



Washington State Conservation Commission

May 10, 2017

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, WSCC Policy Director

SUBJECT: WSCC Policy Initiative Proposals

Requested Action: Approval for staff to proceed with implementation as described in each of the policy initiative proposals.

Discussion:

Commission staff have prepared for Commission review 5 proposals for policy initiatives. The 5 proposals are:

- Conservation District Buildings
- Confidentiality of Voluntary Plans and Landowner Assessments
- Habitat Projects, Permits, Approvals and SCC
- Long-Term Sustainable Funding
- Incentives and State Water Quality

The proposals will be discussed at the Conservation Commission strategic planning session on Wednesday, May 17. The attached proposal documents may be changed in the course of the discussion at the strategic planning session.

Commission staff is seeking authorization to move forward with the implementation approach found in each of the proposals. Generally, each implementation approach has Commission staff conducting outreach with conservation districts, stakeholders, legislators, and other policy decision makers over the next several months. The purpose of the outreach is to gauge interest and solicit feedback on the proposals. Input would then be brought back to the Commission at the December 2017 meeting. At that time, the Commission would review modifications, if any, of the proposals and approve next steps. The next steps recommended at the December meeting would be developed as part of the outreach effort.



Washington State Conservation Commission

WSCC Policy Initiative

Conservation District Buildings

BRIEF SUMMARY

Several conservation districts (CDs) are pursuing the ownership of their district office building. Many districts already own their building. Questions have come up regarding funding for CDs to purchase buildings. There are various state capital facility funding programs that could be explored, as well as the potential for specific appropriation for buildings in a state capital budget.

BACKGROUND

CDs obviously need to have office space somewhere within their district. For most districts its important this space be in a location accessible to the public for ease in providing services. Conservation districts are authorized by law to purchase real property or obtain an interest in real property. However, for many districts the cost of a building may be out of reach. Most districts lease office space, however many who lease are considering purchasing their own building for a variety of reasons.

There are various ways a CD can purchase a building. There are also several state funding options where capital funds could be provided to assist in the purchase of a building.

In addition to the issues around how to purchase a building, conservation districts currently have a statute allowing for a personal property tax exemption. Questions have been asked if CDs also have an exemption for real property and if not, whether they could. It does not appear at this time that state law would allow a conservation district to utilize a real property tax exemption for owning a building.

PROPOSAL

Engage with conservation districts to identify building needs for district operations. Once the need is assessed, work with key budget staff to identify options for funding

conservation district buildings. The funding options requiring legislative approval would be pursued in the 2019 budget session.

APPROACH TO IMPLIMENTATION

Clearly the first step will be to gauge the building needs of conservation districts as well as the district interest in building ownership. Once the need has been determined, Commission staff will approach staff from OFM, the legislature, and other agencies to identify possible fund sources for the buildings. Commission staff will also explore with these staff the current laws relating to taxation of conservation districts when they own a building. Potential liability questions should also be explored.

This information would be brought back to conservation districts and the Conservation Commission for discussion and deliberation on the best approach to secure building funding.

TIMELINE

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| 1. May 2017 | Approval from SCC to engage in discussions. |
| 2. August 2017 | All-districts meeting. |
| 3. Aug – Nov 2017 | Discussions with Districts to gauge need and interest. |
| 4. June – Nov 2017 | Discussions with OFM, agency, and legislative staff. |
| 5. January 2018 | Presentation to SCC on feedback and outreach discussions. |
| 6. May 2018 | SCC decision re whether / how to proceed. Possible incorporation into SCC legislative requests for 2019 session. |



WSCC Policy Initiative

Confidentiality of Voluntary Plans and Landowner Assessments

BRIEF SUMMARY

This initiative proposes to amend state disclosure laws to clarify voluntary stewardship plans developed under VSP are exempt from disclosure. This initiative also proposes to include in statute an exemption from disclosure for landowner property self-assessment evaluation tools.

BACKGROUND

Generally, documents in the possession of a public agency are subject to public disclosure. State law allows for some documents expressly exempt from the disclosure requirement. Farm plans are specifically exempted from public disclosure. Two types of landowner plans are either not exempt or their exemption status is unclear:

- Voluntary stewardship plans used in the implementation of the Voluntary Stewardship Program (VSP) may not fall within the farm plan exemption and might be subject to disclosure;
- Landowner property self-assessment evaluation tools are not exempt from disclosure.

