (8 am depart) – Boise (by 6 pm),** lunch @ Farmhouse Restaurant in Wendell possible tour sites – ARS/UofI research facility (Kimberley), Nitrate priority area sites?, Howard Niebling (extension), Twin Falls Canal Co., others? Dinner	Commission will work with DEQ/ISDA regional folks to develop draft itinerary ISDA/CAFO site??? Nick to contact Dave Bjornberg (ARS)	Draft due 4/1	**Farmhouse – 208-536-6688** Stephanie Otero reserved 1:00 pm for 20-30 – fixed menu – chicken fried steak, vegetarian option, Basque Bread, separate checks, Commission to notify Farmhouse # 7 days ahead, **Hotel in Boise – Last day to book:** 7/1/15 Marriott hotel(s) offering your special group rate: · **SpringHill Suites Boise ParkCenter** for 83.00 USD per night Book your group rate for Conservation Commission Dinner on own
Thurs., July 23	Boise tour – 8 am – 2 pm Possible sites – Dixie Drain, EQIP drip projects (mint, etc.)	Commission will work with DEQ regional folks to develop draft itinerary (Dixie Drain, Parma, drip systems on mint – NRCS, etc.). Make sure to contact Steve Burgos @ City of Boise, Watershed group	Draft due 4/1	**Hotel in Boise – Last day to book:** 7/1/15 Marriott hotel(s) offering your special group rate: · **SpringHill Suites Boise ParkCenter** for 83.00 USD per night Book your group rate for Conservation Commission Commission to rent bus this day only Dinner – all? Sponsors?
Fri., July 24	**Boise Conservation Summit (Zion's Bank Building)** 8:30 Registration 9:00 – 4:00 PROGRAM & Lunch • Governor/Lt. Gov?	Each agency to determine speaker on themes of wq/voluntary conservation in Idaho, partnerships, collaboration, and pending issues & opportunities, Teri to invite Celia, IASCD, and if time permits may		Registration fee - $15/per person to cover lunch

	• EPA, DEQ, ISDA, Commission, IASCD speakers Afternoon – Commission hold joint Board meeting with OR, WA, IASCD, Districts EPA on own (sidebar meetings w/ISDA, etc.) &	invite some partners (ie Nature Conservancy, Trout Unlimited, etc.)		

I think that's it. If I missed something, PLEASE remind me. Thanks and I'll be in touch.

Teri

Teri Murrison, Administrator
Idaho Soil and Water Conservation Commission
650 W. State Street, Room 145
Boise, Idaho 83720
208-332-1790 Phone
208-258-4752 Cell PhoneTeri.Murrison@swc.idaho.gov
www.swc.idaho.gov

IDAHO
SOIL & WATER
CONSERVATION COMMISSION

Washington State
Conservation Commission

March 13, 2015

TO: Conservation Commission Members

FROM: Mission Statement Subcommittee
(Lynn Bahrych, Dean Longrie, Alan Stromberger, Laura Johnson, and Ray Ledgerwood)

SUBJECT: SCC mission statement revision

Summary:

The Mission Statement Subcommittee requests that Commission members review a proposed SCC mission statement revision and determine what additional feedback and evaluation (if any) is needed from conservation districts, SCC staff, and/or partners before the statement is presented for final approval at the May 2015 planning meeting. Our efforts to evaluate and seek feedback on the mission are detailed in the "Background" section of this memo.

For reference, the current SCC mission statement is below, followed by the draft revision:

> *Current SCC mission:* To lead the wise stewardship of soil, water, and related natural resources for and with the citizens of the state.
>
> *Revised SCC mission (pending approval):* To engage landowners in voluntary stewardship, in collaboration with conservation districts and other partners.

Background:

- July 2014: Mission Statement Subcommittee formed at Commission meeting.
- September 2014: Subcommittee reviewed mission statements from other agencies / organizations; drafted first SCC mission revision (*to lead and assist conservation districts and partners in engaging landowners in voluntary stewardship of Washington's natural resources*).
- December 2014: Subcommittee sent first mission revision to conservation district staff/supervisors for review. In general, feedback was positive. Some respondents didn't

like saying the SCC mission is "to lead" conservation districts; some recommended making the statement more concise and inspirational.

