Meeting Packet
January 21, 2021

**Held virtually due to COVID-19**

*Lacey, WA, 98503*

"To conserve natural resources on all lands in Washington, in collaboration with conservation districts and partners."
Meeting Agenda
Thursday, January 21, 2021

Business Meeting
**Held virtually due to COVID-19**

Time
Please note that the times listed below are estimated and may vary. Please visit the SCC website for the most up-to-date meeting information.

Meeting accommodations
Persons with a disability needing an accommodation to participate in SCC public meetings should call Stephanie Crouch at 360-407-6211, or call 711 relay service. All accommodation requests should be received no later than Monday, January 11, to ensure preparations are appropriately made.

Meeting Coordinates
At 8:30 a.m. on January 21, 2021, please log into the meeting using this link. You may use your computer audio, or dial into the meeting at (872) 240-3412, use the access code 903-386-861, and enter the pin shown on your screen. SCC staff requests that you self-mute your audio line to allow for full discussion by Commissioners.

Agenda

<table>
<thead>
<tr>
<th>TIME</th>
<th>TAB</th>
<th>ITEM</th>
<th>LEAD</th>
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<tbody>
<tr>
<td>8:30 a.m.</td>
<td></td>
<td>Call to order/Welcome/Introductions</td>
<td>Chairman Longrie</td>
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<td>• Pledge of Allegiance</td>
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<td>• Additions/Corrections to agenda items</td>
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<tr>
<td>8:35 a.m.</td>
<td>1.</td>
<td>Consent Agenda – call for public comment (Action)</td>
<td>Chairman Longrie</td>
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<td></td>
<td></td>
<td>a. December 3, 2020 draft meeting minutes</td>
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<td>8:40 a.m.</td>
<td>1.</td>
<td>Budget (Action)</td>
<td>Sarah Groth</td>
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<td>b. Proposed SCC Grant &amp; Contract Procedure Manual Changes request to send out for district comment</td>
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<tr>
<td>9:00 a.m.</td>
<td>1.</td>
<td>Policy &amp; Programs – call for public comment (Action)</td>
<td>Kate Delavan</td>
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<td>c. FarmPAI Program</td>
<td>Jon Culp</td>
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<td>d. Lease options for Irrigation Efficiency Grant Projects (IEGP)</td>
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<td>Time</td>
<td>Session</td>
<td>Notes</td>
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<td>9:30 a.m.</td>
<td>1. Commission Operations – call for public comment (Action)</td>
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<td>e. 2021 Conservation Accountability &amp; Performance Program (CAPP)</td>
<td>Shana Joy</td>
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<td>f. Agency Strategic Plan follow-up</td>
<td>Dir. Smith</td>
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<td>10:00 a.m. – BREAK</td>
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<td>10:15 a.m.</td>
<td>Skagit Conservation District Virtual Tour</td>
<td>District staff</td>
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<td>10:45 a.m.</td>
<td>2. Partner Update (Information)</td>
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<td>a. ECY and EPA briefing on settlement with Northwest Environmental Advocates</td>
<td>EPA &amp; ECY Staff</td>
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<td>11:00 a.m.</td>
<td>2. Policy &amp; Programs (Information)</td>
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<td></td>
<td>a. Conservation Reserve Enhancement Program (CREP)</td>
<td>Brian Cochrane</td>
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<td>b. Legislative Update</td>
<td>Ron Shultz</td>
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<td>c. Walla Walla Conservation District</td>
<td>Joanna Cowles</td>
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<td>d. Whatcom Conservation District</td>
<td>Frank Corey</td>
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<td>12:00 p.m. – LUNCH</td>
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<td>1:00 p.m.</td>
<td>2. Voluntary Stewardship Program (Information)</td>
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<td>a. Overview, with examples from:</td>
<td>Brian Cochrane &amp; Levi Keesecker</td>
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<td></td>
<td>- Grant County (presented by Harold Crose, Grant County CD)</td>
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<td>- Whitman County (presented by Ryan Boylan, Palouse CD)</td>
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<td>b. Commission Efforts</td>
<td>Levi Keesecker</td>
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<td>c. Reporting Template</td>
<td>Brian Cochrane</td>
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<td>2:00 p.m.</td>
<td>2. District Operations (Information)</td>
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<td>a. Regional Manager Report</td>
<td>Jean Fike</td>
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<td>b. 2020 Conservation Districts Audits Report</td>
<td>Shana Joy</td>
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<td>c. Natural Resource Investments Committee - Update</td>
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<td>d. Complaint RE: Last year’s South Yakima Conservation District Election</td>
<td>Packet Item</td>
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<td>e. Center for Technical Development report</td>
<td>Packet Item</td>
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<td>2:50 p.m.</td>
<td>2. Partner Updates (Information)</td>
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<td>a. Washington State Department of Agriculture Update</td>
<td>Comm. Beale</td>
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<td>b. National Association of Conservation Districts Update</td>
<td>Packet Items</td>
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<td>c. Natural Resources Conservation Service Update (USDA)</td>
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3:00 p.m. 2. Commission Operations *(Information)*
   k. WACD Resolutions & the SCC
      • General Update  
      
3:30 p.m. Executive Session *(Action)* as allowed per RCW 42.30.110 (1) (i):
To discuss with legal counsel representing the agency matters relating to
agency enforcement actions, or to discuss with legal counsel representing
the agency litigation or potential litigation to which the agency, the
governing body, or a member acting in an official capacity is, or is likely to
become, a party, when public knowledge regarding the discussion is likely
to result in an adverse legal or financial consequence to the agency.

**Note: Members of the public will remain on the line while Commissioners
dial a separate phone line provided during this time**

4:00 p.m. Commission returns from Executive Session for
possible action  

4:20 p.m. – ADJOURN
TAB 1
Regular Business Meeting

The Washington State Conservation Commission (Commission/SCC) met virtually on December 3, 2020. Chairman Longrie called the meeting to order at 8:33 a.m.

<table>
<thead>
<tr>
<th>COMMISSIONERS PRESENT</th>
<th>COMMISSION STAFF PRESENT</th>
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<tbody>
<tr>
<td>Dean Longrie, Chairman and elected west region rep.</td>
<td>Carol Smith, Executive Director</td>
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<td>Harold Crose, Vice-chairman and elected central region rep.</td>
<td>Mike Baden, NE Regional Manager</td>
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<td>Perry Beale, Department of Agriculture</td>
<td>Allisa Carlson, Central Regional Manager</td>
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<tr>
<td>Larry Cochran, elected eastern region rep.</td>
<td>Stephanie Crouch, Administrative Assistant</td>
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<td>Jeanette Dorner, Washington Association of Conservation Districts</td>
<td>Kate Delavan, Office of Farmland Preservation Coordinator</td>
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<td>David Giglio, Department of Ecology</td>
<td>Bill Eller, Elections Officer and VSP Coordinator</td>
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<td>Jim Krop, Washington State University</td>
<td>Jean Fike, Puget Sound Regional Manager</td>
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<td>Terra Rentz, Department of Natural Resources</td>
<td>Lori Gonzalez, Executive Assistant</td>
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<td>Sarah Spaeth, Governor Appointee</td>
<td>Sarah Groth, Fiscal Manager</td>
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<td>Daryl Williams, Governor Appointee</td>
<td>Alison Halpern, Policy Assistant</td>
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<td>Laura Johnson, Communications Coordinator</td>
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<td>Shana Joy, District Operations Manager</td>
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<td>Alicia McClendon, Administrative Assistant</td>
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<td>Ron Shultz, Policy Director</td>
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<td>Ashley Wood, Fiscal Analyst</td>
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<thead>
<tr>
<th>PARTNERS REPRESENTED</th>
<th>GUESTS ATTENDED</th>
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<tr>
<td>Roylene Comes at Night, Natural Resource Conservation Service</td>
<td>Please see “Attachment A” for full list of attendees.</td>
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<td>Sherre Copeland, US Forest Service</td>
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<td>Mike Kuttel, Jr., Washington Department of Fish &amp; Wildlife</td>
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<td>Tom Salzer, Washington Association of Conservation Districts</td>
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Consent Agenda (Action)

Draft September 17, 2020 meeting minutes

Motion by Commissioner Cochran to approve the September 17, 2020 meeting minutes. Seconded by Commissioner Crose. Motion carries.
Budget and Finance (Action)

January – June 2021 Implementation, Orca/CTA & Engineering remaining allocation

Sarah Groth begins presentation on the first agenda item. At the May 2020 Commission meeting, she asked for six (6) month allocations to be approved for implementation, including Orca/CTA and Engineering due to the uncertainty surrounding the budget in the COVID-19 emergency response. That request was approved at the May 2020 meeting. Ms. Groth is requesting approval to allocate the remaining six-month installment of implementation, including Orca/CTA and Engineering funds to district. Ms. Groth recognizes the uncertainty surrounding additional budget cuts, and understands the need to distribute funding to districts.

**Motion by Commissioner Dorner to approve the request for the remaining six-month installment of Implementation including Orca/CTA and Engineering funds to districts. Seconded by Commissioner Beale. Motion carries.**

Policy & Programs (Action)

Potential Election Changes

Chairman Longrie calls for public comment on the next agenda item relating to Conservation District elections. Kirsten Haugen, a member of the King Conservation District Board of Supervisors, shares her experience with elections in that district. In the last election cycle, only 6,000 people voted, which means decisions are being made by a handful of people in the know. Ms. Haugen stresses that there must be action taken to bring people of all races, genders, and orientations to the table.

Jean Mendoza, a resident from Yakima County, offers her experience with the South Yakima Conservation District’s election process. Ms. Mendoza shares that there is minimal communication from SYCD regarding elections, and is concerned that the board has members who have been automatically reelected since 2002. Ms. Mendoza also alleges that SYCD provided insufficient notice regarding elections during the last cycle.

Chairman Longrie closes public comment and calls Ron Shultz, SCC Policy Director, and Laura Johnson, SCC Communications Manager, to present on the next two agenda items. Mr. Shultz begins his presentation by providing a “101” on SCC election processes. Prior to the beginning of the 2020 Legislative session, several legislators expressed interest in examining special purpose district election processes. This included conservation district supervisor elections. At the December 2019 Conservation Commission meeting, Commission members discussed the proposed legislation being developed by some legislators and expressed concern about such legislation moving forward without input from conservation districts. At this meeting the Commission passed a motion regarding district elections in the 2020 Legislative Session (see pg. 17 in meeting packet for 2019 motion text).

On Saturday, September 26, 2020, an open video conference was held for all districts. During this discussion, districts identified a rubric of items for consideration when reviewing election options. District participants specified that district elections must be, affordable/manageable, non-partisan, flexible (a.k.a. not “one-size-fits-all”), inclusive/equitable, transparent, accessible, trustworthy, and true-to-mission.

The districts then suggested several options for changes to elections, as follows.

**Option 1:** Allow option for CDs to go on the general election ballot
**Option 2:** “Election Week” pilot project  
**Option 3:** Increase outreach in the current election process by pursuing technology changes and continuing with WAC changes.  
**Option 4:** Make elections more affordable, extend board supervisor terms of office to four (4) years (a statutory change), conduct elections every other year (a statutory change), allow conservation districts to set the election date at a point during the year (a statutory change), and explore policy and considerations for SCC to review/approve CD proposals for setting zones/precincts for elected supervisor positions (an administrative change).

Mr. Shultz continues to show input from districts during a following meeting, held on November 21, 2020. During this meeting, districts helped to create a pro/con list for each of these options (see pgs. 18-21 in meeting packet for full list of pros/cons). Additionally, SCC received separate comments from conservation districts – Clallam, Clark, Grays Harbor and Pacific, Whatcom, and Palouse. SCC also received comment from a representative of Friends of Toppenish Creek (see pgs. 22-34 in meeting packet for full comments).

Laura Johnson begins presenting on the next agenda item, regarding the “Election Week” pilot project (information only). Ms. Johnson explains that the concept would allow for state-level promotion of CDs and CD elections. Under the current system, state-level promotion is limited because the districts host their elections at different dates within a three-month timeframe. If all (or most) CDs host their elections during a more limited timeframe, such as within the same week, the SCC could run a statewide marketing campaign to promote the opportunity to the public.

Two estimates have been created to provide an estimate of the time and cost for running a “Conservation Week” marketing campaign (see pg. 36 in meeting packet for full estimate). Both estimates are for marketing/communication-related work only (not including election administration time and costs). The estimate is based on work required for the first year of a campaign when all plans/materials/processes are first developed. Ms. Johnson shares that it’s likely that the staff hours required may go down in subsequent years.

**Motion by Commissioner Dorner for the Commission to create a joint committee with WACD to develop a list of recommendations for action on election reform. The committee should be formed and begin meeting in January 2021 and submit updates to the Commission and WACD board for their regular meetings with a final report and recommendations to the Commission in September 2021. Seconded by Commissioner Cochran. Motion carries.**

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**Commission Operations (Action)**

**Governance and the SCC**

Chairman Longrie calls Shana Joy, SCC Regional Manager Coordinate, to present on the next item on the agenda relating to governance and the SCC. Ms. Joy begins her presentation by giving a brief overview of just what governance is and why it is needed within SCC, including for consistency, continuity, shared clarity between Commissioners, and providing a positive example of good governance to CDs.

Under the leadership of SCC’s new Executive Director (Carol Smith), SCC staff have been reviewing existing agency policies, identifying gaps and needs in our policies, and prioritizing efforts to update existing policies, and craft new ones where gaps exist. Governance policies is one such gap. Ms. Joy calls on the Commission to “craft our own governance policies” - managing risk as an agency by filling gaps around governance policies while providing an example for conservation districts.
Motion by Commissioner Dorner to establish a Governance Sub-committee of Commissioners Giglio, Spaeth, & Dorner, to work with Shana Joy and other SCC staff with regular reports to the full Commission to craft and adopt governance policies for the State Conservation Commission by the end of calendar year 2021. Seconded by Commissioner Spaeth. Motion carries.

Chair & Vice-chair elections

Vice-Chair Crose calls for the next item to be presented by the sub-committee on chair and vice-chair elections, regarding Chair and Vice-Chair appointments for the next calendar year.

Motion by Commissioner Beale to reappoint Dean Longrie as Chair and Harold Crose as Vice-chair for the next calendar year (2021). Seconded by Commissioner Dorner. Motion carries.

Strategic Plan Timeline

Director Smith presents on the five-year Strategic Plan Timeline and provides an overview of the timeline itself, using the graphic on pg. 70 in the meeting packet. The overall goal is to have the 2022-2027 strategic plan approved during the September 2021 meeting.

Motion by Commissioner Cochran to approve proposed timeline for strategic planning. Staff will develop work products towards the completion of this strategic plan as outline in the timeline. Seconded by Commissioner Crose. Motion carries.

District Operations (Action)

Pierce Conservation District Supervisor Appointment (mid-term)

The SCC received four applications for mid-term appointment on the Pierce Conservation District Board of Supervisors. All applications received after the annual March 31 deadline for full term appointment, will now be processed as a mid-term until next year’s cycle. Applications were sent to all Commission members for their review prior to the December 3 business meeting. Commissioners and Commission staff followed the process adopted in March of 2018 to conduct a more comprehensive vetting of the applications received for Commission appointment including conducting telephone interviews of each of the candidates listed on pg. 37 and contacting references.

Motion by Commissioner Crose to appoint Mark Mauren to the Pierce CD Board of Supervisors effective December 10, 2020. Seconded by Commissioner Williams. Commissioner Dorner abstains. Motion carries.

Executive Session (Action)

Chairman Longrie calls for an executive session per RCW 42.30.110 (1) (f) at 12:30 p.m. to receive and evaluate complaints or charges brought against a public officer or employee. The meeting reconvenes at 1:19 p.m.

Motion by Commissioner Williams to direct staff to conduct further research into a complaint made against a supervisor and draft a response letter to be distributed to Commission members
prior to the next regularly scheduled commission meeting for action. Seconded by Commissioner Crose. Motion carries.

District Operations (Information)

District Operations & Regional Manager Report

Chairman Longrie calls on Jean Fike, SCC Puget Sound Regional Manager to present on the next agenda item. Ms. Fike shares recent accomplishments, including but not limited to the response to the COVID-19 pandemic, election changes, RCPP development, the release of the supervisor development module, and CD personnel and hiring. Ms. Fike also highlights some “coming attractions” such as continued support for COVID-19 response, creating more supervisor development modules, supporting RCPP development, NRI & Shellfish project tracking as the end of the biennium approaches, and working with CDs that experiencing personnel challenges and turnover.