VSP Landowner Stewardship Plans

County implementation of their VSP work plan hinges on the use of individual “voluntary stewardship plans” allowed for under the VSP statute. It was intended by the authors of the VSP these plans would not be full-scale farm plans as currently used by conservation districts. Instead these plans have been described as “farm plan-lite” plans. It’s not clear that these stewardship plans will look like in relation to existing full scale farm plans.

Although the authors of the VSP may have intended the individual stewardship plans to be a simpler alternative to the full farm plan, if the landowner will be utilizing any NRCS programs a full farm plan as required by NRCS will still need to be developed.

The difference between the full farm plan and the VSP individual stewardship plan is significant enough that a question arises whether the VSP plan is exempt from disclosure similar to a farm plan.

Self-assessment tools

In addition to the questions around the VSP individual stewardship plan, there are concerns regarding whether voluntary landowner property self-assessments are exempt from disclosure. The self-assessment tool is used to help a landowner assess the condition of the property in the context of possible impacts to natural resources from farming activities. It's intended to be used in a non-regulatory setting so the landowner is encouraged to conduct her own evaluate and take necessary actions to correct any potential issues.

The voluntary self-assessment tool can be useful in identifying parcels in need of attention. It could also be a good resource for CDs to engage with landowners and worth them to make voluntary improvements on the property. But few landowners would participate in such a program if the results of the voluntary self-assessment could be disclosed in a public records request.

PROPOSAL

This proposal is for the development of draft legislation to specifically exempt from disclosure VSP landowner stewardship plans and voluntary self-assessment tools.

APPROACH TO IMPLIMENTATION

Once the Conservation Commission approves the general concept, Commission staff will develop concept papers for the proposed legislation. These papers will be used in outreach with conservation districts, stakeholders, state agency staff, and legislators to gauge interest and see if there are concerns. Any issues or concerns will be brought to the Commission prior to a final decision to proceed with legislation.

TIMELINE

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|--------------------|---|
| 1. May 2017 | Approval from SCC to engage in discussions. |
| 2. August 2017 | All-districts meeting. |
| 3. Aug – Nov 2017 | Discussions with District boards and at area meetings. |
| 4. June – Nov 2017 | Discussions with stakeholders, agencies, and legislators. |
| 5. December 2017 | Presentation to SCC on feedback and outreach discussions. |
| 6. December 2017 | SCC decision re whether / how to proceed. |



WSSC Policy Initiative

Habitat Projects, Permits, Approvals and SCC

BRIEF SUMMARY

There are several issues regarding the role of the Conservation Commission and conservation districts with respect to habitat improvement projects, permit review of projects, and HPA approval of fish habitat enhancement projects. Statutes establishing these processes were passed several years ago and include various requirements for plan development and approval, process development, or BMP approval. Many of these activities have not been done and issues arise from time to time when conservation districts or project proponents want to take advantage of these statutes.

BACKGROUND

Over the years various bills were passed by the legislature to address salmon recovery and salmon habitat restoration. The legislation sometimes addressed issues relating to permitting of instream projects. Some bills provided processes for expediting permit review and approval under certain conditions. Other bills sought to encourage landowner participation in restoration projects by including incentives such as property tax reduction or expedited permitting. There also were efforts to improve the Hydraulic Project Approval (HPA) process at WDFW for projects instream or upland impacting stream flow.

The result of these efforts over the years has been references to tasks for the Conservation Commission and districts. These tasks have been forgotten in the mists of time but do come up occasionally when a landowner or conservation district call Commission staff and ask about them. The answer has been a scramble to see if we have the information as required under the statute.

The statutes and areas of Conservation Commission responsibility include:

1. Exemption from real and personal property taxation for habitat, water quality, and water quantity improvements if such improvements are included under a written conservation plan approved by a conservation district. (RCW 84.36.255)
2. Commission development of a consolidated application process for permits for a watershed restoration project. Includes a single permit application form for use by all

responsible state agencies. (RCW 89.08.470)

3. HPA approval of a fish habitat enhancement project, review and approval process for CD sponsored projects, where the project complies with design standards established by the Conservation Commission. (RCW 77.55.181)

Each of these provisions have potential for continued support of conservation district work. However, it's been some time since these have been reviewed and implemented. For example, it's not clear whether conservation districts are aware of the property tax exemption for habitat, water quality/quantity improvements. We know a few are, but perhaps this could be highlighted for all districts. Another example is the HPA statute. The Commission does not have design standards established consistent with this statutory provision.