- January 2015: Subcommittee completed second revision of mission statement (*to work with conservation districts, the Governor's Office, and partners in engaging landowners in voluntary stewardship*) and presented to Commission at January meeting. Commissioners weren't in favor of listing the Governor's Office; recommended further revision. Agency Commissioners (Beale, Welker, and Susewind) offered to provide partner perspective on mission revisions.
- February 2015: Commissioners Beale and Welker provided feedback on current and revised SCC mission statements. Recommendations included 1) the word "voluntary" is important, 2) avoid statements that could be true for any state agency, 3) the SCC does more than lead and assist CDs (e.g. the SCC plays a role in state natural resource legislation/policy).
- February 2015: Subcommittee incorporated CD and Commissioners' feedback; revised third draft of mission (*to engage landowners in voluntary stewardship, in collaboration with conservation districts and other partners.)*

Recommendation: The subcommittee has heard and incorporated feedback from conservation districts and agency partners as part of the mission revision process. If additional feedback is desired, the subcommittee would present the revised mission statement to SCC staff for final review prior to May Commission meeting.

Staff Contact: Laura Johnson, Communications Coordinator, ljohnson@scc.wa.gov.

Below are the resolutions that passed at the WACD Annual Conference in December 2014. The highlighted boxes in light teal blue are resolutions relating to the Conservation Commission. The status box indicates the resolutions that have been recognized by SCC and also shows the remaining resolutions that need action taken by SCC.

2014 WACD Resolutions		
Number	**Resolution Title**	**Status**
2014-01	Conservation District Long-Term Funding Opportunities	**Motion by Stromberger. Longrie Seconded Jan. 15 Meeting**
2014-02	Supporting Full Funding for the Forest, Rangeland Health and Fire Resiliency Program	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-03	Supporting Full Funding for the Voluntary Stewardship Program	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-04	Support Funding for Natural Resource Programs to Assist the Implementation of our Work	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-05	Supporting Conservation Commission Emergency Response Funding	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-06	Washington Coast Marine Advisory Council to Include Representative from WACD and WSCC Staff, Adding Two New Seats	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-07	Right to Farm for Shellfish Farmers	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-09	Green Stormwater Program	**Motion by Stromberger. Brown seconded to accept 02-09**
2014-10	Management Systems	
2014-11	Control of Noxious Weeds on Public & Private Lands	

2014-12	Changes to WA State Department of Natural Resources (DNR) State-Owned Aquatic Land (SOAL) Permitting/License Process	
2014-13	Enabling Conservation on the Ground in a Timely, Efficient Manner Regarding Cultural Resources Review	
2014-14	Requesting Development of Rapid Permitting & Cultural Resources Reviews During Emergencies	
2014-15	District Overhead Operating Expenditures	
2014-16	Ecology Centennial and 319 Grant Funding Agreements Timeliness of Payments	
2014-17	Ecology Centennial and 319 Grant Funding Agreements Termination Due to Insufficient Funds	
2014-18	Encouraging Sustained Conservation District Funding Strategy Through the Rates and Charges Option	**LEGISLATIVE** **Need action January 15, 2015**
2014-19	Sales Tax Exemption Incentive	

Washington State
Conservation Commission

March 13, 2015

TO: Conservation Commission Members

FROM: Mark Clark, Executive Director

SUBJECT: May Strategic Planning Session

Summary: On May 18th, the Commission will meet in Kittitas County to work through the agency's **Strategic Plan.** Our Strategic Plan goes through 2015, which makes this a good time for revisions. I encourage you to read the current plan that is available in this link from our website: http://scc.wa.gov/wp-content/uploads/2013/12/09-15-WSCC-Strategic-Plan.pdf

Some questions for discussion at the March meeting include; would you prefer a complete re-write? Does this plan still guide us in the work we need to accomplish? How would you like to engage staff? How would you like to engage input from Districts? Would you like input from stakeholders?