Policy & Programs (Information)

Legislative Preview

Chairman Longrie invites Mr. Shultz back to present on the next agenda item relating to the upcoming 2021 Legislative Session. Mr. Shultz shares that the upcoming legislative session will be unprecedented in how it will be conducted in light of precautions surrounding COVID-19. The session will also be significant in that they will be developing the 2021-23 biennial operating and capital budgets. Commission staff will continue previous processes for coordination with WACD and conservation districts. Staff will also continue evaluation of legislation and recommendation of agency positions on bills, as well as testimony on legislation important to the Commission.

Although the official legislative calendar has not been released, it’s anticipated the 2021 Legislative session will start on Monday, January 11, 2021. This will be a long, 105-day session, ending Sunday, April 25. Mr. Shultz provides a brief update regarding the 2020 election results and how that may affect SCC, and then presents possible legislative topics in the coming session.

Budget: Earlier this year, revenue projections indicated an $8 billion shortfall over the next three fiscal years. Since that time actual revenues have come in stronger than expected. The mid-summer revenue forecast changed their projection to a $4 billion shortfall due to strong revenues. The most recent actual revenue collections report on November 17 indicated an increase of $380 million increase over projections for the period September 11 to November 10, an 11.5% increase.

Accountability: There continues to be legislative interest in accountability and transparency of special purpose district operations, including conservation districts. It’s unclear the exact nature of any legislation, but it’s likely the House may move the bill they passed last year that failed in the Senate.

Net Ecological Gain: This was a topic of several bills last session. Net Ecological Gain (NEG) is the concept of going beyond current environmental law requirements to avoid and mitigate impacts to require ecological gain when there are on-the-ground activities impacting natural resources. Although legislation incorporating NEG into the growth management act and the Voluntary Stewardship Program did not pass, there are ongoing discussions among stakeholders to see where NEG can be incorporated into state actions. The focus now seems to be around state funded projects, particularly transportation projects.
Open Public Meetings Act: When the pandemic closures were announced they impact the ability of agencies to conduct open public meetings as required by law. Action by the Governor was required to allow agencies to conduct meetings remotely. There’s interest among several state agencies and local governments to have legislation to change the Open Public Meetings Act to allow for remote meetings under certain circumstances.

Water Banking: Stakeholders in the Methow area have been working with their local legislators on a bill to establish a water banking program in several watersheds largely in Okanogan county. The idea is to have a state program with funding to purchase water rights from willing landowners and “bank” those rights so the landowner can continue to use the water, but cannot sell the water right to someone who wants to move the water out-of-basin. The discussions have included the Commission as a potential agency home for the banking program.

Equity: There may be legislation relating to state agencies and policies for equity and transparency in operations and funding allocation. No specific bills yet, but this topic is frequently mentioned as a top issue of concern by legislative leaders and members.

Presentation of award to Director Smith

At the July Commission Meeting, the Commission approved a motion to recognize Director Smith’s exceptional performance by awarding an additional 80 hours of annual leave and presenting her with an award during this meeting. Chairman Longrie presents Director Smith with a plaque commemorating her work during 2020.

Chairman Longrie adjourns the meeting at 2:31 p.m.
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<tr>
<th>Attendees</th>
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<tr>
<td>Mike Baden</td>
<td>Joe Holtrop</td>
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<td>Ryan Baye</td>
<td>Laura Johnson</td>
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<td>Perry Beale</td>
<td>Shana Joy</td>
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<td>George Boggs</td>
<td>Jim Kropf</td>
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<td>Jennifer Boie</td>
<td>Mike Kuttel, Jr.</td>
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<td>John Bolender</td>
<td>Al Latham</td>
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<td>Allisa Carlson</td>
<td>Dean Longrie</td>
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<td>Alan Chapman</td>
<td>Alicia McClendon</td>
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<td>Wayne Chaudiere</td>
<td>Jean Mendoza</td>
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<td>Lorenzo Churapé</td>
<td>Mike Mumford</td>
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<td>Mark Clark</td>
<td>Craig Nelson</td>
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<td>Larry Cochran</td>
<td>Zorah Oppenheimer</td>
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<td>Brian Cochrane</td>
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<td>Megan Stewart</td>
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<td>David Giglio</td>
<td>Michael Tobin</td>
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<td>Sarah Groth</td>
<td>Valerie Turner</td>
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<td>Rod Hamilton</td>
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<td>Kirstin Haugen</td>
<td>Daryl Williams</td>
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<td>Dave Hedrick</td>
<td>Ryan Williams</td>
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<td>Dean Hellie</td>
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<td>Emily Hirsch</td>
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January 21, 2021

TO: Conservation Commission Members
   Carol Smith, SCC Executive Director

FROM: Sarah Groth, Fiscal Manager
      Shana Joy, Regional Manager Coordinator


Action Item [X]
Informational Item [ ]

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

The current set of requirements for grants and contracts was issued in July 1, 2019. This version is an update of the document for the purposes of addressing updated requirements of SCC, state and federal law, and any new or unique situations since the July 1, 2019 version.

Regional Managers and Finance staff worked collaboratively to review the 2019 version and incorporate changes to current rules and policies.

The full draft manual will be provided at the Commission meeting on March 18, 2021, with any proposed changes in policy and procedure identified and we will provide all feedback received from conservation districts.

Requested Action (if action item):
Authorize the proposed Grant & Contract Procedure Manual to be sent to conservation districts for the 45-day review period, per the SCC Policy on Policies. All comments will be presented to Commission members during the March 18, 2021 meeting, with the anticipated effective date of July 1, 2021.

Staff Contact:
Sarah Groth, Fiscal Manager or Shana Joy, Regional Manager Coordinator
January 21, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Kate Delavan, Office of Farmland Preservation Coordinator

SUBJECT: Support for FarmPAI

Summary:
The Farmland Protection and Affordability Investment program (FarmPAI) is designed to fill a gap in existing land protection programs. FarmPAI would allow land conservation groups to access low-cost capital through a revolving loan program administered by the Washington State Housing Finance Commission (SHFC) to secure high-quality agricultural land at imminent risk of development. Once the development rights are removed through a permanent conservation easement, the land would be returned to private ownership by selling it to a farmer or rancher in line with its agricultural value. Farmland protection stakeholders have worked with the State Conservation Commission (SCC) and the SHFC to develop the program concept since at least 2018. The Food Policy Forum urges collaboration between SCC and SFHC staff to develop FarmPAI as outlined in the enclosed letter dated October 29, 2020.

Requested Action (if action item):
The Conservation Commission formally supports SCC staff to work with the SFHC to develop the FarmPAI program. The Commission requests the SCC Director to send a letter of support of the program to the SFHC Director.

Staff Contact:
Kate Delavan, Office of Farmland Preservation Coordinator, kdelavan@scc.wa.gov, 360-280-6486

Background and Discussion:
At the February 27, 2018 Farmland Preservation Roundtable meeting hosted by the Office of Farmland Preservation (OFP) stakeholders discussed the need for new tools to address farmland loss in Washington. The meeting was attended by about 10 Washington nonprofit land trusts,
officials from 6 different Washington counties, staff from Washington State University, staff from the SHFC, and representatives from Congresswoman DelBene’s office and the Governor’s office. Among other topics, the obstacles to preserving quickly disappearing farmland were discussed. A task force was created to address the challenges that face conservation entities in maintaining affordable access to high quality agricultural land. Members of the task force included: Washington Farmland Trust, Washington Association of Land Trusts, Trust for Public Land, the OFP, the Jefferson Land Trust, Forterra, and the SHFC. The task force identified the need for an innovative program to provide conservation entities access to low-cost capital to quickly respond to high priority farmland properties at eminent risk of being permanently converted out of agriculture use. The task force laid out the framework for the Farmland Protection and Affordability Investment program (FarmPAI). Staff from Northwest Farm Credit Services also participated in these conversations.

Members of the task force first presented the FarmPAI concept to the Food Policy Forum (Forum) on September 6, 2018. Convened by the SCC and the Washington State Department of Agriculture, the Forum is a diverse cross section of the food system with representatives from commodity agriculture, small to mid-size farmers, anti-hunger organizations, state agencies, local government, the Legislature, and more.

In response to a request from the Washington State Governor’s Office, the Forum worked from March to June 2020 to identify early implementation actions that tie to its 2019 recommendations and consider challenges and opportunities presented by the COVID-19 crisis and response. With the recognition that the pandemic and resulting economic uncertainty have the potential to further accelerate farmland loss, the Early Implementation Action Report recommends creating new land protection tools to mitigate that loss and to promote the exchange of agricultural land to new and beginning farmers. Specifically, the Report makes the following recommendation:

**Implement a cooperative program between Washington State Conservation Commission and the Washington State Housing Finance Commission to provide low interest loan capital for practitioners to buy agricultural ground at high risk of conversion.** In periods of economic uncertainty such as caused by COVID-19, agricultural land with significant development potential is more likely to be placed on the open market on short notice. By providing non-profits or other entities the loan funds to secure these important properties, this land can ultimately be protected with a conservation easement before being sold to low-income or new and beginning farmers through alternative financing models. The framework and transactional details of such a revolving loan program have been developed by key stakeholders and are ready for rapid implementation with additional agency collaboration. (Early Implementation Action Report, August 5, 2020, pg. 25)

The Forum approved the enclosed letter during their 10/29/20 Forum meeting urging collaboration between SCC and SHFC to develop FarmPAI.
Statement of Need
Washington counties both rural and urban are experiencing a rapid loss of working farm and forestlands due in part to the state’s rapid population growth. According to the most recent USDA Census of Agriculture from 2017, Washington State lost nearly 640,000 acres of farmland between 2002 and 2017, which is equivalent to a land area slightly less than the state of Rhode Island. Land costs in many areas exceed the beginning farmer’s ability to secure land and begin to farm. In addition, Washington’s farmers are aging, with more than five times as many producers over 65 than under 35 years old. Furthermore, more than 70% of retiring farmers in Washington have not named a successor, placing more land at risk.

The available conservation tools do not meet the demands of today’s real estate market. Land costs are too high for many farmers and properties sell too quickly for conservation groups to raise grant funds. Retiring farmers or farmers who need to transfer their property quickly without an identified successor or interested farmer lack few options to ensure their land stays available for agriculture. Conservation easement programs typically take several years from the time of application to closing. At the same time, conservation entities do not typically have enough cash on hand to buy a property out right. The limited conservation financing options available for fee-simple purchase typically have repayment schedules that do not align with the available conservation easement funding programs, making it very difficult or impossible for a project to pencil. As a result, conservation entities are often unable to respond to high priority projects.

RCW 89.10.010 directs the Office of Farmland preservation to, among other activities, “develop model programs and tools, including innovative economic incentives for landowners, to retain agricultural land for agricultural production” and to “begin the development of a farm transition program to assist in the transition of farmland and related businesses from one generation to the next, aligning the farm transition program closely with the farmland preservation effort to assure complementary functions.”

Proposed Program
Administered by the SHFC, FarmPAI is envisioned as a rolling loan program with no application deadline. Applications will be accepted and projects considered for funding based upon the availability of funds. Entities must be a member of the Washington Association of Land Trusts or accredited through the Land Trust Accreditation Commission, the national accrediting body for land conservation. Washington conservation districts are eligible to apply for accreditation. The SCC through the OFP will provide guidance on the development of program criteria, guidelines, and policy. While program details are not yet finalized, the OFP could be a valuable resource to the SFHC in reviewing and ranking applications.

FarmPAI would enable conservation entities to purchase farmland with the ultimate purpose of lowering the property’s cost through a conservation easement, and reselling it to a farmer or rancher who can keep it in production. FarmPAI funding would serve as a bridge loan to buy the
conservation entity time to line up the conservation easement funding and to identify a transfer plan to the farmer or rancher. This model is often referred to as “Buy-Protect-Sell.”

As currently conceived, FarmPAI would also allow up to 10% of the program funds to be used to finance the purchase of Transfer of Development Rights (TDR) credits. Additionally, there is discussion around allowing a conservation entity to hold the property while offering a long term lease to an agricultural producer to accommodate innovative land access models as used by community farmland trusts.

Ranking criteria will align with the existing agricultural conservation easement funding programs. The program guidelines will align with the SHFC’s Beginning Farmer and Rancher program with the goal of extending land access opportunities to farmers who otherwise would be priced out of the market.

**Recommended Action and Options:**
Staff recommend the Commission authorize by motion their support for the development of the FarmPAI program.

**Draft Motion Language:**

The Commission hereby formally supports the development of the FarmPAI program and requests the Commission Director to communicate this support to the State Housing Finance Commission.
Dear Commissioners,

As members of the Washington State Food Policy Forum and food system practitioners, we are writing to draw your attention to a recommendation that was included in the “Early Implementation Action Report,” we released in August 2020. The “Early Implementation Action Report” was the result of months of discussions after the Forum was convened to help address recovery of our food system in the face of COVID-19.

As you know well, COVID-19 has wreaked havoc on our economies and communities, resulting in new challenges for farmers of all scales, shifting consumer preferences, and market constraints. Taken at once, these factors threaten the viability of our agricultural economy and the security of our agricultural land base. It was in part this threat to Washington’s farmland – undeniably a cornerstone of our food system – that the Food Policy Forum sought to address in our “Early Implementation Action Report.” The recommendation in question is as follows:

Implement a cooperative program between Washington State Conservation Commission and the Washington State Housing Finance Commission to provide low interest loan capital for practitioners to buy agricultural ground at high risk of conversion. In periods of economic uncertainty such as caused by COVID-19, agricultural land with significant development potential is more likely to be placed on the open market on short notice. By providing non-profits or other entities the loan funds to secure these important properties, this land can ultimately be protected with a conservation easement before being sold to low-income or new and beginning farmers through alternative financing models. The framework and transactional details of such a revolving loan program have been developed by key stakeholders and are ready for rapid implementation with additional agency collaboration. (Early Implementation Action Report, August 5, 2020, pg. 25)

* Indicates that the Forum member chose to stand aside for the vote. A ‘stand aside’ does not count against consensus.
As noted above, the proposed program is not a new idea. Rather, stakeholders such as the Washington Association of Land Trusts, Washington Farmland Trust, and Northwest Farm Credit Services have been in conversation with staff at both Commissions for several years about the need for, and parameters of, such a program. The concept was first introduced to the Food Policy Forum in 2018, in a presentation by Housing Finance Commission staff, and the Forum’s 2019 report to the Legislature included a generic recommendation to develop low-cost financing tools in support of agricultural land protection and land access. Given the pressures of COVID-19, the Food Policy Forum believes now is the time to reinvigorate these conversations and bring this important idea to fruition.

The recommended program, which stakeholders have been calling the Farmland Protection and Affordability Investment Program, or FarmPAI, is envisioned as a revolving loan fund that would facilitate long-term affordable access for beginning and socially disadvantaged farmers and enable Washington’s land trusts to protect high-priority farmland. There is a clear precedent for this program: FarmPAI is modeled after the Housing Finance Commission’s highly successful Nonprofit Land Acquisition Program, created in 2007, which provides low-cost financing to eligible nonprofit organizations to acquire land for affordable housing development.

As you may know, land trusts face significant challenges in promoting land access and furthering agricultural land protection. Most farmland protection projects rely on public grant funding, which is unpredictable and involves long and complex application cycles. It can take anywhere from two to six years to complete a project. This timeline is particularly challenging for land trusts working to protect land that is under imminent threat of development or resale on the open market.

Funding to purchase farmland and hold it until a new farmer is identified is especially inadequate. Available bridge loans and conventional financing options are often burdened by high or variable interest rates, terms, or collateral requirements that make these resources impractical for land trusts. Without new financing options, land trusts in Washington are ill equipped to support a more diverse generation of farmers in accessing land, or respond in a timely way to the pressures that are being exerted on our agricultural land base as a result of COVID-19.

The Housing Finance Commission is uniquely positioned to address this gap: they have discretionary spending authority, they have the ability to grow a revolving pot of funding in a way that governments and land trusts are unable to, and they can offer much lower rates and better terms than any market-rate bridge lender.

The creation of the FarmPAI program offers a timely and creative opportunity to provide Washington’s land trusts with a flexible mechanism for scaling up their important work. With this letter, we respectfully urge you, as Boards of Commissioners, to support the staff of your respective agencies to collaborate in implementing the FarmPAI program.