PROPOSAL

Commission staff, in conjunction with the Center for Technical Development (CTD), would convene a task group of conservation district staff who regularly work in the area of salmon recovery and habitat restoration. This task group would evaluate these statutory provisions and determine if they are still applicable and if so, design a path forward to complete the statutory tasks under RCW 89.08.470 and RCW 77.55.181.

CTD and Commission staff would also convene a task group who would, on a biennial basis, update the list of BMPs that would be eligible for tax exemptions under RCW 84.36.255.

APPROACH TO IMPLEMENTATION

The Commission and district task group would define the issue for each statutory task and communicate to all districts the work being done so all districts are aware and can engage. The task group would then reach out to the appropriate state and federal agencies, tribal representatives, and stakeholders to identify the path forward to completing the tasks in the statutes if these tasks are still of value.

The task group would report results to the Commission. The Commission would approve moving forward after reviewing the task group recommendations.

TIMELINE

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|-------------------|---|
| 1. May 2017 | Approval from SCC to begin recommended process. |
| 2. August 2017 | All-districts meeting. |
| 3. Aug – Nov 2017 | Identify members and convene task group. |
| 4. December 2017 | Presentation to SCC on status. |
| 5. December 2017 | SCC decision re whether / how to proceed. |

Relevant Statutes Regarding WSCC and Salmon Recovery and Habitat Restoration Projects

RCW 84.36.255

Improvements to benefit fish and wildlife habitat, water quality, and water quantity—Cooperative assistance to landowners—Certification of best management practice—Limitation—Landowner claim and certification.

(1) All improvements to real and personal property that benefit fish and wildlife habitat, water quality, or water quantity are exempt from taxation if the improvements are included under a written conservation plan approved by a conservation district. The conservation districts must cooperate with the federal natural resource conservation service, other conservation districts, the department of ecology, the department of fish and wildlife, and nonprofit organizations to assist landowners by working with them to obtain approved conservation plans so as to qualify for the exemption provided for in this section. As provided in subsection (3) of this section and RCW 89.08.440(2), a conservation district must initially certify that the best management practice benefits fish and wildlife habitat, water quality, or water quantity. A habitat conservation plan under the terms of the federal endangered species act is not considered a conservation plan for purposes of this exemption.

(2) The exemption remains in effect only if improvements identified in the written best management practices agreement are maintained as originally approved or amended. Improvements made as a requirement to mitigate for impacts to fish and wildlife habitat, water quality, or water quantity are not eligible for exemption under this section.

(3) A claim for exemption under this section must be filed annually with the county assessor on or before October 31st during the year for exemption from taxes levied for collection in the following year when submitted on forms prescribed by the department of revenue developed in consultation with the conservation district. The landowner must certify each subsequent year that the improvements for which exemption is sought are maintained as originally approved or amended in the written conservation plan. In the first filing year, the claim must contain the initial certification by the conservation district that the improvements for which exemption is sought were included under a written conservation plan approved by the conservation district including best management practices that benefit fish and wildlife habitat, water quality, or water quantity. Each subsequent filing year, the claim must contain a copy of the conservation district's initial certification made in the first filing year, along with the landowner's own certification for the current filing year.

RCW 89.08.440

Best management practices for fish and wildlife habitat, water quality, and water quantity property tax exemption—List—Forms—Certification of claims.

(1) For the purpose of identifying property that may qualify for the exemption provided under RCW 84.36.255, each conservation district shall develop and maintain a list of best management practices that qualify for the exemption.

(2) Each conservation district shall ensure that the appropriate forms approved by the department of revenue are made available to property owners who may qualify for the exemption under RCW 84.36.255 and shall certify claims for exemption as provided in RCW 84.36.255(3).

[1997 c 295 § 3.]

RCW 89.08.460

Watershed restoration projects—Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout RCW 89.08.450 through 89.08.510.

(1) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed, and for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant, adverse environmental impact, a detailed statement under RCW 43.21C.031 must be prepared on the plan.