Purpose of this March discussion is to develop a process for the May meeting.

Action requested: Review current Strategic Plan and assess whether we are on track or would like to make updates to the current plan.

Also included in this tab are the notes from last year's May work session. I would ask that you take some time and review this material. Do we need to update? Would you like this worked into the Strategic plan?

Included in and restated below are the 10 focus work areas for the year. Staff is preparing a report on these for the May meeting.

1. Communication and Outreach activities at state and county fairs and job fairs. Information booths on natural resource issues, jobs and education needed.
2. Build targeted marketing (legislators, public at large, specific audiences).
3. Implementation activities related to the tribal treaty rights at risk letter.
4. New budget and allocation process completed and implemented for transparency.

5. Coordination with other agencies using the model area concept for getting together on an area-wide project (s) to address an area-wide resource concern.
6. Meeting on long term sustainable funding and action plan developed.
7. Good Governance, administration efficiencies need to be focused for accountability with legislation.
8. Impact on natural resources demonstrated with data, monitoring and Discovery Farms concept.
9. Technical capacity built through certification, training on technical proficiencies needed.
10. Commission is a leader in facilitating change in culture to be a positive, results oriented conservation district family by involving partners an opportunities.

Mission Statement: In July of 2014, a subcommittee was created to assist in refining the mission statement. This subcommittee consists of SCC staff, Laura Johnson, Commissioners Bahrych, Stromberger, and Longrie. The group have met several times discussing the mission statement and made presentations on various versions.

At the January 2015 meeting, the subcommittee presented the most current revised version below:

To work with conservation districts, the Governor's Office and partners in engaging landowners in voluntary stewardship.

Members asked for this item to be included in the May Planning Session. Laura will present and have questions for you at this March meeting in preparation for the May meeting.

Resolutions: We will also be reviewing resolutions at this March meeting and I would ask that as you review them consider if these are currently addressed in our strategic plan. If not, should they be?

Washington State Conservation Commission

Conservation Commission

Strategic Planning Session

May 14, 2014 – 8:30 am

Session Objective

- Commission member's discussion, understanding and support for their member role and connection with organizations and agencies in support of the Conservation Commission / Conservation District system.
- Understanding, evaluation and clarity of strategic direction based on strategic plan sessions, 2021 all-districts meetings, and member discussions.
- Identification of the highest priority strategic activities for the next year.

Future Accomplishments in Next Three Years

- Show that we are moving to meet water quality and habitat needs
- Show accomplishments with data and real needs so that the legislature and public see what they are getting for the money
- Messaging…Commission's voice and role is elevated as a key to getting more resources through telling our story
- Coordinate efforts among conservation districts and other natural resource agencies to address non-point nutrient issues
- Coordinate with other natural resource agencies…eg more working on projects
- Achieve understanding g of WSCC, WACD, NRCS roles and less competition and bickering
- Important to note the makeup of Commission and take advantage of that…keep improving our image with legislature to build credibility…eg budget
- Understand, respect and support the role of other organizations and agencies…develop an understanding, respect, and support among conservation districts about these roles
- Explore marrying the Good Governance model with an accreditation model…responsibility / accountability with consequences
- Coordinating outreach and advertising about what conservation districts can do
- Will have more customers in the door at our conservation districts…because people know what we are and do
- Good direction to the districts regarding what the Commission is expecting…overcome confusion
- More of an effort to bring in outside expertise…eg other entities addressing the same natural resource concern…WSCC as a venue to host discussions about what they are doing and how we coordinate
- Have forums at meetings for land owners to talk with the Commission about benefits of services provided
- Fair, same, transparent election process
- Have agency directors participate in Commission meeting at least once a year

Notes

- Communication & Outreach
- Coordination with Other Entities (groups, agencies, tribes, other)
- Impact on Natural Resource Concerns
- Conservation District Governance, Operations, Technical Capacity & Funding