Thank you for your time and consideration.

Sincerely,
The Washington State Food Policy Forum
Date of meeting

TO: Conservation Commission Members
   Carol Smith, SCC Executive Director

FROM: Jon K Culp, Water Resources Program Manager

SUBJECT: IEGP Options to Perpetuity

Summary:
Staff proposes changing the Policy and Guidelines of the Irrigation Efficiency Grants Program to adopt a recommendation from the Efficiencies Steering Committee. The change has been recommended to enhance program accessibility.

The proposed changes would only apply to the Commission’s direct appropriation for the Irrigation Efficiencies Grants Program that it received from the Legislature for the present biennium.

Staff brings this back to you for your final review, input, revision, and potentially adoption.

Requested Action (if action item):
Adoption of IEGP policy revision

Staff Contact:
Jon K Culp, Water Resources Program Manager  jculp@scc.wa.gov

Background and Discussion:
The Irrigation Efficiencies Grants Program began in 2001 out of that year’s drought as a way to minimize the impact of irrigated agriculture on low streamflow in critical streams across the state. A diverse steering committee was formed to develop general direction and initial guidance of the program. Several times through the life of the program, the steering committee has been reconvened to address the changing needs of the customers and resources. Major revisions of the guidance were made in 2006 and in 2011 to accommodate funding from Ecology’s Office of the Columbia River.
In June 2017, the steering committee came together in Ellensburg to discuss and strategize the future direction of the program and what changes were needed to keep the IEGP relevant. Most policy issues were forwarded with some direction to subcommittees that convened to create recommendations.

The sub-committee on contract length convened in Ellensburg on September 6, 2017 to discuss whether the program should consider alternatives to perpetuity regarding the length of cost share contracts in the future.

The sub-committee considered a letter from the Kittitas County Conservation District Board to the Commission which expressed concern about the lack of participation by local irrigators due to the requirement to place saved water in trust in perpetuity. A survey of the other participating conservation districts, in which 5 of 9 responded, indicated consensus that alternatives to perpetuity would increase the marketability of the program in their local areas.

The sub-committee proposed alternatives to the perpetuity requirement for on-farm projects. The intent of this proposal is to increase the pool of qualified projects by addressing the barrier to entry issue identified by the Conservation Districts and bring landowners to the table to discuss alternative operations. The sub-committee also acknowledged the need to maintain the current public / private benefit balance provided by the program. To that end, a reduction in public benefit, in this case the length of time water was transferred to the State, needed to be balanced with an equitable reduction in private benefit, in this case, the amount of cost share available to the proponent.

The sub-committee also discussed guidance language stating that the State would not purchase saved water upon expiration of the lease. It is not the intent of the program to create a perpetual funding source.

At its meeting in March 2018, the Commission approved a staff recommendation to forward the policy amendment out to the districts for a 45 day comment period. Two comments were offered during the comment period. Both comments primarily spoke to aspects of the program not covered under this proposal (change in project land ownership; cost recovery). However, one offered, “The proposed changes are reasonable.”

**Recommended Action and Options (if action item):**

Staff forward for your consideration the following policy and guideline recommendation from the program’s steering committee and the contract length sub-committee:

- **Standard contract length will be in perpetuity (purchase) with a cost share rate up to 85%. A lease option will be available for on-farm application systems as a 25 year minimum contract length with a cost share rate up to 50%**
Contract Length Graphic

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Percent of Saved Water To &quot;Trust&quot;</th>
<th>Term of Project</th>
<th>Cost Share Available</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purveyor</td>
<td>No Change</td>
<td>Perpetuity</td>
<td>85%</td>
<td>Minimum amount of saved water to trust is prorated as per the proviso to allow for matching funder deliverable</td>
</tr>
<tr>
<td>On-Farm</td>
<td>No Change</td>
<td>Perpetuity</td>
<td>85%</td>
<td>Minimum amount of saved water to trust is prorated as per the proviso to allow for matching funder deliverable</td>
</tr>
<tr>
<td>On-Farm Project Plus</td>
<td>100</td>
<td>25 years</td>
<td>60%</td>
<td>Plus = additional 10 years &quot;trust&quot; or, additional benefit TBD (source switch, etc.)</td>
</tr>
<tr>
<td>On-Farm</td>
<td>100</td>
<td>25 years</td>
<td>50%</td>
<td>Regular Eligible Project</td>
</tr>
</tbody>
</table>

Next Steps (if informational item):

If the Commission approves the recommended policy change, the new policy will take effect on the implementation of new irrigation efficiency funding received in the 2019-21 biennium and in future biennia.
January 21, 2021

TO: Conservation Commission Members
    Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: 2021 Conservation Accountability & Performance Program (CAPP)

Summary:
At the December 2019 Commission meeting, Commissioners took action to require elections training for conservation districts. That required training is now included as a component of the CAPP Accountability Standard 1, item #6.

Requested Action (if action item):
Approval of revised Conservation Accountability and Performance Program as presented.

Staff Contact:
Shana Joy, sjoy@scc.wa.gov, 360-480-2078

Background and Discussion:
The Conservation Accountability & Performance Program has been implemented in 2018-2020 virtually unchanged. The proposed CAPP for 2021 has been edited to include the newly required elections training for conservation districts as a component of Standard 1, the Accountability standard. Additionally, Regional Managers plan to work to update the Performance Standards in 2021 including input and review of draft(s) by conservation districts with the goal of bringing a further updated CAPP to the Commissioners in January of 2022.

Recommended Action and Options:
Approve the 2021 Conservation Accountability and Performance Program as presented.

Description
The Conservation Accountability and Performance Program (CAPP) is a combined mandatory and voluntary accountability and performance program for Washington conservation districts.

Authority
RCW 89.08.070 authorizes and directs the Washington State Conservation Commission (WSCC) to assist and guide local conservation districts across the state in the implementation of natural resource conservation programs. To accomplish this, the Commission has established guidelines and controls to govern the conservation districts’ use of state funds, property, and services.

Purpose & Background
The purpose is to improve the accountability and performance of each of the 45 conservation districts in the State of Washington. The basic philosophy is to always be looking for ways to improve programs and services, increase efficiency, and offer support to willing landowners and others.

Accountability Requirements
The accountability requirements checklist is comprised of statutorily required functions and activities that conservation districts must perform. Not meeting all legal accountability requirements may require the district board to meet with the Commission, the development of a performance improvement action plan, and follow-up assistance from Commission staff. Noncompliance may affect Commission funding eligibility.

Performance Standards
Standards are for districts’ use to evaluate how well they are doing by assessing themselves against a specified list of voluntary performance standards. The Commission’s goal is to help each district reach the highest possible level of performance. The focus is on interactive visits and learning experiences to help each participating district determine where it can improve its operation to get closer to where it wants to be as a highly functional organization. The Performance Standards checklist (2 through 8) is voluntary and for district internal use.
Commission Assistance
The Commission members and staff will assist and guide local conservation districts by:

- Providing transparent accountability requirements and performance standards;
- Providing on-going feedback to improve district performance;
- Providing assistance to enhance public confidence in conservation districts' abilities to provide effective and efficient delivery of programs and services;
- Ensuring that assistance is available to help districts achieve annual and long-range goals in an effective, efficient, economic, and ethical manner;
- Providing assistance for district oversight of responsible management and stewardship of public funds;
- Providing assistance and training to ensure that conservation district elections are open to public, as well as conducted according to the RCW and WAC.
- Center for Technical Development (CTD) to help build technical capacity:
- Assisting districts with engaging the public in identifying and measuring desired outcomes; and
- Allocating resources to districts in accordance with demonstrated conservation district needs and available funding.

Process Timeline:

January – March - The CAPP Accountability and Performance standards are sent to districts in the 1st quarter to be utilized in an optional self-evaluation early in the calendar year. The accountability section (Standard 1) of the checklist is required, and the performance section (Standards 2-8) is voluntary. Districts are encouraged to develop an action plan to follow-up on any capacity building activities that are identified.

April – June - An interim report of CAPP status will be prepared by staff for the May Commission meeting. Regional managers and other Commission staff, as needed, will continue work with districts on accountability and performance elements needing attention or improvement.

July - Annual CAPP report is prepared for the July Commission meeting. Commission members review the report and take action on recommendations from Commission staff. The Commission may, at their discretion, reduce or withhold funding to a district not in-compliance with all Standard 1 accountability requirements.

August – December - Commission regional managers, in consultation with applicable Commission staff, will continue working with districts to implement an action plan to address deficiencies under Standard 1 mandatory accountability requirements.
STANDARD 1
Compliance with Laws (required standard)

Conservation Districts must fulfill their legal requirements as Political Subdivisions of the State of Washington and comply with all laws and the Washington Administrative Code. This evaluation is based on the best available information at the time it is conducted. **Date Evaluation Conducted:**

<table>
<thead>
<tr>
<th>Compliance with Laws and Requirements</th>
<th>Citation (link to RCW or WAC)</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Annual report of accomplishments was submitted on time, in the prescribed format to the Commission.</td>
<td>RCW 89.08.070 (11)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>2. District Long Range Plan submitted on time &amp; meeting RCW and Commission requirements.</td>
<td>RCW 89.08.220 (7)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>3. District Annual Work Plan submitted on time &amp; meeting RCW and Commission requirements.</td>
<td>RCW 89.08.220 (7)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4. The District has made a demonstrated effort to address their top resource needs identified in their Long Range Plan.</td>
<td>RCW 89.08.220 (7)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>5. Upon request, District contracts and agreements have been submitted to the Commission</td>
<td>RCW 89.08.210</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>6. Supervisor elections &amp; appointments are conducted according to RCW and WAC requirements. At least one District representative (ideally Elections Supervisor) has completed mandatory Elections Training provided by the Commission.</td>
<td>RCW 89.08.190 &amp; 89.08.200, WAC 135-110</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>7. Annual financial reporting to State Auditor’s Office completed correctly and on time.</td>
<td>RCW 89.08.210</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>8. All State Auditor identified issues (during SAO audits) have been resolved to the extent possible.</td>
<td>RCW 89.08.070 (12)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>9. Open Public Meetings Act is followed including executive sessions.</td>
<td>RCW 42.30</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>10. State Public Records Act is followed.</td>
<td>RCW 42.56</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>11. All Board Supervisors and Public Records Officers are current on the required Open Public Meetings and Public Records Act Training.</td>
<td>RCW 42.30.210 &amp; RCW 42.56.150</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>12. Keeping public informed of Conservation District activities.</td>
<td>RCW 89.08.220 (13)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>13. State Ethics laws for public officials are being followed.</td>
<td>RCW 42.20 &amp; 42.23</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>14. District in compliance with terms of Commission/District Master Agreement.</td>
<td>RCW 89.08.070 (5)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>15. Demonstrated diligence in complying with state and federal statutes such as: contracting, employment/labor laws, etc., through adoption of up-to-date policies, training, and use of available resources such as MRSC and Enduris.</td>
<td>Various</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**Standard 1 Ideas for Improvement:**
STANDARD 2
Natural Resource Conservation

Conservation districts address natural resource concerns with landowners and land managers using incentive-based technical, financial, and educational assistance at the request of the landowner or manager.

Best Practices

A. Prioritizing Resource Concerns
Prioritizes which natural resource concerns to engage in based on community input and support, resource data, importance at state and regional levels, relevance, other groups working on the issue, magnitude of the issue, research conducted on issue, and appropriate role for the district.

B. Addressing Known Resource Concerns with Landowners
District actively provides contact and assistance to landowners (may not yet be a customer or cooperator) with known, high priority resource issues or in geographic areas of significant resource concern.

C. Services for Customers/Cooperators
District builds services and programs based on the needs of customers/cooperators for their conservation work along with the natural resource needs of the region. District actively engages customers/cooperators for their input on services and programs needed.

D. Quantifies Impact
District quantifies, in some method, its impact on the local natural resources by obtaining and/or maintaining quantifiable data on local impacts, maintains quantifiable cumulative impacts of district programs/work, and reports cumulative impacts to funders and other partners.

E. Technical Capacity
District has documented access to technical capacity to provide timely and efficient planning and implementation assistance for land owners to maintain conservation on the ground with reliable and consistent quality. For example, has certified technical employees, has access to at least one conservation planner, and participates in CTD data collection and certification programs.

F. Research & Technology Integrated
District integrates research and science into program development and implementation including connection with academic professionals; district offers to assist in advancing scientific research on emerging issues.

Standard 2 Ideas for Improvement
STANDARD 3
Board Governance & Policies

Conservation district boards govern and conduct the affairs of the organization to provide conservation services and programs for land owners within their district.

Best Practices

A. Board Roles & Responsibilities
Individual board members are informed of and understand their role and their responsibilities as local government board members and as representatives of a division of local government of Washington State, including their legal and fiduciary duties.

B. Board Governance & Leadership
Board of supervisors actively governs the district by demonstrating leadership in conservation stewardship as well as instilling an ethic and culture of constant improvement. Board has a written policy / procedure for supervisors and associate supervisors. Board leads budget development, strategic planning & implementation. The board leads and directs outreach efforts to engage the public who live in the district to serve on the board and to build partnerships with the District on natural resource conservation efforts.

C. Supervisor Participation, Vacancy Filling, Quorum
District board holds board meetings attended by a quorum of supervisors who have chosen a chair, actively pursues filling vacant supervisor positions, promotes the development of future board supervisors through community engagement and outreach, and have meetings rescheduled or cancelled due to lack of a quorum.

D. Board Effectiveness and Development
District board collectively does a self-assessment of overall board effectiveness, membership, and actively seeks board and supervisor development activities. Works with the Commission to develop needed and/or new supervisor and board development activities.

E. Effective Board Meetings
Regularly held and effective board meetings with well thought out agendas, minutes, active participation by supervisors and public (if present). Regular meetings ideally are less than 3 hours except under special circumstances. Board meetings should be held at least monthly with time and location advertised in local media and other conspicuous public locations. Meeting materials are distributed several days in advance to contribute to an effective meeting. There is a time and opportunity for public input at each board meeting. Meetings are not cancelled, except in special/extreme circumstances due to a lack of quorum. Staff input is sought by the board as needed or directed by the board. Board meetings are conducted in
accordance with the Open Public Meetings Act and with respect, tact, and professionalism to all who attend.

F. Legal Questions
District always utilizes proper legal counsel for legal questions and/or needs (Enduris, WSCC, MRSC, and/or an attorney). The District has a policy for when legal counsel is to be used, how it is to be used, and how the board engages the services of legal counsel.

G. District Operations Policies
Current district operations policies are reviewed and updated annually. When operations policy issues arise, the district utilizes needed expertise to address those issues and craft policies as needed.

Standard 3 Ideas for Improvement

STANDARD 4
Fiscal Oversight

Conservation district supervisors are ultimately responsible for the fiscal oversight for their conservation district and conducting the business affairs in a lawful, ethical and responsible manner.

Best Practices
A. Leveraging Financial & Other Resources
District is leveraging, or can demonstrate it has tried to leverage all their funding with other resources from other districts and local, state, federal, non-governmental or private partners.

B. Financial Reporting & Vouchering
All financial reporting and vouchering to the WSCC and other funders is on time, complete, accurate, and complies with funders’ financial policies and grants procedures.

C. Use of Allocated Funding
District has utilized WSCC and all allocated public funding in a timely manner, or has notified the funder at least three months before the end of the fiscal year that funding allocations for that fiscal year cannot be utilized, allowing for funding to potentially be used by another district.

D. Funding & Budgeting
District has adopted & followed a budget that maintains cash reserves to meet financial commitments.
E. Internal Financial Controls
District has excellent internal controls and policies that it follows to safeguard public funds. District has maintained clean internal and state audits for a minimum of two (2) audit cycles. District seeks out and utilizes good examples of effective internal controls and policies.

Standard 4 Ideas for Improvement

STANDARD 5
Human Resources

Conservation districts have skilled personnel to carry out their programs, whether volunteers, paid staff and/or consultants/contractors and have a governing board of five supervisors that actively govern the human resources policies of the district.

Best Practices
A. Delegated Authority
Any delegation of responsibilities (authority) to a district manager, or equivalent is clearly set out in writing, is consistent with board approval requirements of the WSCC, and commensurate with the experience of the board and manager, within the scope of the job description of the manager, and acknowledged by both the manager and board chair in writing.