(2) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

RCW 89.08.470**Watershed restoration projects—Consolidated permit application process—Fish habitat enhancement project.**

(1) By January 1, 1996, the Washington conservation commission shall develop, in consultation with other state agencies, tribes, and local governments, a consolidated application process for permits for a watershed restoration project developed by an agency or sponsored by an agency on behalf of a volunteer organization. The consolidated process shall include a single permit application form for use by all responsible state and local agencies. The commission shall encourage use of the consolidated permit application process by any federal agency responsible for issuance of related permits. The permit application forms to be consolidated shall include, at a minimum, applications for: (a) Approvals related to water quality standards under chapter 90.48 RCW; (b) hydraulic project approvals under chapter 77.55 RCW; and (c) section 401 water quality certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

(2) If a watershed restoration project is also a fish habitat enhancement project that meets the criteria of *RCW 77.55.290(1), the project sponsor shall instead follow the permit review and approval process established in *RCW 77.55.290 with regard to state and local government permitting requirements. The sponsor shall so notify state and local permitting authorities.

RCW 89.08.510**Watershed restoration projects—General permits—Cooperative permitting agreements.**

State agencies, tribes, and local governments responsible for permits or other approvals of watershed restoration projects as defined in RCW 89.08.460 may develop general permits or permits by rule to address some or all projects required by an approved watershed restoration plan, or for types of watershed restoration projects. Nothing in chapter 378, Laws of 1995 precludes local governments, state agencies, and tribes from working out other cooperative permitting agreements outside the procedures of chapter 378, Laws of 1995.

RCW 77.55.181**Fish habitat enhancement project—Permit review and approval process—Limitation of liability.**

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

- (i) Elimination of human-made or caused fish passage barriers, including culvert repair and replacement;
- (ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- (iii) Placement of woody debris or other instream structures that benefit naturally

reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; and

(x) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government.

(b) Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts.

(c) Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that

cannot be mitigated by the conditioning of a permit.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may appeal the decision as provided in RCW 77.55.021(8).

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct.



Washington State Conservation Commission

WSCC Policy Initiative

Long-Term Sustainable Funding

BRIEF SUMMARY

This proposal identifies a specific funding source to provide a level of funding for conservation districts and the Conservation Commission that will enable us to meet increasing demands for services. The proposed fund source would also fund other state natural resource activities conservation districts and the Commission engage in with other entities. The proposed fund source is a \$20 per parcel tax on all parcels in the state.

BACKGROUND

The past several biennium have seen either reductions in the WSCC budget or static funding. At the same time demand for conservation district services has increased straining district resources. And expectations for WSCC participation and leadership on a variety of programmatic topics challenges agency capacity.

The operating budget information below shows the amount of funds received by the WSCC over the past 5 biennia. The first number represents all funding to the Commission. This number looks like it's increasing substantially. However, it's important to remember the budget includes provisos for a number of other activities and is not available for conservation districts or other Commission activities. If we subtract these provisos we come up with an "actual" number. This represents the amount available for allocation to conservation districts and for Conservation Commission operations.

Operating Funding

2007-09	\$17,791,000	(\$10,617,000 WQ)
	(\$500k OFP / \$500k Pioneers / \$150k PSP / \$174k cons markets / \$250k poultry)	
Actual:	\$15,039,000	
2009-11	\$16,019,000	

	Actual:	\$14,841,000	
2011-13		\$14,510,000	
	Actual:	\$13,209,000	
2013-15		\$16,878,000	(\$1m fed and \$300k VSP/ \$1,050,000 toxics)
	Actual:	\$12,527,000	
2015-17		\$32,327,000	(\$1m fed and \$7.6m VSP / \$1m toxics / \$7.8m fire)
	Actual:	\$12,626,000	
2017-19 (proposed)		\$22,234,000	(\$1m toxics / \$7.6m VSP)
	Actual:	\$13,632,000	

As you can see, the actual amount available has declined since the 2007-09 biennium. Although the current proposed biennium budget is an increase, the amount is still insufficient to meet the need.

Conservation districts have estimated their needs for operational expenses (including costs of maintaining an office as well as technical staff) and for projects with landowners anywhere between \$30 million and \$50 million per biennium. We also will see additional costs for Conservation Commission work increasing above the current approximately \$2 million per biennium.

In addition, in the budget development process for the Commission's 2017-19 budget submittal, new opportunities and needs were identified. The agency budget request was a conservative amount at \$30,076,000 for operating needs and a \$36,702,000 capital request.

NEED FOR INITIATIVE APPROACH

Over the past several bienniums there has been pressure on the overall state operating budget. This pressure has been due to the demands for funding K-12 education obligations. Funding for natural resource agencies has hovered around 1% of all state operating funding. All indications are this budget situation will continue for the next decade or longer.