Working Together as a Commission

RCW 89.08 related to Commission Member responsibilities

- See presentation slides

Role as a Commission Member

- Alan – as a board, charged with allocating dollars, accountability to the districts on how money is spent…accomplish what the voters elected the board members to do…oversee
- Lynn – represent the interests of all conservation districts at the state level…even if elected through an area system…lead to integrity and responsibilities of districts, coordinate with and among districts and the other entities in the state…look at a higher level…not just one or a portion of districts, but all districts
- George – to provide perspective…from agencies point of view…at as a conduit among districts and other parts of my agency…make new connections…bring information to and from Commission…raising concerns…participation and engaged…read materials and be prepared for the meeting and discus issues…serve on working groups
- Clinton – allocation of state funding to districts…bring forward districts issues and concerns…bring information to districts regarding what the Commission is doing…promote conservation throughout the state…promote cooperation between districts and agencies
- Jim – funding issues, communications…give a tribal perspective on issues and at times when needed, forward initiatives from Governor's office…support and implement the WSCC approved actions
- Larry – champion the cause of conservation…champion conservation districts as the on the ground agencies…communicate with the west districts…get to know fellow Commission members on a personal level
- Todd – make sure we ensure communications and expectations to districts are clear…address the elephant in the room…support the overall good of the WSCC and conservation districts, not biased by agency policy…champion the districts with legislature and others
- Past Commission Member…see Boyum letter…needs to know and appreciate what the conservation districts are and do

Notes:

- Good list that we would share with the Governor regarding new appointments
- Distinction between the role of a member and the Commission itself…not run districts but assure they are well run
- Envision the needs, services and programs for the future
- Hold people accountable to meet the needs, services and programs,
- Advocate for the Commission
- Organize coordination of entities on resource concerns and needs…statewide
- Power in knowing who we are…
- Understanding, respecting and supporting the role of other agencies…interagency communications important…interchange of information…eg Centennial Accord example
- Messaging that comes from the Commission is non-regulatory...ability to advocate for natural resources as a non-regulatory agency

Member discussion and recommendations on improving…

Member Working Relations

- Basic agreement to a common charge…supporting conservation districts getting working on the ground
- Learn about each member…personal and professional…look for opportunities to get to know one another…eg tour, interaction dinner, social opportunities
- Make sure we have member bios shared
- Identifying knowledge gaps…each member with a different level of understanding of issues operations
- Orientation sessions with follow-up on questions on roles and
- Have a code of ethics or ground rules…agreed to items
- Host an informal retreat for Commission members and be able to talk among each other…off record discussion
- Respect each other viewpoints…acknowledge viewpoint
- Have opportunities for discussion among the members
- When a member disagrees with a decision…they should not message against a decision
- More person to person communication among members…welcome to call each other with questions…facilitate…freedom to call each other to explore an idea or concept
- Personal obligation to let the Executive Director know as professional courtesy
- If decision is against the statute or policy of an agency…must be able to abstain from a vote…however…should have responsibility to be a Commission member
- If a commission member is going to make a motion for action at Commission meeting there would be a 'heads up' in case the agency director needs contacted
- Agency member responsibility to communicate within their agency in advance of a meeting on issue or action would be done (no surprises)
- If voting as a member of Commission…take titles away
- Vote as needed as a member…healthy to vote the way they need to vote…pause if needed to check direction.
- If a member is not participating well…add in code of conduct or written policy…chair of the Commission, vice-chair if needed

Action: Member Code of Conduct developed by Lynn Bayrich, Jim Peters

Member Turnover

- Orientations by Executive Director
- A new member would have a mentor with some years of experience
- Role description shared with Director for appointment
- A shadow for situations if you know you will be leaving in a few months…eg WACD President, agency, Gov appointment
- On agency appointments…to extent possible request continuity for a period of time
- Commission member first…agency representative next when serving
- Request that agency represented make this work a priority for the agency