B. Training
The district has an appropriate training policy and plan for all supervisors & staff. Staff and supervisors are actively participating in annual training opportunities (WACD, WADE, WSCC, Enduris, NRCS, etc.). The training policy includes actively pursuing opportunities for cross-training.

C. Performance Evaluations
Board members assure that performance evaluations are conducted for each staff member annually, and directly evaluate performance of the lead staff (manager, executive, director).

D. Personnel Policies & Procedures
Board members have developed and shared personnel policies and procedures with each employee.

Standard 5 Ideas for Improvement
STANDARD 6
Planning

Conservation districts build their long range and annual plans to address high priority resource concerns using public and partner input.

Best Practices
A. Public & Stakeholders Input for Program & Plan Development
Input is sought from public and stakeholders in program development, during annual and long range plan development, public and stakeholder input is gathered, and solicited before annual work plan and long range plan are approved by the board. At a minimum, one open public meeting in the community shall be held to seek input from the public and stakeholders.

B. Annual Work Plan
Annual Work Plan addresses the specific natural resource concerns in a prioritized manner as approved by the board of supervisors. The district board actively pursues implementation of activities to meet the goals of the annual plan.

C. Regular Review and Use of Annual and Long Range Plans
Meeting agendas are built with reference to annual and long range plan priorities and actions. Board members and staff regularly review and refer to annual and long range plans.

Standard 6 Ideas for Improvement

STANDARD 7
Partnering

Conservation districts partner with organizations and agencies in the delivery of conservation programs and projects.

Best Practices
A. Partnering with Public, Private, Tribal, and Nonprofit Partners
Demonstrated ability to work and coordinate with current and potential partners to identify and target areas for natural resource conservation and improvement, projects, opportunities for sharing funding, and workforce resources.

B. Partnering with Other Conservation Districts
Demonstrated ability to work and coordinate with other conservation districts to identify and target areas for natural resource conservation and improvement, projects, opportunities for sharing funding, and workforce resources.

C. Working Relationships with Elected Officials & Tribal Governments
District supervisors and staff have regular contact including meetings and tours, with elected officials and staff in cities, counties, state legislature, tribal government, and congress to provide information on conservation projects and services.

D. Participation in Affiliated Organizations
District supervisors and staff actively participate in affiliated organizations’ events, committees, elected positions, and activities (e.g., WACD, WADE, WCS, and NACD), including payment of annual membership.

E. Working Relationships with Conservation Commission
District supervisors and staff provide open and constructive feedback to the WSCC, and actively bring up and work to resolve in a timely manner any issues.

Standard 7 Ideas for Improvement

STANDARD 8
Public Outreach & Education

Conservation districts provide conservation information and education to a wide variety of audiences.

Best Practices
A. Public Outreach
District has a public outreach plan (in Annual and-or Long Range Plan plan) including regularly publishing and distributing information regarding district activities, as demonstrated by: press releases, newsletters, social media presence, district tours of projects, and distribution of information to partners, diverse stakeholders, and funders.

B. Youth Education
District has a youth education program assisting school teachers and administrators, including classroom and field activities that have a clear connection with school programs, the education requirements of the school district, and its related natural resource educational impact.

C. District Physical Location
Has a physical location that provides regular, weekday office hours for public access, information, and services. Office hours are clearly posted at office location and on district website. District has signage visible from a public right of way adjacent to the district office.
D. Annual Report of Accomplishments
Annual report of accomplishments includes outstanding examples of conservation work completed, compared to what the district planned to do or needs to do.

Standard 8 Ideas for Improvement

District Capacity Building Ideas, Actions & Record of Exceptional Activities

STANDARD 2 - Natural Resource Conservation

STANDARD 3 - Board Governance & Policies

STANDARD 4 - Fiscal Oversight

STANDARD 5 - Human Resources

STANDARD 6 - Planning

STANDARD 7 - Partnering

STANDARD 8 - Public Outreach & Education
January 21, 2021

TO: Conservation Commission Members

FROM: Carol Smith,
SCC Executive Director

SUBJECT: SCC Five-Year Strategic Plan Follow-up

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Action Item [X]

Informational Item [ ]

Summary:
Every five years the SCC reviews and updates their Five-Year Strategic Plan. This year, the agency is working to update the current 2016-2021 Strategic Plan with strategized input from commissioners, staff and our conservation community.

At the December 3, 2020 SCC meeting, commission members approved a timeline proposed by staff on how we could successfully achieve the completion of a 2022-2027 Strategic Plan.

The timeline and information following this memo indicates a review of the current statute, mission, vision and values during this meeting.

Requested Action (if action item):
Commission members may decide to approve to confirm the agency mission, vision and values.

Staff Contact:
Carol Smith, Executive Director: csmith@scc.wa.gov
SCC staff develops recommendations for strategic priorities

**Nov-March**

- **Dec SCC Meeting:** Commissioners review/approve process for developing plan.
- **Jan SCC Meeting:** Commissioners review statute, vision, mission, and values.

SCC staff develops recommendations for goals

**March-May**

- **Mar SCC Meeting:** Commissioners review/approve strategic priorities.

SCC seeks input from partners on strategic plan

**May-July**

- **May SCC Meeting:** Commissioners review/approve goals.

Finalize plan

**Sept 2021**

- **Sept SCC Meeting:** Commissioners approve 2022-2027 Strategic Plan.
- **July SCC Meeting:** Commissioners review partner input and consider revisions to strategic plan.
- **Sept SCC Meeting:** Commissioners review/approve strategic plan.
Our Mission…
To conserve natural resources on all lands in Washington State, in collaboration with conservation districts and other partners.

Our Vision…
Our state shall have healthy soils, water, air, and ecosystems, and sustainable human interaction with these resources, including viable agriculture and forestry.

The State Conservation Commission and conservation districts are recognized as trusted partners who incite voluntary stewardship and accomplish natural resource goals.

Our Values…

**Sustainability**  We envision a future with healthy, diverse landscapes — including viable working lands — voluntarily supported by informed resource stewards.

**Relationships**  We foster strong partnerships with a diversity of stakeholders and maintain open communication and transparency to create trust.

**Knowledge**  We value local knowledge, diverse cultures, and ideas. We strive to offer voluntary, collaborative solutions that reflect state, local, and community priorities.

**Accountability**  We employ clear policies, procedures, and performance measures that ensure effective, efficient use of public resources.

**Respect**  We exhibit personal and institutional integrity for agency members and staff, conservation districts, and our partners.
RCW 89.08.010

Preamble.

(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.

RCW 89.08.060

Assistance of other state agencies and institutions.

Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency or state institution of learning may, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission, members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

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.
RCW 89.08.341

Intergovernmental cooperation—Authority.

Any agency of the government of this state and any local political subdivision of this state is hereby authorized to make such arrangements with any district, through contract, regulation or other appropriate means, wherever it believes that such arrangements will promote administrative efficiency or economy.

In connection with any such arrangements, any state or local agency or political subdivision of this state is authorized, within the limits of funds available to it, to contribute funds, equipment, property or services to any district; and to collaborate with a district in jointly planning, constructing, financing or operating any work or activity provided for in such arrangements and in the joint acquisition, maintenance and operation of equipment or facilities in connection therewith.

State agencies, the districts, and other local agencies are authorized to make available to each other maps, reports and data in their possession that are useful in the preparation of their respective programs and plans for resource conservation. The districts shall keep the state and local agencies fully informed concerning the status and progress of the preparation of their resource conservation programs and plans.

The state conservation commission and the counties of the state may provide respective conservation districts such administrative funds as will be necessary to carry out the purpose of chapter 184, Laws of 1973 1st ex. sess.

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 89.08.530
Agricultural conservation easements program.

   (1) The agricultural conservation easements program is created. The state conservation commission shall manage the program and adopt rules as necessary to implement the legislature’s intent.

   (2) The commission shall report to the legislature on an ongoing basis regarding potential funding sources for the purchase of agricultural conservation easements under the program and recommend changes to existing funding authorized by the legislature.

   (3) All funding for the program shall be deposited into the agricultural conservation easements account created in RCW 89.08.540. Expenditures from the account shall be made to local governments and private nonprofits on a match or no match required basis at the discretion of the commission. Moneys in the account may be used to purchase easements in perpetuity or to purchase or lease easements for a fixed term.

   (4) Easements purchased with money from the agricultural conservation easements account run with the land.

RCW 89.08.615
Sustainable farms and fields grant program—Commission to develop in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation services—Use of funds—Grant applications.

   (1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

   (2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

RCW 89.10.010
Office of farmland preservation.

   (1) The office of farmland preservation is created and shall be located within the state conservation commission.
(2) Staff support for the office shall be provided by the state conservation commission.

RCW 89.50.020
Washington food policy forum established.

(1) The Washington food policy forum is established as a public-private partnership and its purpose is to develop recommendations to advance the following food system goals:

(4) The directors of the state conservation commission and the department of agriculture are responsible for appointing participating members of the food policy forum and no appointment may be made unless each director concurs in the appointment. In making appointments, the directors must attempt to ensure a diversity of knowledge, experience, and perspectives reflecting the issues to be addressed by the forum including, but not limited to:

Chapter 36.70A RCW
GROWTH MANAGEMENT—PLANNING BY SELECTED COUNTIES AND CITIES
RCW 36.70A.705
Voluntary stewardship program established—Administered by commission—Agency participation.

(1) The voluntary stewardship program is established to be administered by the commission. The program shall be designed to protect and enhance critical areas on lands used for agricultural activities through voluntary actions by agricultural operators.
TAB 2
PORTLAND (OR) – Water quality and endangered species in Washington rivers and Puget Sound will get a much needed boost following a judge’s sign-off late Friday on a historic settlement. The federal court order requires the U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology to take steps to reduce polluted runoff from land uses such as farming, grazing, logging, and septic systems.

“Today’s court order pushes Washington in a direction to control polluted runoff that impacts Puget Sound and state water quality, a direction it has strenuously resisted,” said Nina Bell, Executive Director of Northwest Environmental Advocates (NWEA), the organization that brought the lawsuit. “EPA and Ecology talk a good game about protecting salmon and orcas but talk is cheap. Both agencies have been sitting on their hands while polluted runoff from farms, urban areas, and logging assault salmon, orca whales, shellfish beds, and recreation in Puget Sound and on water quality across the whole state,” she added.

The order resolves a lawsuit filed by NWEA in 2016 challenging EPA’s failure to carry out federal laws that require states to create programs to control polluted runoff or face federal sanctions. While Washington has a state program to control logging pollution, it has no such program for farming and livestock grazing, and local governments have failed to carry out state laws to limit nutrient pollution from septic systems around Puget Sound.

“Today’s settlement ensures that three federal agencies will review Ecology’s work to make sure that the size of streamside buffers will be sufficient to protect salmon and other threatened and endangered species,” said Bell. “That’s important because we have already seen Ecology try to jigger the science to make buffers too small to protect salmon.”

The order requires:

- Ecology to complete guidance to farmers on actions that are necessary to protect water quality.
- Ecology to identify the width of streamside buffers that are needed on farmland to protect cold water needed by salmon.
- Ecology to specify the farm practices that are needed to meet water pollution clean-up plans.
- Ecology to identify where it is taking actions to control polluted runoff and report those actions to EPA.
- EPA to review a new Washington statewide nonpoint pollution plan in 2022.
EPA to submit its proposed approval of Washington’s nonpoint plan to expert federal fish and wildlife agencies to assess its impact on threatened and endangered species.

Bell explained that, “The order in this case includes a combination of commitments by federal and state agencies to ensure that Washington identifies how wide and how tall streamside buffers must be to protect salmon from extinction. That’s the first step in making sure that Washington’s rivers and streams have the protection they need. The next step is making those buffers a reality across the state.”

The lawsuit challenged EPA’s failures to conform with the Clean Water Act and the Endangered Species Act—to impose Congressionally-mandated funding cuts on Washington for failing to comply with a law that requires the state to protect water quality. The order was signed by U.S. District Court Judge John C. Coughenour.

NWEA is represented in this case by Paul Kampmeier at Kampmeier & Knutsen (Seattle) and Allison LaPlante at Earthrise Law Center of Lewis & Clark Law School (Portland).

- END -
THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL ADVOCATES,

Plaintiff,

v.

THE U.S. DEPARTMENT OF COMMERCE,
et al.,

Defendants.

Plaintiff Northwest Environmental Advocates ("Plaintiff"), Defendants the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration, and the United States Environmental Protection Agency ("EPA") (collectively, "Defendants"), and Defendant-Intervenor the State of Washington ("Washington") (collectively "Parties" or individually a "Party") state as follows:

WHEREAS, on January 23, 2018, Plaintiff filed its Second Amended and Supplemental Complaint (Dkt. No. 74) against Defendants alleging violations of the Administrative Procedure Act ("APA"), the Coastal Zone Act Reauthorization Amendments of 1990 ("CZARA"), the Clean Water Act ("CWA"), and Endangered Species Act ("ESA");
WHEREAS, CWA section 319(b), 33 U.S.C. § 1329(b), requires each state, after notice and opportunity for public comment, to prepare and submit to EPA for approval a management program for control of nonpoint sources of pollution that the state proposes to implement in the first four years beginning after the date of the submission;

WHEREAS, CWA section 319(b)(2), 33 U.S.C. § 1329(b)(2), provides that each management program proposed for implementation include, among other things, an identification of the best management practices (“BMPs”) and measures to be undertaken to reduce pollutant loadings resulting from categories of nonpoint sources that the state identifies as adding significant pollution in amounts contributing to not meeting water quality standards; an identification of programs to achieve implementation of the BMPs; and a schedule containing annual milestones for utilization of the program implementation methods and implementation of the BMPs identified in the management program. The section further specifies that the schedule provide for utilization of the BMPs at the earliest practicable date;

WHEREAS, CWA section 319(d)(1), 33 U.S.C. § 1329(d)(1), provides that EPA shall either approve or disapprove a nonpoint source management program, including a portion of a nonpoint source management program, submitted by a state and that, if EPA does not disapprove a management program or portion of a management program within 180 days, such management program or portion shall be deemed approved for purposes of CWA section 319;

WHEREAS, CWA section 319(h), 33 U.S.C. § 1329(h), provides that a state that has submitted a management program approved pursuant to CWA section 319(d), 33 U.S.C. § 1329(d), may apply for a federal grant in any fiscal year for the purpose of assisting the state with implementation of such management program;
WHEREAS, CWA section 319(h)(8), 33 U.S.C. § 1329(h)(8), provides that no grant to a state may be made under CWA section 319 in any fiscal year unless the EPA determines that such state made “satisfactory progress” in the preceding fiscal year in meeting the schedule specified by such state under subsection (b)(2) (“satisfactory progress determination”);

WHEREAS, on April 12, 2013, EPA issued Nonpoint Source Program and Grant Guidelines for States and Territories that emphasizes the importance of states maintaining current and relevant nonpoint source management programs to guide the use of CWA section 319 grant funds and urging states to review and update such programs every five years or risk a determination of unsatisfactory progress under CWA section 319(h)(8), 33 U.S.C. § 1328(h)(8);

WHEREAS, on September 14, 1988, Washington submitted its Nonpoint Source Water Quality Assessment and Management Program under CWA section 319, 33 U.S.C. § 1329, to EPA for review and approval;

WHEREAS, on October 13, 1989, EPA approved Washington’s Nonpoint Source Water Quality Assessment and Management Program pursuant to CWA section 319(d), 33 U.S.C. § 1329(d);

WHEREAS, Washington also transmitted and EPA approved Nonpoint Source Program submissions in 2000 and 2005;

WHEREAS, on July 20, 2015, Washington submitted its Water Quality Management Plan to Control Nonpoint Sources of Pollution to EPA for review and approval (“Washington’s 2015 Submission”);

WHEREAS, on August 21, 2015, EPA approved Washington’s 2015 Submission (“EPA’s 2015 Approval”);
WHEREAS, for the fiscal years 2014, 2015, 2016, 2017, and 2018, EPA determined under CWA section 319(h)(8), 33 U.S.C. § 1329(h)(8), that Washington had made “satisfactory progress” in meeting the schedule specified by Washington under CWA section 319(b)(2), 33 U.S.C. § 1329(b)(2);

WHEREAS, upon application by Washington and based on available appropriations, EPA has made annual grants under CWA section 319(h) to assist with implementation of Washington’s nonpoint source management program;