In the meantime, the demand on conservation district services will continue to increase. Issues such as salmon recovery, water quality impairments, water quantity conflicts, fire reduction and recovery, drought preparation, among others, are increasing in intensity and need for conservation district and Commission response and engagement. On top of these issues, state population growth and global increase in demand for food will add

stress on the farming system in Washington. This stress will need to be addressed through the work of conservation districts, the Conservation Commission, and other entities such as counties.

Conservation districts may address some of this demand through local rates and charges levied by the county legislative authority. However, except for the more populous counties, rates and charges will only bring in a fraction of the overall need for conservation districts. To date, 15 conservation districts have either an assessment or rate and charge supporting their work. Because a rate and charge must be passed by the county commissioners, many are reluctant to take a tax vote. This creates a situation where some districts benefit from the local rate and charge, and others do not. Meanwhile the need for services continues to grow for all conservation districts.

If the Commission and conservation districts are to meet these increasing demands for services and to engage in opportunities to address new and future natural resource needs, a fund source needs to be identified and adopted that will provide sufficient resources into the future.

PROPOSAL

At an all-district meeting in September 2015, several possible options for long-term funding were discussed but no single proposal was agreed to. Concepts discussed included: Increase authority of districts to raise assessment level; statewide per parcel; dedicated percentage of state sales tax; funding to match any local dollars. When the Conservation Commission reviewed these options at their September 2015 meeting prior to the all-district meeting, the Commission expressed no preference among the options. The Commission stated a preferred principle that whatever option is selected it would “float all boats” of the districts.

No agreement was reached at the all-district meeting of a preferred option. Continued discussion on the various alternatives isn’t likely to result in a coalescence around any one concept with 100% support. All alternatives have various pros and cons. This proposal admittedly forces the issue by identifying one of the options and moves it forward.

The approach in this proposal is a statewide per parcel tax imposed by the legislature. The proposed amount per parcel is \$20. There are roughly 3,000,000 parcels in the state. With all parcels subject to the tax, this would generate approximately \$60,000,000 per year. Items to be funded in this proposal should be items linked to the land. That is, since landowners are paying by the parcel, they need to see programs funded that benefit the land, and programs they can take advantage of or benefit from. For this reason the proposal includes a provision for statutory language stating that 30%

of the funds generated annually from this tax would be allocated to the Conservation Commission to support conservation districts and Commission operations.

Why not allocate 100% of the funding to the conservation districts and Commission? Because this would require the conservation districts and Commission to move this proposal through the legislative process alone. A proposal of this size will require the support of other entities. In addition, there are other programs and activities in which conservation districts participate and could be funded through this proposal.

For example, the Voluntary Stewardship Program (VSP) has been funded through the state public works assistance account. Indications are this fund source will not be available past the next biennium. If we are to maintain the momentum of VSP, we will need to find another fund source. VSP currently is funded at \$7.6 million per biennium. If we include some funding for non-VSP county work on critical areas (because conservation districts are involved in these activities) then the figure could be more like \$8 million, or \$4 million annually. Funding VSP in this proposal would bring the support of all the VSP counties because they benefit from the proposal.

There are other activities relating to land that could be funded with this fund source. These would be worked out in the course of discussions around support for the proposal.

APPROACH TO IMPLEMENTATION

Any selected source for long-term sustainable funding will require legislative approval. In order to successful on such a proposal, conservation districts will need to be engaged and join in the effort. There are several known questions of districts regarding a per parcel approach:

- What happens with existing or future conservation district assessments or rates and charges?
- Why not have more or all of the funds raised go to districts?
- Why not allow each county to retain the amount raised within their county?

These and other questions will need to be discussed and addressed. This would be done through an all-district meeting currently proposed for August 2017. There would then be follow-up discussions with each district board to gauge support. Outreach would also be done by Conservation Commission staff with the various commodity groups, agriculture groups, environmental entities, counties and cities associations, state agencies, and legislators.

Input from these discussions would be brought back to the Conservation Commission at the Commission's December meeting.