Communications to and Within Commission Members

- Friday Update…need to consider a two-way communication , with more on the issues
- Work completed is related to the broad categories of our work plan is tied back in our communication with members…Friday Update change
- Explore other ways to encourage internal communication…eg net-meetings or webinars for Commission members
- Move from the how many meetings folks attend…should release the burden on staff…focus on issues
- Anything that can be shared two weeks ahead of time will help members prepare for a meeting…post as completed
- After Commission meeting is over we have sent staff notes…some feedback that that the notes are enough…no suggested change…formal minutes only after approved
- As soon as possible, take what we have done today and share with a new member

Mission Statement (revised 5.14.14)

The mission of the Washington State Conservation Commission is to lead the wise stewardship of soil, water, and related natural resources for and with the citizens of the state.

Current Strategic Areas

- Stable & Diverse Funding
- Performance and Accountability
- Communications & Outreach
- Elections
- Leadership
- District/Commission Relationship
- District Boundaries / Structure
- Natural Resource Priorities
- Effective Partnerships
- Legislative Strategy

Strategic Direction Past & Present

Discussion of Commission Strategic past including programs & services that have been brought about through past strategic thinking

- Office of Farmland Preservation
- District operations items…Good Governance
- Most immediate technical services…Puget Sound, Small Acreage – urban and suburban
- CREP
- Water quality
- Irrigation Efficiencies
- Education

Conservation Commission's Future "Place"

Member discussion of the Conservation Commission's place in the natural resource work in Washington State

Group A

- The industry has gone through movements that really push them into the future…
- if WSCC is positioned correctly in a stewardship movement…look at how staff resources could best be used for marketing and outreach…helping conservation districts market themselves…would help the public be more engaged…show the conservation is being practiced and get the neighborhood effect…need to market the services
- really focusing efforts in areas of the state where an impact can be done…strategic monitoring on what we are doing in a watershed, show cost and effect…took a region of the state then announce where we are going to work…have discussion of what it was going to take to effect change…what would be needed eg take water body off of 303d listing…have all agencies and entities talking about what would be done and what would it take…WSCC would not have house the technical expertise…utilize watershed plans…have Commission agree on picking an area…the next one…the next one…outline the conversations that need to happen and bring the entities together with the districts to have a thought provoking discussion…need to get beyond the plans…Commission leadership

Group B

- 2021 Commission seen as problem solving, convening players to get things addressed
- Be a key player in building capacity of conservation districts
- Commission seen as the agency…first agency that land owners would see as where they want to come for services
- As districts build capacity other agencies and organizations seek us out to provide services
- Set up a forum where land owners understand regulations

Group C

- A year, two or three down the road have the Commission be better and effective…envision working together…less about their own agenda…how the Commission should function.
- Leadership role for the group…know what we want to accomplish…do what matters

Strategic Priorities

- Communication & Outreach
- Coordination & Leadership with Other Entities (groups, agencies, tribes, other)
- Impact on Natural Resource Concerns
- Conservation District Governance, Operations, Technical Capacity & Funding

Commission Operations (to make this happen)

Future Strategic Direction

Top 3 strategic things the Commission Members & staff need to concentrate on in the next year

FY15 Strategic Actions

1. Communication and Outreach activities at state and county fairs & job fairs...information booths on natural resource issues, jobs, and education needed
2. Build targeted marketing (legislators, public at large, specific audiences)
3. Implementation activities related to the tribal treaty rights at risk letter
4. New budget and allocation process completed and implemented for transparency
5. Coordination with other agencies using the model area concept for getting together on an area-wide project(s) to address an area-wide resource concern
6. Meeting on long term sustainable funding and action plan developed
7. Good Governance, administration efficiencies need to be focused for accountability with legislation
8. Impact on natural resources demonstrated with data, monitoring and Discovery Farms concept
9. Technical capacity built through certification, training on technical proficiencies needed
10. Commission is a leader in facilitating change in culture to be a positive, results oriented conservation district family by involving partners an opportunities