WHEREAS, ESA section 7(a)(2), 16 U.S.C. § 1536(a)(2), requires each federal agency to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species;

WHEREAS, by letter dated September 22, 2016, Plaintiff provided Defendants with 60-days’ notice of Plaintiff’s intent to sue under the ESA, alleging, among other things, that EPA had failed to initiate or complete consultation under ESA section 7(a)(2) for EPA’s approval of Washington’s 2015 Submission, and for EPA’s findings and funding decisions associated with CWA section 319 grants for Washington; and

WHEREAS, Plaintiff, EPA, and Washington, through their authorized representatives and without any admission or final adjudication of any issues of fact or law or waiver of any factual or legal claim or defense with respect to Plaintiff’s Second Amended and Supplemental Complaint, have stipulated to terms that they consider to be a fair, adequate, and equitable resolution of Plaintiff’s claims and to be in the public interest;

NOW, THEREFORE, the Parties agree and stipulate as follows:
1. Effective upon the date of entry of this Stipulated Order of Dismissal, EPA’s 2015 Approval of Washington’s 2015 Submission is remanded without vacatur to EPA, for reconsideration as provided for in Paragraphs 3, 4, and 7;

2. Washington shall complete agricultural BMP guidance to control nonpoint source pollution, known as the Clean Water Guidance for Agriculture (“guidance”), implement Washington’s nonpoint source management program as set forth below, and submit to EPA updates to Washington’s nonpoint source management program (“319 Plan Updates”), as follows:

   a. Washington shall complete the development of five chapters of the agricultural BMP guidance, consistent with 33 U.S.C. § 1329(b)(2)(A)–(B), including the chapter that addresses riparian areas on agricultural lands, on or before December 31, 2022 but in any event in time to be included in the 319 Plan Update identified in subsection (i) below;

      i. On or before December 31, 2022, Washington shall submit to EPA a 319 Plan Update that includes the agricultural BMPs identified to date, and a commitment: to use the BMPs for Washington’s CWA section 319 grant funding program; to develop and implement Total Maximum Daily Loads (“TMDLs”) and TMDL alternatives, including but not limited to Straight To Implementation projects, with nonpoint components; and for technical assistance work;

      ii. Washington shall complete the development of the remaining eight planned chapters of agricultural BMP guidance, consistent with 33 U.S.C. § 1329(b)(2)(A)–(B), on or before December 31,
2025 but in any event in time to be included in a 2025 319 Plan
Update;

iii. Agricultural BMP guidance chapters shall be made available to the
public in draft form on an ongoing basis not later than December
31, 2020;

iv. In the agricultural BMP guidance chapters, Washington shall
include numeric values for the BMPs except where it does not make
sense to do so. For the BMPs involving riparian areas, Washington
shall establish necessary widths, and base riparian buffer plant
composition guidance on mature vegetation communities composed
of native species and consistent with ecological site potential, to
meet water quality standards to the extent possible;

v. Washington shall provide approximate pollutant
removal/reduction information for those BMPs in the guidance
chapters that have pollutant removal/reduction information
available in the existing literature;

vi. Washington’s future 319 Plan Updates shall specify that the
BMPs in the guidance chapters shall be used in Washington’s
CWA section 319 grant funding program; to develop and
implement TMDLs with nonpoint components; and for technical
assistance work;

vii. Washington shall include Plaintiff, the Washington Farm Bureau
Federation, and the Washington Cattlemen’s Association on the
emails for all of the BMP guidance committees’ correspondence;

b. Update Funding Guidelines.

i. As agricultural BMP guidance chapters are developed for each practice category, Washington shall update its grant funding guidelines (for BMP project eligibility) to reflect the recommendations of the guidance;

c. New TMDLs - Incorporate Recommended BMPs.

i. Washington shall include recommended suites of BMPs in TMDLs or TMDL implementation plans to meet load allocations;

ii. If watershed specific information requires more protective BMPs or suites of BMPs than the guidance, TMDLs or TMDL implementation plans shall include modified BMPs to reflect the load allocations in the TMDL;

d. Watershed Evaluations, Complaint Response and Technical Assistance.

i. When pollution sources are identified and property operators are contacted, Washington shall discuss and recommend BMPs consistent with the agricultural BMP guidance;

ii. Washington shall track what BMPs are implemented at those sites.

iii. Washington shall provide training to its field staff on how to use the BMP guidance;

iv. Washington shall develop outreach materials for each set of BMPs that can be used by field staff to assist in Washington’s communication and recommendation of BMPs;
e. CWA section 319(h) Annual Work Plans.

   i. Washington shall identify the priority watersheds in which Washington will focus its non-grant implementation efforts (e.g., TMDL implementation, other nonpoint source control implementation);

   ii. Washington shall include a description of priority actions to be conducted in each priority watershed;

f. CWA section 319(h) Annual Reports.

   i. Washington shall submit annual reports to EPA that address each component in Washington’s nonpoint source management plan that addresses the elements of 33 U.S.C. § 1329(b)(2);

   ii. Washington shall add a section that pertains to non-grant related BMP adoption and efforts pertaining to the annual work plans; and

   iii. Washington shall also include the following information in each annual report to EPA:

       A. Update about the status and progress of BMP guidance development;

       B. Description of updates to Washington funding guidelines based on BMP guidance development;

       C. Use of BMP guidance for technical assistance;

       D. Use of BMP guidance in new TMDLs and TMDL implementation plans, TMDL implementation, and
TMDL alternatives;

E. BMP outreach materials developed and training provided
to field staff;

F. Number of watershed evaluations conducted per
watershed; and

G. Number of complaints received and summary of complaint
types.

3. EPA’s reconsideration of Washington’s 2015 Submission shall be stayed until
January 2, 2023 (or the next business day after Washington submits the December 2022 319 Plan
Update required by Paragraph 2(a)(i) if that submission date is extended under Paragraphs 10 or
11), and such reconsideration shall not be required in the event that Washington transmits to
EPA Washington’s December 2022 319 Plan Update in a timely manner under Paragraph 2(a)(i);

4. If Washington does not transmit a 319 Plan Update in a timely manner under
Paragraph 2(a)(i), or as extended by Paragraphs 10 or 11, then EPA shall take final action on its
reconsideration of EPA’s 2015 Approval of Washington’s 2015 Submission within 180 days of
the date by which Washington was required to transmit its 319 Plan Update under Paragraph
2(a)(i) or as extended by Paragraphs 10 or 11;

5. If Washington transmits a 319 Plan Update in a timely manner under Paragraph
2(a)(i), or as extended by Paragraphs 10 or 11, then within 180 days of EPA’s receipt of that
319 Plan Update, EPA shall review it and take final agency action either approving or
disapproving it. In conducting its review EPA shall consider EPA’s Nonpoint Source Program
and Grants Guidelines (April 2013), including Appendix A. Plaintiff, EPA, and Washington
agree that EPA’s discretion shall not be constrained as to the substance of that review;
6. If Washington transmits a 319 Plan Update that is timely under Paragraph 2(a)(i), or as extended under Paragraphs 10 or 11, then within 150 days of EPA’s receipt of that 319 Plan Update, EPA shall make an effects determination, pursuant to 50 C.F.R. § 402.14(a), on EPA’s approval, if any, of that 319 Plan Update and, as appropriate, request initiation of ESA section 7 consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service;

7. If Washington does not transmit a 319 Plan Update that is timely under Paragraph 2(a)(i), or as extended by Paragraphs 10 or 11, then by the next business day that is 150 days after the deadline for submitting the 319 Plan Update established by Paragraphs 2(a)(i), 10, or 11, EPA shall make an effects determination pursuant to 50 C.F.R. § 402.14(a), on EPA’s action upon reconsideration of Washington’s 2015 Program Submission and, as appropriate, request initiation of ESA section 7 consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service;

8. EPA shall make an effects determination pursuant to 50 C.F.R. § 402.14(a), on the satisfactory progress determination for Washington that EPA makes after the deadline set forth in Paragraph 2(a)(i), or as extended by Paragraphs 10 or 11, and, as appropriate, request initiation of ESA section 7 consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service. If EPA determines that Washington made satisfactory progress in the preceding fiscal year, then EPA shall make an effects determination pursuant to 50 C.F.R. § 402.14(a), on Washington’s next CWA section 319 grant award after the date in Paragraph 2(a)(i), or as extended by Paragraphs 10 or 11, and, as appropriate, request ESA section 7 consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service;
9. Notwithstanding the commitments in Paragraphs 6–8, EPA does not concede that CWA section 319(b) program submissions, CWA section 319(h)(8) satisfactory progress determinations, or CWA section 319(h) grant awards are “actions” within the meaning of 50 C.F.R. § 402.02 and EPA reserves all available defenses to Plaintiff’s ESA claims. EPA’s commitments under Paragraphs 6–8 shall not be admissible in any proceeding except one to resolve Plaintiff’s motion for costs and attorneys’ fees in this case, or one to enforce this Stipulated Order of Dismissal;

10. If, due to unforeseen circumstances, EPA or Washington are unable to meet the deadlines in this Stipulated Order of Dismissal, EPA and Washington may seek reasonable modifications of the deadlines. In such a circumstance, EPA or Washington will notify Plaintiff of the requested modification and the reasons therefor, as set forth in Paragraph 11 below. By signing below, the Parties specifically acknowledge that Washington is using a multi-agency effort to address riparian buffers and anticipates that it will be able to meet the 2022 deadline for completing the riparian buffer BMP. If it appears that the 2022 deadline may be in jeopardy, Washington will give Plaintiff the earliest possible notice and Plaintiff agrees to take into account the multi-agency effort in considering a request by Washington to extend the deadline;

11. This Stipulated Order of Dismissal may be modified by the Court upon good cause shown, consistent with the Federal Rules of Civil Procedure, by written stipulation between the Parties filed with and approved by the Court, or upon written motion filed by one of the Parties and granted by the Court. In the event that any Party seeks to modify the terms of this Stipulated Order of Dismissal, or in the event of a dispute arising out of or relating to this Stipulated Order of Dismissal, or in the event that any Party believes that another of the Parties has failed to comply with any term or condition of this Stipulated Order of Dismissal, then the
Party seeking the modification, raising the dispute, or seeking enforcement shall provide the other Parties with notice of the claim. The Party raising the dispute shall commence an informal dispute resolution period to be no shorter than 30 days or other reasonable time under the circumstances, by giving written notice to the other Parties stating the nature of the matter to be resolved and the position of the Party asserting the controversy. The Parties agree that they will meet and confer (either telephonically or in-person) at the earliest possible time during the informal dispute resolution period in a good faith effort to resolve the claim before seeking relief from the Court. If the Parties are unable to resolve the claim themselves, any Party may seek relief from the Court;

12. In the event that either EPA or Washington or both fail to meet a deadline or fail to perform an obligation established by this Stipulated Order of Dismissal, and have not sought to modify it pursuant to the procedures set forth in Paragraphs 10 and 11, Plaintiff shall not move for contempt; rather, Plaintiff’s sole remedy shall be to enforce the terms of this Stipulated Order of Dismissal, which may include having the Court establish a new deadline for any action required by this Stipulated Order of Dismissal. Additionally, Plaintiff shall not challenge the content of EPA’s effects determinations under Paragraphs 6–8 in a motion to enforce this Stipulated Order of Dismissal;

13. **Force Majeure**—The possibility exists that circumstances outside the reasonable control of EPA or Washington could delay compliance with the deadlines contained in this Stipulated Order of Dismissal. Such situations include, but are not limited to, sufficient funds not being appropriated as requested, appropriated funds not being available for expenditure, a federal government shutdown, or a catastrophic environmental event requiring an immediate and/or time-consuming response by EPA or Washington. Should a delay occur due to such
circumstances, any resulting failure to meet the timetables set forth herein shall not constitute a
failure to comply with the terms of this Stipulated Order of Dismissal, and any deadlines so
affected shall be extended one day for each day of the delay. EPA or Washington (whichever is
affected by Force Majeure) will provide Plaintiff and the Court with reasonable notice in the
event that EPA or Washington invokes the terms of this Paragraph, at which point the Parties
will meet and confer on extending the deadline and modifying this Stipulated Order of Dismissal
under Paragraphs 10 and 11 herein;

14. Plaintiff hereby forever covenants not to assert against EPA (by way of the
commencement of an action, the joinder of EPA in an existing action or in any other fashion) any
and all claims, causes of action, suits or demands of any kind whatsoever in law or in equity, that
Plaintiff may have had, or may now have, against EPA based upon the same transactions or
occurrences that are at issue in the Complaint, Amended Complaint, and Second Amended and
Supplemental Complaint in this case. The Parties agree not to appeal any earlier Order of the
District Court in this case;

15. Upon entry of this Stipulated Order of Dismissal, this action is dismissed with
prejudice under Federal Rule of Civil Procedure 41(a)(2). Except as provided in Paragraph 14
herein, nothing in this Stipulated Order of Dismissal shall preclude Plaintiff from challenging, in
a separate suit, any final agency action taken pursuant to the obligations set forth herein or any
final decisions under CWA section 319, ESA section 7(a)(2), or 16 U.S.C. § 1455b;

16. Plaintiff reserves the right to seek recovery of its attorneys’ fees and costs
incurred in connection with this action. Pursuant to 28 U.S.C. § 2412 and Federal Rule of Civil
Procedure 54(d), Plaintiff shall file its petition for fees and costs for all of its claims within 30
days of entry of this Stipulated Order of Dismissal. By entering into this Stipulated Order of
Dismissal, EPA does not waive any right to contest attorneys’ fees or costs sought by Plaintiff in this action;

17. Plaintiff reserves the right to seek additional fees and costs incurred subsequent to this Stipulated Order of Dismissal arising from a need to enforce this Order with respect to any EPA deadline or action;

18. This Court shall retain jurisdiction over this matter to construe, carry out, enforce, modify, or resolve any dispute regarding the terms and conditions of this Stipulated Order of Dismissal;

19. This Stipulated Order of Dismissal shall become effective upon the date of its entry by the Court. If for any reason the Court does not enter this Stipulated Order of Dismissal, the obligations set forth in this Stipulated Order of Dismissal are null and void;

20. This Stipulated Order of Dismissal is not to be construed as a concession by any Party as to the validity of any fact or legal position concerning the claims or defenses in this action;

21. Nothing in this Stipulated Order of Dismissal shall be interpreted as, or shall constitute, a commitment or requirement that EPA is obligated to pay any funds exceeding those available, or take any action in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other appropriations law; and

22. No provision of this Stipulated Order of Dismissal shall be interpreted as or constitute a commitment or requirement that EPA take action in contravention of the CWA, ESA, the APA, or any other law or regulation, either substantive or procedural. Nothing in this Stipulated Order of Dismissal shall be construed to limit or modify the discretion accorded to
EPA by law with respect to the procedures to be followed in completing the actions set forth above or the substance of any EPA decision under CWA section 319.

Each undersigned representative of the Parties certifies that he or she is fully authorized to enter into and execute the terms and conditions of this Stipulated Order of Dismissal.

IT IS SO STIPULATED. Dated this 15th day of December, 2020.

For the State of Washington and the Washington State Department of Ecology:

/s/Ronal L. Lavigne
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Attorneys for Defendant-Intervenor State of Washington

For the Federal Defendants including the U.S. Environmental Protection Agency:

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Attorneys for Plaintiff Northwest Environmental Advocates

IT IS SO ORDERED.

DATED this 8th day of January 2021.

John C. Coughenour
UNITED STATES DISTRICT JUDGE
January 21, 2021

TO: Conservation Commission Members
   Carol Smith, SCC Executive Director

FROM: Ron Shultz, WSCC Policy Director
      Alison Halpern, WSCC Policy Assistant

SUBJECT: 2021 Legislative Update

Summary:
The 2021 Legislative Session began Monday, January 11. This will be a long, 105-day session. COVID restrictions on in-person meetings will change how the session is conducted. The legislature will take up the biennial operating and capital budgets as well as other important issues.

Requested Action (if action item): No action. Information only.

Staff Contact:
Ron Shultz, WSCC Policy Director  rshultz@scc.wa.gov
Alison Halpern, WSCC Policy Assistant  ahalpern@scc.wa.gov

Background and Discussion:
The 2021 Legislative Session began on Monday, January 11. This will be a long 105-day session where the primary action will be to pass the 2021-23 operating and capital budgets. Other issues of priority this session include equity, policing, COVID response, and climate change.