TIMELINE

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|--------------------|---|
| 1. May 2017 | Approval from SCC to engage in discussions. |
| 2. August 2017 | All-districts meeting. |
| 3. Aug – Nov 2017 | Discussions with District boards and at area meetings. |
| 4. June – Nov 2017 | Discussions with stakeholders, agencies, and legislators. |
| 5. December 2017 | Presentation to SCC on feedback and outreach discussions. |
| 6. December 2017 | SCC decision re whether / how to proceed. |



Washington State Conservation Commission

WSSC Policy Initiative

Incentives and State Water Quality Law

BRIEF SUMMARY

The current state water quality statute would be amended to include a policy statement regarding the role of incentive programs to achieve state water quality objectives. The statute would also be amended to identify the Conservation Commission as the lead for incentive programs in the state, and best management practices utilized in incentive-based approaches would be developed and approved by the Conservation Commission.

BACKGROUND

Washington's water pollution control statute (Ch. 90.48 RCW) is the primary state law for the prevention and control of pollution to the waters of the state. It is state policy under this statute that all known available and reasonable methods are utilized to prevent and control water pollution. Although the federal Clean Water Act (CWA) expresses a federal interest in water quality, Washington's water pollution control statute expressly states the intent that the state will "vigorously exercise" state powers to insure present and future standards of water quality are determined by the state of Washington.

Current Authority

Under the state statute the department of Ecology is the delegated authority for the federal CWA implementation and the agency has the appropriate approvals and agreements with the US EPA. Also under state law, Ecology has jurisdiction to control and prevent the pollution of state waters, both surface and underground. RCW 90.40.030

It is unlawful for any person to discharge organic or inorganic matter that causes or tends to cause pollution into the waters of the state. RCW 90.48.080. Ecology is authorized to enforce these provisions. RCW 90.48.037. The enforcement provisions are what are typically referred to as the "regulatory approach". But Ecology utilizes a

variety of methods to work with landowners to gain compliance and protect the waters of the state.

One method by which Ecology regulates water quality is through permits. For example, a National Pollution Discharge Elimination System (NPDES) permit addresses point sources of pollution discharge. There are also general or individual permits covering a variety of discharges.

Ecology also has authority to regulate non-point discharges. Most agricultural discharges are non-point. Discharges may be either actual discharges into water, or a potential for a discharge to occur. This provision is referred to as a “potential to pollute” and does not require a determination that pollution to water has in fact actually occurred. The reasoning for this is it’s better to address pollution issues before they get into the waters of the state and the impacts happen. Prevention of pollution is a more cost effective approach over the costs associated with recovery after a pollution event.

Enforcement

Ecology enforces the non-point provisions of the state water quality statute through inspections of property. These inspections can be initiated either by Ecology staff based on visual observation or could be a complaint. Ecology will typically engage with landowners during the inspection discussing what is observed and the landowner operations. Ecology staff will provide the landowner with information on how to correct the situation or may suggest the landowner consult with their local conservation district. If a landowner refuses to address the issues and the threat to water quality continues, Ecology may initiate enforcement actions through a process of written notifications which may escalate to penalties for noncompliance.

It is Ecology’s policy (WAC 173-201A-500) as well as a statutory requirement (RCW 43.05.010(3)) that technical assistance is to be attempted prior to initiating the enforcement process. Ecology prefers to work with landowners to gain compliance rather than move directly to a regulatory enforcement approach. When working with landowners Ecology staff may suggest certain BMPs to address the situation. Sometimes the landowners will simply ask Ecology staff what needs to be done to correct. And as noted, Ecology may recommend the landowner work with the local conservation district.

Best Management Practices

Under the state water quality statute, the prevention and control of pollution is to be done through the use of “all known and reasonable methods”. These are referred to as AKART (All Known and Reasonable Technologies) and in the agricultural arena known as best management practices (BMPs). Under Ecology’s statutory authority to implement the state water quality laws, Ecology has issued rules for water quality criteria. These rules also identify the means of implementation to achieve the criteria.

For nonpoint sources, activities are to be conducted so as to comply with the water quality standards. The primary means for compliance is through the application best management practices. WAC 173-201A-510(3)(a). There are no BMPs set forth in the water quality rules relating to nonpoint sources.

Over the years, Ecology staff have attempted to identify the appropriate suite of BMPs for agricultural lands. Early grant contracts with Ecology for agricultural landowner activities required the use of NRCS standards and practices. More recently these practices have fallen out of favor because of concerns regarding their more narrative approach to practice identification. The concern is this approach doesn't provide the necessary level of certainty regarding the BMP to be implemented. Recently there has been a trend through the Ecology funding to require specific BMPs, such as buffer widths.

In 2009, Ecology developed a proposed "Water Quality Manual for Livestock Grazing". The development of the manual was based in part on expressions of interest from landowners and conservation districts that Ecology provide some direction as to the appropriate BMPs from Ecology's perspective. The document was not well received by many conservation districts and the document was withdrawn. In the meantime, conflicts occasionally arise between Ecology and conservation district staff as to the appropriate BMP in different circumstances.

In 2015 Ecology prepared the state's "Water Quality Management Plan to Control Nonpoint Sources of Pollution" also known as "the nonpoint plan". This document is required by the federal Clean Water Act and covers a number of topics including strategies to address nonpoint pollution. Among the strategies to be addressed in the report is how the state will use incentive programs and non-regulatory approaches. After Ecology submitted their report to EPA it was challenged as insufficient in the application BMPs in the non-regulatory approach. To address this concern Ecology committed to implement a process with stakeholders to identify the appropriate BMPs. This process is ongoing as of May 2017.

ROLE AND DUTIES OF THE CONSERVATION COMMISSION AND DISTRICTS

The preamble to the Conservation Commission statute states:

...there is a pressing need for the conservation of renewable resources in all areas of the state, ... and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas;

....it is hereby declared to be the policy of the legislature to provide for the

conservation of the renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state

The preamble includes a long list of activities to prevent damage and protect natural resources. The full text of the preamble can be found at Appendix 1.

In addition to the policy statement of the preamble, the state statute includes the following duties for the Conservation Commission:

- To offer such assistance as may be appropriate to the supervisors of conservation districts.
- To assist and guide districts in the preparation and carrying out of programs for resource conservation.
- To coordinate the programs of the several districts and resolve any conflicts in such programs.
- To facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.
- To encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts, and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.
- To disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable

A full list of the duties of the Commission can be found in Appendix 2.

Conservation districts are authorized to carry out preventative and control measures and works of improvement for the conservation of renewable natural resources including engineering operations, methods of cultivation, and measures listed in the preamble. RCW 89.08.220(3). Conservation districts are also authorized to administer any project or program concerned with the conservation of renewable natural resources within the district boundaries, undertaken by any state or other public agencies after entering into an agreement with such agency. RCW 89.08.220(8). A full list of the powers of conservation districts is listed in Appendix 3.

ISSUES RE INCENTIVE PROGRAM IMPLEMENTATION AND BMP DEVELOPMENT

Generally conservation districts have excellent working relationships with Ecology regional staff. They work closely at the local level to coordinate on working with landowners and addressing issues identified in the watershed. Occasionally however, conflicts have come up regarding the BMPs recommended for a particular landowner or for the approach taken with landowners in an area. These concerns are typically addressed through local discussions.

Concerns remain for many districts regarding the way in which BMPs are determined by Ecology for application to agricultural lands. Conservation districts use NRCS standards and practices for a number of reasons including their adoptability to the unique characteristics of individual farms and requirement that they be used for funding from NRCS programs.

In addition to the concerns regarding BMPs, there are ongoing policy discussions where the effectiveness of incentive programs and BMPs are questioned. Oftentimes these discussions don't include the Conservation Commission even though they are discussing the implementation of our programs. These evaluations of incentive programs have, based on limited information, determined incentive programs don't work and more regulatory approaches are needed. Again, these conclusions are being reached without engaging the Conservation Commission or conservation districts in the discussion.

PROPOSAL

The state water pollution control statute (RCW 90.48) be amended with a new section that would:

- Declare the policy of the state to address non-point water quality issues in a two pronged approach – both regulatory and incentive based.
- The Conservation Commission would be the lead agency with regard to the implementation of incentive based programs for landowners.
- The development of best management practices for agricultural activities would be done by the Conservation Commission.
- Ecology would retain all current authority for development of water quality criteria, TMDL determinations, etc.
- The Conservation Commission would report on the status and progress of implementation of incentive-based practices across the state.

APPROACH TO IMPLIMENTATION

1. At the May Conservation Commission meeting this concept would be discussed as part of the strategic planning session and business meeting.
2. Commission staff is seeking approval from the Commission to explore the concept with Ecology staff and other agency staff.
3. Commission staff would discuss with conservation districts to identify pros and cons of the proposal.
4. Commission staff would discuss with stakeholders to gauge interest and gather feedback for the Commission's consideration.
5. The results of this information gathering would be brought to the Commission for further consideration of next steps.