Due to ongoing COVID restrictions, the legislature will not conduct in-person committee meetings or in-person meetings with constituents. All meetings with members will be by phone or web video. Committee meetings will be broadcast on the web, and all testimony on legislation will be remote. One advantage to this approach is this year you won’t need to travel to Olympia to testify. Instead, you’ll be able to testify on legislation from your home or office.
Legislative Committees and Members

Committees and their membership have been established by the legislature. Attached to this memo is a list of the key committees we will be tracking and their members. Also attached is a list of the members from the committees. The list includes their legislative district and the counties covered by the district so you can identify the conservation district associated with the member.

Governor’s Budget Proposal

Information has already been distributed to the Commission regarding the Governor’s budget proposals. As a reminder, our agency budget comparison sheet is attached. Of course, the legislature will now consider the Governor’s budget and develop a budget of their own. They will likely act on the supplemental budget soon because it covers the current fiscal year. The legislative proposals for the next biennium will be developed after the next revenue forecast, which comes out in mid-February.

The Governor’s proposal for the next biennium anticipates a deficit and therefore agencies are taking a relatively small reduction. It’s been hoped that Congress would pass economic stimulus legislation that would include funding for state and local governments. This funding was not included in the most recent package passed by Congress. Some hope the Biden Administration and the new Congress will pass an economic recovery bill that includes this state relief. But recent information suggests Congress may not be willing to do so. In any case, the Governor’s budget proposal for the next biennium anticipates NOT receiving any more federal funding. This is probably a “plan for the worst, hope for the best” strategy.

Prefiled Legislation

Legislators are already dropping legislation. Called “prefiling”, these bills will be formally introduced once session opens. One prefilled bill of interest at the time of this writing (January 7) is HB 1056, which provides for local and state meetings to be conducted remotely when there’s a declared emergency or disaster.

Other Bills of Interest

As session gets closer we’re hearing of other legislation that may be introduced. These may include:

- Incorporating the concept of net ecological gain (NEG) into Growth Management Act (GMA) planning. NEG is defined as a standard in which the ecological integrity within the overall planning area is improved and enhanced during the planning period as a result of the measures adopted by the planning body.
- Water banking in the Methow watersheds. Current discussions on the proposed legislation have the local conservation district working with landowners on placing water into a local water bank.

- Implementation of the Walla Walla Watershed Management Plan by the Walla Walla Conservation District. The plan was completed in 2020 by the management group. The group now endorses plan implementation by the Walla Walla CD. However the statute creating the planning entity expires in 2021 and there is no funding for plan implementation.

- Implementing a carbon tax or other form of carbon revenue to fund capital bonds for “green” projects.

**Recommended Action and Options (if action item): No action requested.**

**Next Steps (if informational item):**

WSCC staff will continue to monitor legislation and engage with legislators as the session progresses. WSCC staff will also continue to work closely with WACD.
January 21, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: District Operations and Regional Manager Report

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Action Item

Informational Item X

Report Summary:
Regional Managers offer this report of recent activities and support provided to conservation districts.

Ongoing Service Areas to Conservation Districts
- Partnering and Relationships Assistance
- Conservation Accountability & Performance Program (CAPP) Assistance
- New Supervisor and Staff Orientations and Professional Development
- Task Order Development
- Tracking Grant Spending and Vouchering
- Open Government Training
- Cultural Resources
- Project Development & CPDS
- Natural Resource Investments & Shellfish Programs
- Implementation Monitoring
- Long Range and Annual Planning Assistance
- Cross-pollination of Information, Templates, and Examples
- CD Audits
- Chehalis Basin
- Commission Meeting Presentation Planning
- District Digest Publication
- Human Resources (law/rule updates, hiring, performance evaluations, compensation, healthcare, issues)

Conservation District Service, Recent Topics
- Wildfire Recovery
- COVID 19 Operations
- Elections and Appointments
- Finance Tracking & Management
• Direct Deposits
• Annexation
• District Name Change
• Hazard Mitigation Grant
• National Estuary Program Grant
• ACEP/Conservation Easements
• Orca/Salmon Funding
• District Governance
• Property Management

• Task Orders
• Cultural Resources
• SCC & District Policy Development
• Prevailing Wage
• New Staff Orientation and Training
• FY21-23 Budget Questions
• NRI Committee
• Heritage Gardens Program
• NACD TA Grants

Issues Resolution in Progress

• Cash-flow & finance challenges
• Personnel management: issues, turnover, capacity gaps, transitions
• Inter-district relationships and partnering
• Grant vouchering requirements

ACEP Assistance

SCC staff have been working with a small committee of partners including NRCS, WALT, Skagit Conservation District, and WA Farmland Trust to recruit and hire a new ACEP Liaison position hosted by the Skagit CD. The committee is excited that Alexandra James will be starting work in this new position on January 19th and beginning orientation and training with the committee members. Alexandra will be working closely with NRCS ACEP Program Manager, Carlee Elke, to work through the backlog of ACEP-ALE easements in the hopper for the numerous RCPP's across the state. For more information, please contact Shana Joy or Kate Delavan.

COVID 19 Response

The Regional Manager team continues to provide timely resources, information, FAQ’s, and sometimes just moral support to conservation districts as we all navigate the ongoing COVID 19 pandemic. This includes looking up, tracking, and reviewing numerous proclamations and published guidance and resources, finding solutions to specific questions and issues as they arise, researching websites, blogs and articles as stimulus packages and programs are unveiled, helping districts to remain in compliance with the OPMA and conduct of remote board meetings, and generally facilitating the sharing of ideas, solutions, and resources among the districts.

Chehalis Basin

Josh Giuntoli represents the Commission as an ex-officio member of the Chehalis Basin Board. Since the last report, the U.S. Army Corps of Engineers has released the draft environmental
review of the Flood Control District's proposal under the National Environmental Policy Act (NEPA). The Corps accepted public comments on the draft NEPA EIS through November 17, 2020.

Significant board activity centered on developing next steps and actions related to the Governor’s pause of the draft Ecology SEPA and direction to develop recommendations on a process for addressing concerns raised by the flood retention dam. The board is to focus particularly on the development of a basin-wide, non-dam alternative to flood damage reduction and evaluating the potential to avoid, minimize, and mitigate the impacts of the flood retention and other flood risk reduction projects. This has led to development of a proposed Local Actions Program that can be used in the process requested by the Governor. A key element of this work are two advisory groups (Technical and Implementation). The Technical Advisory and Implementation Advisory Groups, along with input from tribes, stakeholders, and interested members of the public will identify and analyze local action options for the Board’s consideration. The Board, by March 30, 2021, will evaluate the potential for local actions to reduce flood damage, with or without a proposed flood retention facility.

CDs continue to engage in work associated with the Early Action Reaches within the Aquatic Species Restoration Program (ASRP) and continue to provide valuable on-the-ground work in the Basin. CD staff from Lewis, Thurston, and Grays Harbor are members of the two advisory groups and provide technical expertise. Josh continues to convene a monthly meeting of Chehalis Basin CDs and partners (lead entity, Office of Chehalis Basin, WDFW, and others) to provide direct updates with each on work and activity in the Basin.

**Partnerships & Partnering Assistance**

Most recently, the RM team has assisted with partnering or participated in partner and relationship building efforts with: WADE, Center for Technical Development, WACD, DNR, NRCS, Ecology, NASCA, WDFW, NACD, Washington Association of Land Trusts, State Auditor’s Office, RCO, Department of Veterans Affairs, WA Fire Adapted Communities Learning Network, Washington Conservation Society, and Arid Lands Initiative.
January 21, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: 2020 Conservation District Audits Report

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**Summary:**
The State Auditor’s Office (SAO) published 21 audit reports for 16 conservation districts in calendar year 2020. The type(s) of audit conducted for each district is shown here:

The following conservation districts received accountability audits:
Asotin County, Cascadia, Foster Creek, Franklin, Lewis, Lincoln, Palouse, Stevens County, Underwood, and Wahkiakum.

The following conservation districts received accountability and financial statements audits:
King, Kittitas County, Pierce, Snohomish, and Whatcom.

The following conservation district received federal single and financial statements audits:
Columbia.

No findings or management letters were issued as a result of any of the audits completed in 2020. The SAO generally provides one or more exit recommendations at the conclusion of each audit that highlight minor areas for improvement such as a policy update that may be needed, adjustments to the use of accounting codes, IT protocols, or similar. Any exit recommendations are usually acted upon immediately by the conservation districts.

**Staff Contact:**
Shana Joy, sjoy@scc.wa.gov, 360-480-2078
**Background and Discussion:**

The SCC has a strong partnership with the Washington State Auditor's Office to perform audits of all conservation districts as required by law. Accountability audits are required at least every three years. Financial statements audits are required for districts that receive $2M or more in annual revenue or expend more than $750,000 in federal funds. Federal single program audits are required for Districts that expend $750,000 or more in federal funding in a given year; a federal single program audit automatically triggers a financial statements audit as well.

Regional Managers attend audit entrance and exit conferences with the districts and SAO staff as time allows, monitor progress and assist with resolution of any identified issues as part of the Conservation Accountability and Performance Program.

**Next Steps:**

The schedule of conservation district audits planned for 2021 will soon be available and those districts will be notified by Regional Managers and contacted by the SAO staff to schedule their audit(s). A report on conservation district audits conducted by the State Auditor’s Office in 2021 will be provided to the Commissioners in January of 2022.
January 21, 2021

TO: Conservation Commission Members
    Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: Natural Resource Investments (NRI) Committee Update

Summary:
A Natural Resources Investments (NRI) Committee was formed in the fall of 2020 to review the NRI program guidelines and recommend updates to those guidelines for the upcoming new FY21-23 biennium. This is an update on the work of the NRI Committee and the options currently being considered. It is anticipated that a full package of recommended updates will be presented at the March Commission meeting with a request for approval to distribute the recommendations for review and comment by all conservation districts. Commission action to adopt the final, updated NRI program guidelines will be requested at the May Commission meeting.

Staff Contact:
Shana Joy, sjoy@scc.wa.gov, 360-480-2078

Background and Discussion:
The NRI Committee is composed of the following members:

<table>
<thead>
<tr>
<th>Member</th>
<th>Organization</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold Crose</td>
<td>WSCC</td>
<td>Commissioner</td>
</tr>
<tr>
<td>Joe Holtrop</td>
<td>Clallam CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Elsa Bowen</td>
<td>Lincoln Co. CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Megan Stewart</td>
<td>Asotin Co. CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Amy Martin</td>
<td>Okanogan CD</td>
<td>Conservation Director</td>
</tr>
<tr>
<td>Al Cairns</td>
<td>Jefferson Co. CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Zorah Oppenheimer</td>
<td>Clark CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Tova Tillinghast</td>
<td>Underwood CD</td>
<td>Manager</td>
</tr>
<tr>
<td>Heather Wendt</td>
<td>Benton &amp; Franklin CDs</td>
<td>Assistant Manager</td>
</tr>
</tbody>
</table>
The NRI Committee has met five times to date and work has focused on crafting a future vision for NRI funding, identifying and working to address administrative challenges with utilizing NRI funds, introducing additional flexibility for districts, and crafting a new tool for the toolbox. The vision for NRI funding is included here as Attachment A to this memo.

District Sponsored Project – a New Tool in the Box

The new tool under exploration is an additional eligible project type that is currently being called a ‘district sponsored project’. A district sponsored project would be different than the traditional cost-share structure with individual landowners. A district sponsored project would provide greater flexibility for a district to make the most of the available NRI funding – to fill a gap in funding to complete a large watershed-scale salmon recovery project, including providing more usefulness as match for some of these large projects, or to work with multiple landowners in an area to reduce vegetative fuels for wildfire resiliency without the restriction of requiring a landowner contribution or cost-share contract. With a district sponsored project, the district takes on the responsibility of hiring contractors directly and properly (including any prevailing wage requirements) and securing permits while still ensuring landowner cooperation and permission for work to occur on private lands.

With this new project type, the Committee is proposing that the district also be responsible for structuring and entering into a written agreement with private landowners that fits the particular project in question which is different than the cost-share structure currently in place where the SCC template is required for district use. Each district would be responsible for their own agreement with landowners within the NRI program guidelines for the funding in place between the SCC and the district. It is anticipated that an optional template will be provided to the districts to use with landowners.

This new project type is still being vetted both through the NRI Committee discussions and administratively and internally at the SCC. We still have some questions to answer and logistics to iron out. A thorough presentation on the work of the NRI Committee is anticipated for the March Commission meeting. Any questions, comments, or concerns in the meantime may be directed to Shana Joy or any Regional Manager.
January 21, 2021

TO: Conservation Commission Members
   Carol Smith, SCC Executive Director

FROM: Bill Eller, Commission Election Officer

SUBJECT: Investigation of an allegation of insufficient notice of the South Yakima Conservation District 2020 election

Background Summary:
During the public comment period of the December 3, 2020 regular Commission meeting, a member of the public alleged that there was insufficient notice given by the South Yakima Conservation District (SYCD) for their 2020 election.

SYCD’s election in 2020 was set for March 18, 2020. A review of Commission records for the 2019-2020 election cycle shows that SYCD provided the required minimum notice of the intent to adopt an election resolution under Washington Administrative Code (WAC) 135-110-220 (1)\(^1\) and of the adopted election resolution.\(^2\)

SYCD was one of 32 conservation districts that automatically elected its incumbent, using WAC 135-110-370.\(^3\) WAC 135-110-370 required additional notice to the public of the canceled election, due to the automatic re-election of the incumbent. A review of Commission records shows that the SYCD complied with the additional cancellation notice, as required by WAC 135-110-370.

As a result, at the May 2020 Commission meeting, the Commission certified and announced the automatic re-election of the incumbent for SYCD.

Requested Action:
No action needed.

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\(^1\) The requirement to publish the notice of the intent to adopt an election resolution in WAC 135-110-220 (1) was eliminated by the Commission at their September 2020 meeting, effective October 22, 2020. Notice of the adopted election resolution is now the minimum required notice to the public of a conservation district’s election. See WAC 135-110-220 (1), effective October 22, 2020.


\(^3\) WAC 135-110-370 was repealed by the Commission at their September 2020 meeting, effective October 22, 2020.
Staff Contact:
Bill Eller, Commission Election Officer, beller@scc.wa.gov, 509-385-7512.
WSCC Center for Technical Development (CTD)

January 2021 Commission Meeting

CTD Work Accomplishments (July 2020 forward)

For previous accomplishments and task completion, please review previous commission packet updates.

Explore more @ www.wactd.org

Certification

CTD Planner Certifications: The CTD Planner Certification Program accepted its first round of applications May 1, 2020 and successfully certified seven individuals. The next round of applications will be accepted on a rolling basis and the next round of reviews will occur in early spring 2021. Based on feedback from applicants and the review team, the CTD has streamlined the application process by moving the entire application submission process to SmartSheet. This will allow a cleaner submission process for applicants and a more efficient review process for the review team. The CTD will hold a webinar in early 2021 to introduce the new application process and answer questions as well as offer pre-application “interviews” to get folks started right and ensure they have everything they need to apply.

Plan Templates: The CTD has enrolled assistance with creation of a Statewide Farm Planning template and helpful links to planning resources/tools. The template should be complete by early 2021 and will provide consistency in statewide planning as well as template availability to those Districts without such resources on hand.

Planner Resources: With ongoing changes imposed by the COVID-19 pandemic on work environments and increase of virtual platform use, the CTD launched an immediate response for District staff by posting a large number of virtual support tools and training opportunities on our webpage and via GovDelivery. We continue to update that almost daily by providing links to new opportunities and content for more effective remote working.

NRCS Planner Designations: The CTD continues to work with NRCS to help District staff through the NRCS Planner Designation process. NRCS and CTD recently collaborated on a new guidance document for District staff on how to negotiate the NRCS Planner Designation process and tackle challenges with AgLearn. A webinar was held in October in conjunction with the release of the documents to help District staff understand the NRCS process and timeline. That webinar, like all CTD-hosted webinars, is available for viewing on the CTD website.

Training

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NRCS Collaboration: The CTD continues to work with NRCS on coordination of training events to ensure better organization and placement of CD staff in NRCS trainings. The CTD proposed a 5-year cooperative agreement with NRCS and WSCC to share the cost of a fulltime Training Coordinator position. While NRCS approved the agreement, as of December 2020 the agreement has not yet been fully executed. NRCS partners recently updated CTD leadership that the funding is now allocated, although it may be some time until the agreement is fully realized. The execution of this position would exponentially expand the CTD’s reach and impact to help District staff through training, certification, and support processes.

National Conservation Planning Partnership (NCPP): The CTD has been working with the National Conservation Planning Partnership (NCPP) and attends regular (bi-monthly) web-meetings with the group to discuss national training and certification opportunity for Districts. This has been a great forum for the CTD to both give and receive feedback and ideas for advancing these opportunities nationally and in Washington State.

Training Needs Inventory (TNI): The CTD conducted its annual TNI in close coordination with NRCS in the summer of 2020, informing NRCS of District training needs in the coming year. The TNI is tailored to identify those NRCS training events CD staff need and engage CD staff in the CTD and NRCS certification processes. This information also helps inform and guide CTD-sponsored trainings and Task Order requests. The CTD will again coordinate with NRCS on the timing and release of a 2021 TNI, as more information is released on available trainings.

Training Events: Due to the COVID-19 situation, scheduled training is constantly being updated and dates changed. The CTD is keeping in regular contact with NRCS and posting new information on the CTD website. Additionally, with the long-term uncertainty associated with holding in-person training, the CTD continues to advocate with NRCS to consider/create more web-based training events. We have received word that several key NRCS trainings will be offered virtually this year and will update and coordinate District staff attendance in those trainings as soon as registration information is available.

In particular, the CTD is working on development of two different multi-day, modular, and web-based trainings; a version of the Conservation Planning, Part 2 course to be available to District staff, interns, and partners, and a multi-day online Aquatic Permit Training module. The permit module will be held this spring, and have relevance for both District and NRCS staff; it will also be recorded for those unable to attend the live training. The CTD remains responsive to District staff needs for training. The CTD continues to strengthen their training partnership with NRCS and hopes that these web-based modular trainings will also serve as a pilot for ongoing collaboration with fully online and hybrid web-classroom training opportunities.

The CTD continues to curate and host a monthly webinar training series focused on planning and timely topics. The webinars have been well-received and well-attended (30-40 attendees per webinar on average) and are advertised on the CTD website, newsletter, and through special email announcements. In November 2020, we added a monthly webinar sharing series, focused on highlighting projects or programs from Districts around the State in order to generate new ideas and share logistics and lessons learned. The CTD co-hosts additional outside virtual training opportunities through NRCS and others, as appropriate. Additionally, we continue to send out guidance on working remote, conducting virtual site visits, and links to virtual training opportunities to help staff stay focused and relevant in this new
working environment. The CTD is always soliciting input and ideas for trainings through the newsletter and website.

New Employee Resources: The new employee resource page on the CTD website is continuously being updated with new webinars and information, including a new employee check list for both individuals and Districts to use. The goal is to have all new employee resources in one place so they can get going with training, training plans, certification, and orientation. The new page includes a portal to the CTD database.

Communication and Outreach

Website: The CTD website (www.wactd.org) continues to serve as a source of information to CD staff and is updated regularly. The CTD has worked to keep the website updated; improving aesthetics, clarity, and navigation of the site while continually updating content and ensuring relevance of the site. New changes are also announced in the CTD newsletter.

Outreach: The CTD continues to work on a more cohesive marketing plan to increase recognition and relevance for CD staff. In November, the Leadership team added a new member in Kelsi Mottet, of Whidbey Island CD. Kelsi has a strong background in outreach and communications and will be instrumental in formalizing an outreach and marketing plan to engage both internal and external partners for the CTD. Kelsi will be analyzing the CTD communication platform and looking for ways we can increase our impact. She is also exploring ways the CTD can increase communication with partners and non-District agencies. We would like to increase awareness of the CTD as a central provision of training and expertise and increase the collaboration with partners on events and resources. An communications survey is in development and will be released in January via the CTD newsletter, and via direct email to those not on our newsletter list. The results of that survey will help inform how CTD staff and partners interact with CTD content and guide the marketing plan in development.

Newsletter: The CTD monthly GovDelivery newsletter continues to gain new subscribers (currently we have more than 440 subscribers) and is also located on the CTD website for those not on GovDelivery. In addition to the monthly newsletter, the CTD is using the GovDelivery platform as a way to get immediate, time-sensitive news and information out to staff.

Technical Expertise and Science Program

Expertise: Experts are identified as needed for engagement in programs, policy and training around the state (examples include: Ecology Voluntary Clean Water Guidance for Agriculture Advisory Group, DOE Drinking Water Standard review, Dairy Nutrient Advisory Committee, WDFW riparian habitat guidance, and more). The CTD database continues to prove effective in identifying and nominating expertise as appropriate.

Science: While the work is not currently a funded budget item, the CTD is still supporting work around the State on special Discovery Farms program projects to advance the application of consistent science and monitoring efforts. There has been statewide buy-in to the DF program from partners and CDs continue to be involved in the national DF program through regular communications and annual
meetings. Through this process, statewide QAPP and SOP’s have been developed with guidelines specific to projects, but which can be used in the future as templates for any CD.

Quality Assurance

While this is not currently a funded area of work, the CTD still holds value of development of a statewide Quality Assurance program for individuals and Districts.

CTD Coordination

Database: The database (run under Caspio) continues to provide assistance in locating staff expertise for engagement in workgroups, show metrics on expertise and certifications, and grow to a central database for all organizations to utilize. A self-service portal for employees is available on the CTD website which allows CD staff to update their personnel profiles, track completed trainings, and more. The CTD regularly sends reminders to folks to update their information and expertise in the Database.

Budget: Whatcom CD is administering the budget and reporting monthly to the CTD. Billing guidelines and procedures ensure that work expectations match billing vouchers and that budgets are quickly updated on a monthly basis. The CTD is using SmartSheet to assist with budget and task tracking.

With full allocation of the annual budget now secure, the CTD will continue work according to the FY21 Annual Plan of Work and budget based on the full awarded amount of $100,000. Certification and training will remain priorities.

Leadership: The CTD Leadership Team and partners (NRCS, WADE, WSCC) continue to meet monthly to ensure tasks are on track. The CTD successfully held their annual visioning “frame-to-frame” meeting in early December 2020 in a virtual format. The WADE Board once again participated for a day of collaborative brainstorming and coordination. As a product of the 2020 annual meeting, the CTD Charter was updated to include more specific Diversity, Equity, and Inclusion language. Agenda items for the 2020 annual meeting also included remote training development, outreach and connectivity, recruitment, and partnerships.

The CTD continues to prioritize recruiting new members to both its leadership and working teams. The recent addition of Kelsi Mottet (see Communication and Outreach section) to the Leadership team will help us further our communication and outreach goals. The CTD has requested the assistance of the Commission staff in helping get the word out to the district managers who may recognize potential new members in their own staff.

CTD Contact Information

For more information on the CTD activities, please contact:
CTD contact: Nichole Embertson, Chair
info@wactd.org

For more information, please visit: www.wactd.org
Resolutions from WACD going to NACD
1. WACD resolutions were submitted to NACD on 12/21/20. Language and intent was based on discussions at the WACD annual meeting and verification with the originators of the resolutions and additional discussion with NACD staff. See WACD resolutions here.
   - South Central region – broadband internet/cell improvement.
   - North Central region – Proposing extending electronic training resources.

NACD grant opportunities
1. Urban Agriculture Conservation Grant Initiative through Feb. 15. Districts may apply for up to $50K for community oriented agricultural conservation projects. Additional information and examples of past projects are available online.
2. TA grants coming in spring 2021.

The NACD 2021 Annual Meeting will be held online Feb. 1-10 through NACD’s virtual meeting hub and will celebrate the theme “NACD’s 75th Anniversary: A Diamond out of the Dust”. Should be a broader audience and increased understanding for conservation.
1. Registration and agenda here.

2021 Summer Conservation Forum and Tour July 24-27, Chicago, IL. July 25, 1946 at the Statler Hotel in Chicago, 18 representatives from 17 states created the National Association of Soil Conservation District Governing Officials. In 1970, during the annual convention in San Francisco, the association’s name was shortened to the National Association of Conservation Districts (NACD).
https://www.nacdnet.org/news-and-events/summer-meeting/

NACD Pacific Region first bi-monthly call of the year was on January 5. Regional elections for executive committee representative, chair and vice-chair.

*As of December 30, 2020

Respectfully submitted by Doug Rushton, WACD national director, NACD board member
Natural Resources Conservation Service | Washington

- Message from the state conservationist
- New & revised ecological standards
- USDA Seeks Public Input on Guidance Defining Nonindustrial Private Forest Land Eligibility
- USDA seeks members for advisory committee on urban agriculture
- NRCS-WA Career Opportunities

Message from the state conservationist

By Roylene Comes At Night
State Conservationist

Happy 2021 everyone! We have a lot to look forward to this year! For starters, we have been granted many opportunities to direct hire much-needed employees. There are four positions advertised on USAJobs as I write this. There’s more information on these at the bottom of this activity report, and please follow us on Twitter to receive real-time updates when future positions are advertised.

On the program side, we have just started into “assessment season” for programs like CSP-Renewals, and EQIP. We hope be begin obligations for CSP-Renewals and EQIP soon. We are also reviewing prior year EQIP contracts to help participants implement contracted...
contracts to help participants implement contracted items. Also, we have completely revamped our Easements webpages. It is now full of valuable information we hope all of you will find timely and useful. Please keep an eye on them as we’ll be updating them regularly with new documents and a bunch of examples to make your lives easier.

Finally, our snow survey teams have been busy up in the mountains conducting their research and writing their reports. We should start publishing their results in the Washington Water Supply Outlook Reports in the next few weeks. They will be published to this page, and more information on the snow surveys in general are available here.

As always, if you have any questions please don’t hesitate to call, and I hope all of you are staying healthy and safe.

~ Roylene

New & revised ecological standards

WA NRCS will be starting to adopt new and revised National NRCS Ecological conservation practice standards in March and complete the high priority ones by Sept 30, 2021. Several dozen WA NRCS Engineering Conservation Practices were adopted in January 2021. All WA NRCS Conservation Practice Standards are posted to the WA NRCS Field Office Technical Guide Section IV.

USDA Seeks Public Input on Guidance Defining Nonindustrial Private Forest Land Eligibility

SPOKANE VALLEY, Wash. (Dec. 16, 2020) – The U.S. Department of Agriculture (USDA) is seeking public input on Nonindustrial Private Forest Land (NIPF) related to technical and financial assistance available through conservation programs of USDA’s Natural Resources Conservation Service (NRCS).
“We want to ensure we continue program consistency across USDA agencies with how we are defining nonindustrial private forest lands,” said Roylene Comes At Night, state conservationist for USDA’s Natural Resources Conservation Service in Washington. “It’s important that our conservation assistance reach all eligible lands in accordance with proper criteria to ensure we enroll eligible lands that hold meaningful opportunities.”

NRCS welcomes input from stakeholders across the nation, including those in Washington, to assist with the development of guidance about how to identify NIPF for program enrollment purposes. NRCS must ensure that such guidance is consistent with how other USDA agencies identify NIPF under identical or similar programmatic frameworks. This request for input is to improve transparency about how NRCS makes land eligibility determinations with respect to forest lands.

Nonindustrial private forest land criteria will be adopted after the close of the 30-day period and after consideration of all comments.

**Submitting Comments**
NRCS invites input on this technical guidance through January 19, 2021. Electronic comments must be submitted through regulations.gov under Docket ID NRCS–2020–0009. All written comments received will be publicly available on [http://www.regulations.gov](http://www.regulations.gov).

To read the non-industrial private forest landowner background, [click here.](#)
For definitions related to non-industrial private forest land, [click here.](#)

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**USDA seeks members for advisory committee on urban agriculture**

**SPOKANE VALLEY, Wash.** (Jan. 6, 2021) – The U.S. Department of Agriculture (USDA) is seeking members for a new advisory committee on urban agriculture, part of a broader effort to focus on the needs of urban farmers. The 12-person committee will advise the Secretary of Agriculture on the development of policies and outreach relating to urban, indoor, and other emerging agricultural production practices as well as identify any barriers to urban agriculture.

"It would be great to have a nominee from Washington to share our experiences, and expertise, through this committee," said Roylene Comes At Night, state conservationist for USDA’s Natural Resources Conservation Service in Washington. "Washington State understand how important urban agriculture is for our beautiful state and has worked
very hard in this effort. I am hopefully we will have multiple applicants, many within our conservation family have already been heavily involved in urban conservation at the national level through other organizations."

Jon Wyss, State Executive Director for USDA’s Farm Service Agency (FSA) in Washington, added “This group will underscore USDA’s commitment to all segments of agriculture and has the potential to support innovative ways to increase local food production in urban environments.”

USDA is seeking nominations for individuals representing a broad spectrum of expertise, including:

- Four agricultural producers (two agricultural producers in an urban area or urban cluster and two agricultural producers who use innovative technology).
- Two representatives from an institution of higher education or extension program.
- One representative of a nonprofit organization, which may include a public health, environmental or community organization.
- One representative of business and economic development, which may include a business development entity, a chamber of commerce, a city government or a planning organization.
- One individual with supply chain experience, which may include a food aggregator, wholesale food distributor, food hub or an individual who has direct-to-consumer market experience.
- One individual from a financing entity.
- Two individuals with related experience or expertise in urban, indoor and other emerging agriculture production practices, as determined by the Secretary.

Any interested person or organization may nominate qualified individuals for membership. Self-nominations are also welcome.

Nominations should include a cover letter, resume and a background form. Nomination packages must be submitted by mail or email by March 5, 2021. They should be addressed to Ronald Harris, Designated Federal Officer, Director of Outreach and Partnerships, Natural Resources Conservation Service (NRCS), Department of Agriculture, 1400 Independence Avenue, S.W., Room 6006-S, Washington, D.C. 20250, or emailed to Ronald.Harris@usda.gov.

The 2018 Farm Bill established the Office of Urban Agriculture and Innovative Production and directed USDA to form this advisory committee as well as make other advancements related to urban agriculture. It is led by the NRCS and works in partnership with numerous USDA agencies that support urban agriculture. Its mission is to encourage and promote urban, indoor and other emerging agricultural practices, including community composting and food waste reduction. More information is available in this notice on the Federal Register or at farmers.gov/urban. Additional
assistance is available Ask.USDA.Gov or by calling (202) 720-2791.

All USDA Service Centers are open for business, including those that restrict in-person visits or require appointments. All Service Center visitors wishing to conduct business with Farm Service Agency, NRCS or any other Service Center agency should call ahead and schedule an appointment. Service Centers that are open for appointments will pre-screen visitors based on health concerns or recent travel, and visitors must adhere to social distancing guidelines. Visitors are also required to wear a face covering during their appointment. Our program delivery staff will continue to work with our producers by phone, email and using online tools. More information can be found at farmers.gov/coronavirus.

NRCS-WA Career Opportunities

Soil Conservation Technician

Location: Montesano, Wash.
Responsibilities:

- Provides information to farmers, ranchers and other rural residents on the kind of assistance available from NRCS and other USDA agencies.
- Assists with conducting engineer surveys to design mechanical practices to be utilized in conservation planning.
- Advises landowners on eligibility and conditions that must be
- Advises landowners on eligibility prerequisites and conditions that must be satisfied to qualify for program acceptance and payments.
- Provides technical support to conservation planners in resource planning by utilizing survey tools and planning software.

[Click here for more info and to apply]

Engineering Technician (Civil)

**Location:** Ephrata, Wash.

**Responsibilities:**

- Provides on-site technical assistance and training to field personnel in installation of conservation practices: parallel terraces, ponds, waterways, irrigation systems, agricultural waste mgmt systems, grass-based rotations, pasture planting, etc.
- Performs construction inspections on simple and complex structures for conservation systems. Performs drafting and other graphical work on a computer-aided drafting system and maintains their system equipment and supplies.
- Determines the type, scope and intensity of field investigations and surveys needed. Directs collection of field data and assures adequacy of collected data.
- Designs and supervises the design of complete engineering practices and structures. Prepares job sheets and designs. Prepares as-built plans. Prepares engineering cost estimates and construction performance time estimates.
- Completes payment requests and referrals pertaining to work completed for cost sharing. Documents layout and construction in conservation assistance notes or job diary.
- Selects and applies standard methods of computation for quantities such as concrete, earth fill and excavation. Develops standard drawings on the CAD system. Determines engineering training needs for field office personnel and provides training on surveying and engineering equipment.
- Coordinates quality reviews of conservation practices and checks engineering work of field office personnel.