TIMELINE

- | | |
|--------------------|---|
| 1. May 2017 | Approval from SCC to engage in discussions. |
| 2. June-July 2017 | Discussions with Ecology leadership. |
| 3. August 2017 | All-districts meeting. |
| 4. Aug – Nov 2017 | Discussions with District boards and at area meetings. |
| 5. June – Nov 2017 | Discussions with stakeholders, agencies, and legislators. |
| 6. December 2017 | Presentation to SCC on feedback and outreach discussions. |
| 7. December 2017 | SCC decision re whether / how to proceed. |

APPENDIX 1

RCW 89.08.010 - Preamble.

It is hereby declared, as a matter of legislative determination:

(1) That the lands of the state of Washington are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the lands of this state by wind and water; that the breaking of natural grass, plant, and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed off of lands; that there has been an accelerated washing of sloping lands; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any land occupier to conserve the soil and control erosion upon his or her lands may cause a washing and blowing of soil from his or her lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible, and that extensive denuding of land for development creates critical erosion areas that are difficult to effectively regenerate and the resulting sediment causes extensive pollution of streams, ponds, lakes, and other waters.

(2) That the consequences of such soil erosion in the form of soil blowing and soil washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors, and loading the air with soil particles; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming, and grazing.

(3) That to conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further agricultural and nonagricultural phases of the

conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention of agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, flood water retarding structures, channel floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(4) Whereas, there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of the renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. To this end all incorporated cities and towns heretofore excluded from the boundaries of a conservation district established pursuant to the provisions of the state conservation district law, as amended, may be approved by the conservation commission as being included in and deemed a part of the district upon receiving a petition for annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest.

APPENDIX 2

RCW 89.08.070 - General duties of commission.

In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., in the carrying out of any of their powers and programs:

(a) To assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under chapter 184, Laws of 1973 1st ex. sess.;

(b) To review district programs;

(c) To coordinate the programs of the several districts and resolve any conflicts in such programs;

(d) To facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.

(2) To keep the supervisors of each of the several conservation districts organized under the provisions of chapter 184, Laws of 1973 1st ex. sess. informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements.

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To recommend the inclusion in annual and longer term budgets and appropriation legislation of the state of Washington of funds necessary for appropriation by the legislature to finance the activities of the commission and the conservation districts; to administer the provisions of any law hereinafter enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; to distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to such conditions as shall be made applicable thereto in any state or federal statute or local ordinance making available such funds, property or services; to adopt rules

establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and to review all budgets, administrative procedures and operations of such districts and advise the districts concerning their conformance with applicable laws and rules.

(6) To encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts, and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.

(7) To disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; to make available information concerning the needs and the work of the conservation district and the commission to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public.

(8) Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.

(9) To compile information and make studies, summaries and analysis of district programs in relation to each other and to other resource conservation programs on a statewide basis.

(10) To assist conservation districts in obtaining legal services from state and local legal officers.

(11) To require annual reports from conservation districts, the form and content of which shall be developed by the commission.

(12) To establish by rule, with the assistance and advice of the state auditor's office, adequate and reasonably uniform accounting and auditing procedures which shall be used by conservation districts.

(13) To seek and accept grants from any source, public or private, to fulfill the purposes of the agency. The commission may also accept gifts or endowments that are made from time to time, in trust or otherwise, including real and personal property, for the use and benefit consistent with the purposes of this chapter.

(14) To conduct conferences, seminars, and training sessions consistent with the purposes of this chapter, and may accept grants, gifts, and contributions, and may contract for services, to accomplish these activities. The commission may recover costs for these activities, whether the activity is sponsored or cosponsored by the commission, at a rate determined by the commission. The commission may provide reimbursement to participants in these activities and other commission sponsored meetings and events, as appropriate and approved by the commission, consistent with applicable statutes. The commission may provide meals for participants in working meetings.

(15) To adopt rules to implement this section as it deems appropriate.

APPENDIX 3

RCW 89.08.220 - Corporate status and powers of district.

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

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

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

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

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

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to

receive income from such properties and to expend such income in carrying out the purposes and provisions of chapter 184, Laws of 1973 1st ex. sess.; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of chapter 184, Laws of 1973 1st ex. sess.;

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

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

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

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

rural and urban.

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

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

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

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

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

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

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

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

enter into such agreements.

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

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

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