[Click here for more info and to apply]

Soil Scientist

**Location:** Pasco, Wash.
Responsibilities:

- Utilizes soil-landscape relationships to systematically map and describe the way soils occur in the landscape.
- Identifies and acquires the appropriate spatial data layers necessary to create and maintain a digitally-based soils map.
- Determines and applies principles, practices, and methods to apply plant species identification and the use of plants as indicators of soil type, ecological sites, and soil-site and topographic relationships.
- Assists Soil Scientist and/or the MLRA Soil Survey Leader to document soil-plant relationships, collect production estimates for crops, trees and grasses and develop/gather other information for ecological site descriptions.

Click here for more info and to apply

Forester

Location: Okanogan, Wash

Responsibilities:

- Provides technical assistance to staff for conducting resource assessments and the development of conservation planning alternatives on woodlands, utilizing guidance in applicable NRCS handbooks and the NRCS Field Office Technical Guide (eFOTG).
- Monitors programs and policies of Federal and state agencies on forestland use and management, including applicable Federal, State, and local laws and regulations to inform supervisor of potential conflicts or opportunities for collaboration.
- Conducts resource inventories, obtains planning information, identifies conservation opportunities, and assists in developing conservation plans and contracts consistent with land use needs and NRCS policy.
- Utilizes NRCS computer tools such as ArcGIS, and Progress Reporting System to document plans and their implementation.
- Contacts natural resource agencies (State Department of Natural Resources, forestry contractors, consultants, conservation districts, etc.) to formulate conservation plans related to woodland planning and installation of forestry related practices.

Click here for more info and to apply
USDA is an equal opportunity provider, employer, and lender. To file a complaint of
discrimination, write: USDA, Office of the Assistant Secretary for Civil Rights, Office of
Adjudication, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call
(866) 632-9992 (Toll-free Customer Service), (800) 877-8339 (Local or Federal relay),
(866) 377-8642 (Relay voice users).
WDFW Invites Feedback on Land Acquisition Proposals, Including Potential New Wildlife Area in Lewis and Thurston Counties:

WDFW is asking for public feedback on six land acquisition proposals that would help promote fish and wildlife conservation and public access to the great outdoors. The department is interested in acquiring 9,600 acres of the Centralia Mine property owned by TransAlta in Thurston and Lewis counties to provide public access for recreation and benefit fish and wildlife conservation. For more details about this opportunity for a new wildlife area, visit WDFW’s blog.

Other land acquisition proposals include connecting two adjacent wildlife area units in Douglas County to provide shrubsteppe habitat connectivity and recreation opportunities, as well as ensuring public boating and fishing access to the Grande Ronde River in Asotin County. Descriptions of proposed land acquisition projects are available on the department’s land acquisition webpage.

“We want to hear from people in this early stage of our land acquisition process,” said Cynthia Wilkerson, WDFW lands division manager. “Our mission is to protect land and water for people and wildlife in Washington, and this is one tool we use to determine which properties will best meet our conservation goals and recreational priorities.”

The department will accept written comments through Feb. 5, 2021. People who would like to submit comments can send them by email to lands@dfw.wa.gov or mail them to Real Estate Services, PO Box 43158, Olympia, WA 98504. After reviewing public comments, WDFW will finalize a list of projects to seek funding sources. Since the department does not use operating budget funds for land acquisitions, the department relies on state and federal grants to purchase properties.

The department owns or manages more than one million acres statewide, with 33 wildlife areas and over 500 water access areas around the state. These public lands help sustain wildlife habitat and public recreation opportunities for current and future generations.

WDFW Seeks Comment on Periodic Status Review for Ferruginous Hawks:

Washington Administrative Code requires WDFW to conduct periodic status reviews (PSRs) of state-listed species every five years. WDFW is seeking public input on its draft PSR for the Ferruginous Hawk. The department is recommending a change from threatened to endangered status for Ferruginous Hawks in Washington. Breeding populations of Ferruginous Hawks have been in sustained decline in Washington since 1974, with a decreasing trend in adult pairs at nesting areas and decreased reproductive success.

“Ferruginous Hawks have been in trouble for decades. Factors involved include loss and degradation of nesting and foraging habitat, and associated reductions to populations of their primary prey species,” said Taylor Cotten, Conservation Assessment Section Manager at WDFW. The Ferruginous Hawk, the largest hawk in North America, is an open-country species that inhabits grasslands and
shrub-steppe in eastern Washington. Conversion and degradation of native grasslands and arid shrublands has resulted in the loss of nesting and foraging habitat for the species.

The draft periodic status review for the Ferruginous Hawk is available for review at WDFW’s publications webpage. The public can provide comments on the drafts through April 12, 2021. Written comments on the review and recommendation can be submitted via email to TandEpubliccom@dfw.wa.gov or by mail to Taylor Cotten, Washington Department of Fish and Wildlife, P.O. Box 43141, Olympia, WA 98504-3200. WDFW prepares recovery plans to guide conservation and recovery efforts and periodically reviews the status of protected species in the state.

Priority Habitats and Species (PHS) Riparian Volume 2: Management Recommendations:

WDFW is pleased to announce the release of our final Priority Habitats and Species (PHS) Riparian Volume 2: Management Recommendations. The document is available in manuscript form in PDF format on our webpage at https://wdfw.wa.gov/publications/01988.

This final Riparian Volume 2 manuscript focuses on landscape-level planning considerations for protection and restoration of riparian ecosystems. For those stakeholders who have grown accustomed to using PHS management recommendations to make decisions at the parcel level, such as for setting conditions on development permits, we recognize that there may be questions about how to implement Volume 2, particularly beyond updating their Critical Areas Ordinances and Shoreline Master Programs. As this is a change for WDFW as well, we don’t yet have all the answers. That said, we look forward to shifting our resources in 2021 to implementation, and we will be working with you, our stakeholders, to understand what additional tools and resources would be useful.

As we did with Volume 1, we will also be producing a professionally designed Volume 2 version that will be substantively the same as the manuscript, but also include photographs and be fully accessible in accordance with the Americans with Disabilities Act. Be on the lookout for that version in the first few months of 2021.

If you have questions about PHS Riparian Volume 2, please contact Mary Huff, Land Use Conservation and Policy Section Manager, mary.huff@dfw.wa.gov.

Shrubsteppe Fire Recovery and Preparedness Proviso:

WDFW has developed a legislative proviso, with the input and support of WSCC, WDNR, and other partners and stakeholders, including WACD and individual CDs, to restore shrubsteppe habitats and create resiliency in the ecological and human communities in Washington’s shrubsteppe landscape. In 2020 alone, 800,000 acres of this imperiled landscape burned in large-scale wildfires. Funding through the proviso will provide near-term relief for no-regret actions that support wildlife habitat and private landowners in shrubsteppe communities affected by 2020 wildfires. Further, the proviso will guide collaborative development of a long-term strategy to improve our collective preparedness, response, and recovery actions, so that we can sustain shrubsteppe habitat and working lands through future fires.
Greater Sage-Grouse Periodic Status Review and 2020 Wildfires:

Washington Administrative Code requires WDFW to conduct periodic status reviews (PSRs) of state-listed species every five years. The last PSR for sage-grouse was in 2016. WDFW started the PSR process in early 2020 prior to the September wildfires in preparation for a final recommendation to the Fish and Wildlife Commission in 2021. Even before the wildfires, the PSR recommended uplisting from threatened to endangered based on current information and threats – small and declining population size, habitat loss and degradation, and predation. The 2020 wildfires burned approximately 50 percent of occupied sage-grouse habitat in Washington. WDFW is concerned about adequate cover and forage for overwinter survival as well as long term impacts. While the full impacts to grouse populations won’t be known until spring, WDFW anticipates population decline because of habitat lost to the 2020 wildfires. Uplisting sage-grouse to endangered status does not trigger an increase in regulations around the species.

Governor’s 2021-23 Budget:

The Governor’s 2021-23 operating and capital budget proposals provide significant support for WDFW including hatcheries and wildlife areas, species recovery, aquatic invasive species prevention, marine mammal management work, hydraulic project approval civil compliance support, wildlife rehabilitation, and maintenance level funding that keeps our agency functioning. Overall this is a strong starting point for WDFW’s budget.

WDFW VSP Coordinator:

In mid-November 2020, Sean Williams started a new position with WDFW as the agency’s Voluntary Stewardship Program (VSP) Coordinator. In this role, Sean will focus on reviewing and assessing the VSP counties’ five-year implementation reports and supporting regional WDFW staff in delivering technical assistance to the county-level VSP Work Groups. Sean holds an M.P.A. in Environmental Policy and a B.S. in Wildlife Science and Conservation from the University of Washington. He brings interests in growth management and a desire to build community-based conservation programs that benefit wildlife, working resource lands, and communities. If you have questions about VSP, you can reach Sean at sean.williams@dfw.wa.gov or (206-561-8791).

WDFW Hiring a Shared Stewardship Coordinator:

In May 2019, WDFW, DNR, and the U.S. Forest Service (USFS) signed a memorandum of understanding to work together to implement Shared Stewardship in Washington. The MOU builds on strong, existing partnerships such as the Good Neighbor Authority (GNA) agreement between DNR and USFS. WDFW signed a GNA agreement with USFS in January 2019. WDFW is hiring a Shared Stewardship Coordinator to serve as the agency lead for this partnership. Shared stewardship is a collaborative process to address forest management needs across public, private, and tribal ownerships to improve conditions at the landscape scale. Shared stewardship provides opportunities for partnerships with CDs, tribes, NGOs, forest collaboratives, and other stakeholders to work on shared priorities. The benefits include improving wildlife habitat, improving forest health and building resiliency to climate change, reducing risk of catastrophic wildfires, providing for recreational and cultural needs, supporting multiple use of public lands, and providing economic benefits to rural communities.
January 21, 2021

TO: Conservation Commission Members

FROM: Carol Smith,
SCC Executive Director

SUBJECT: 2020 adopted WACD Resolutions involving the State Conservation Commission

Action Item □
Informational Item X

Summary:
Attached for review are the adopted 2020 Washington Association of Conservation District (WACD) resolutions involving the SCC, as well the full listing of all resolutions passed at the WACD Annual Meeting on December 2, 2020.

A discussion is welcome by members. Additional information will be provided during the March 18 commission meeting.

Requested Action (if action item):
None.

Staff Contact:
Carol Smith, Executive Director: csmith@scc.wa.gov
# 2020 WACD/SCC Resolutions

January 21, 2021

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<th>Resolution Number</th>
<th>Title</th>
<th>Author/District</th>
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<tr>
<td>2020-02</td>
<td>Support SCC operating and capital budget requests for FY21-23 biennium</td>
<td>Palouse</td>
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**Resolution:**

Resolved, WACD shall investigate the advisability of establishing a resolving fund to provide lines of credit to districts with demonstrated need for funds to capture grant or contract funding. It shall report back by September 1, 2021.

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<th>Resolution Number</th>
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<td>2020-06</td>
<td>Diversity Equity and Inclusion Statement and Work Plan Development</td>
<td>King CD</td>
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**Resolution:**

WACD will create a DEI Committee that will consider the following actions and develop any recommendations by September 2021 to all Conservation Districts for consideration at their Area Meetings for possible action by the WACD at its annual meeting to include but not limited to the following:

1. The Commission and WACD help conservation districts to work with underrepresented communities in their service area to understand what natural resource concerns are important to them and to find ways to incorporate those natural resources concerns into the conservation district’s book of business.

2. To encourage conservation districts to prioritize equity in the services they offer and in employment decisions.

3. That the Commission and WACD organize annual diversity, equity, and inclusion seminars that are made available to all Conservation District Supervisors and Managers.

4. That WACD and the Commission work with districts to make elections more public and to ensure that communities of color are engaged around elections.

5. That the commission recruits and retains a diversity, equity, and inclusion officer that will work with the election’s officer to promote engagement of communities of color across the state and address the disparity gap around services and elections.
6. That WACD asks conservation districts and the Washington State Conservation Commission to take actions to encourage more diversity in conservation district supervisor positions both elected and appointed.

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<td>2020-10</td>
<td>Conservation District Election Improvements</td>
<td>King CD</td>
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Resolution:

WACD is committed to working with the Legislature and Washington State Conservation Commission on election issues.
## All 2020 Resolutions

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<td>Whatcom CD</td>
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<td>SCC and other partners, to fully support the SCC operating and</td>
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<td></td>
<td>capital budget requests for the FY21-23 biennium through contacts</td>
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<td></td>
<td>with the Governor’s Office of Financial Management and Legislators.</td>
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<tr>
<td>2020-03</td>
<td>Extending Electronic Training Resources</td>
<td>Okanogan CD</td>
</tr>
<tr>
<td>Resolution:</td>
<td>WACD supports the increased use of electronic and remote learning</td>
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<td></td>
<td>opportunities as a part of training programs for conservation</td>
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<td></td>
<td>districts that is provided by state conservation agencies and the</td>
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<tr>
<td></td>
<td>USDA Natural Resources Conservation Service.</td>
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<tr>
<td>2020-04</td>
<td>Rural Broadband Internet Access</td>
<td>South Central Area</td>
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<tr>
<td>Resolution:</td>
<td>WACD supports increased rural broadband internet and cell phone</td>
<td></td>
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<tr>
<td></td>
<td>access, infrastructure, and affordability for all working lands and</td>
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<td></td>
<td>residents.</td>
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<tr>
<td>2020-05</td>
<td>Diversity, Equity &amp; Inclusion Statement &amp; Work Plan Development</td>
<td>Pierce &amp; Clark CDs</td>
</tr>
<tr>
<td>Resolution:</td>
<td>WACD will convene a committee to develop a Diversity, Equity, and</td>
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<td></td>
<td>Inclusion policy recommendation by September 2021. This</td>
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<td>recommendation will be provided to all Conservation Districts</td>
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<td>for consideration at their Area Meetings with action by the</td>
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<td></td>
<td>WACD at its annual meeting.</td>
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<td></td>
<td>The Committee will also provide information, suggested resources,</td>
<td></td>
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<td></td>
<td>and guidance for districts that are interested in developing their</td>
<td></td>
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<td></td>
<td>own diversity, equity, and inclusion initiatives.</td>
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<tr>
<td>2020-06</td>
<td>Diversity, Equity &amp; Inclusion Statement</td>
<td>King CD</td>
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<tr>
<td>Resolution:</td>
<td>WACD will create a DEI Committee that will consider the following</td>
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<td>actions and develop any recommendations by September 2021 to all</td>
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<td></td>
<td>Conservation Districts for consideration at their Area Meetings</td>
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<td>for possible action by the WACD at its annual meeting. to</td>
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<td>include but not limited to the following:</td>
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<tr>
<td>1.</td>
<td>The Commission and WACD help conservation districts to work with</td>
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<td></td>
<td>underrepresented communities in their service area to understand</td>
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<td>what natural resource concerns are important to them and to</td>
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<td></td>
<td>find ways to incorporate those natural resources concerns into the</td>
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<td>conservation district’s book of business.</td>
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</tbody>
</table>
2. To encourage conservation districts to prioritize equity in the services they offer and in employment decisions.

3. That the Commission and WACD organize annual diversity, equity, and inclusion seminars that are made available to all Conservation District Supervisors and Managers.

4. That WACD and the Commission work with districts to make elections more public and to ensure that communities of color are engaged around elections.

5. That the commission recruits and retains a diversity, equity, and inclusion officer that will work with the election’s officer to promote engagement of communities of color across the state and address the disparity gap around services and elections.

6. That WACD asks conservation districts and the Washington State Conservation Commission to take actions to encourage more diversity in conservation district supervisor positions both elected and appointed.

<table>
<thead>
<tr>
<th></th>
<th>Resolution: WACD to engage the Association’s membership to understand the possible need for more shared services resources or different services resources from the Association and then research ways of providing important support to conservation districts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-09</td>
<td>WACD Member Services Review</td>
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<tr>
<td>2020-10</td>
<td>Conservation District Election Improvements</td>
</tr>
<tr>
<td></td>
<td>Resolution: WACD is committed to working with the Legislature and Washington State Conservation Commission on election issues.</td>
</tr>
</tbody>
</table>