

Regular Business Meeting

The Washington State Conservation Commission (Commission/SCC) met virtually on January 21, 2021. Chairman Longrie called the meeting to order at 8:33 a.m.

COMMISSIONERS PRESENT

Dean Longrie, *Chairman and elected west region rep.*
Harold Crose, *Vice-chairman and elected central region rep.*
Perry Beale, *Department of Agriculture*
Larry Cochran, *elected eastern region rep.*
Jeanette Dorner, *Washington Association of Conservation Districts*
David Giglio, *Department of Ecology*
Jim Kropf, *Washington State University*
Terra Rentz, *Department of Natural Resources*
Sarah Spaeth, *Governor Appointee*
Daryl Williams, *Governor Appointee*

COMMISSION STAFF PRESENT

Carol Smith, *Executive Director*
Mike Baden, *Northeast Regional Manager*
Allisa Carlson, *South Central Regional Manager*
Brian Cochrane, *Habitat & Monitoring Coordinator*
Stephanie Crouch, *Administrative Assistant*
Jon Culp, *Water Resources Program Manager*
Kate Delavan, *Office of Farmland Preservation Coordinator*
Bill Eller, *Elections Officer and VSP Coordinator*
Jean Fike, *Puget Sound Regional Manager*
Lori Gonzalez, *Executive Assistant*
Josh Giuntoli, *Southwest Regional Manager*
Sarah Groth, *Fiscal Manager*
Alison Halpern, *Policy Assistant*
Laura Johnson, *Communications Coordinator*
Shana Joy, *District Operations Manager*
Levi Keesecker, *Natural Resources Scientist*
Ron Shultz, *Policy Director*
Melissa Vander Linden, *Program Specialist*
Ashley Wood, *Fiscal Analyst*

PARTNERS REPRESENTED

Ryan Baye, *Washington Association of Conservation Districts*
Sherre Copeland, *US Forest Service*
Doug Rushton, *National Association of Conservation Districts*
Tom Salzer, *Washington Association of Conservation Districts*

GUESTS ATTENDED

Please see "**Attachment A**" for full list of attendees.

Consent Agenda (Action)

Draft December 3, 2020 meeting minutes

Motion by Commissioner Dorner to approve the December 3, 2020 meeting minutes. Seconded by Commissioner Cochran. Motion carries.

Budget and Finance (*Action*)

Proposed SCC Grant & Contract Procedure Manual Changes request to send out for district comment

Sarah Groth, SCC Financial Manager, begins presentation on the first agenda item. 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 together to review the 2019 version and incorporate changes to current rules and policies, and the full draft manual will be provided at the Commission meeting on March 18, 2021, with any proposed changes in policy and procedure identified, providing all feedback received from conservation districts.

Motion by Commissioner Beale to 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. Seconded by Commissioner Crose. Motion carries.

Policy & Programs (*Action*)

FarmPAI Program

Kate Delavan, SCC's Office of Farmland Preservation Coordinator, begins the presentation on the Farmland Protection and Affordability Program (FarmPAI). FarmPAI is designed to fill a gap in existing land protection programs, and 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.

Ms. Delavan provides background on the subject, explaining that the Farmland Preservation Roundtable meeting, hosted by the Office of Farmland Preservation (OFP), met on February 28, 2018, to discuss the need for new tools to address farmland loss in Washington. A task force was created to address the challenges that face conservation entities in maintaining affordable access to high quality agricultural land. According to the most recent USDA Census of Agriculture from 2017, Washington State lost nearly 640,000 acres of farmland between 2002 and 2017. 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.

In the proposed program, 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. While program details are not yet finalized, the OFP could be a valuable resource to the SFHC in reviewing and ranking applications.

Motion by Commissioner Spaeth to formally support the development of the FarmPAI program, and requests the Commission Director to communicate this support to the State Housing Finance Commission. Seconded by Commissioner Crose. Motion carries.

Lease options for Irrigation Efficiency Grant Projects (IEGP)

Chairman Longrie invites Jon Culp, SCC Water Resource Program Manager, to present on the next agenda item. The Irrigation Efficiencies Grants Program (IEGP) 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.

Motion by Commissioner Crose to adopt the policy revision of the Irrigation Efficiency Grant Projects. Seconded by Commissioner Giglio. Motion carries.

District Operations (*Action*)

2021 Conservation Accountability & Performance Program (CAPP)

Chairman Longrie invites Shana Joy, SCC Regional Manager Coordinator, to present on the next agenda item regarding the 2021 Conservation Accountability & Performance Program (CAPP). 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.

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.

Motion by Commissioner Cochran to approve the 2021 Conservation Accountability and Performance Program as presented. Seconded by Commissioner Crose. Motion carries.

District Operations (*Information*)

Chairman Longrie welcomes Bill Blake from Skagit Conservation District to give a virtual tour of the district, since the meeting is being held virtually. Mr. Blake begins by introducing the members of the Board of Supervisors and Skagit CD staff. Mr. Blake then shares the Skagit CD priorities following their one and five-year strategic plans. These include, but are not limited to, commercial/small farm technical assistance and cost share, natural resources technical assistance and cost share, CREP riparian restoration and enhancement, education and outreach for adults and youth, forest health and firewise education and implementation, and VSP actions on the ground. Mr. Blake shares the values of Skagit CD: Commitment, availability, teamwork, trust, relationships, growth, and partnerships. He gives examples of each of the values with imagery and examples, and ends by thanking SCC for their continued support.

Partner Updates (*Information*)

ECY and EPA briefing on settlement with Northwest Environmental Advocates (NWEA)

Chairman Longrie invites Director Smith (SCC), Nicholas Peak (EPA), and Commissioner Giglio (ECY), to give an update on the recent court settlement that requires state and federal actions to control polluted runoff in Washington rivers and Puget Sound. Mr. Peak provides a brief overview of the settlement, joined by Commissioner Giglio. The order resolves a lawsuit filed by NWEA in 2016, and requires that:

- *Ecology completes its Voluntary Clean Water Guidance for Agriculture that it has been working on since 2017, which is guidance to farmers on practices that protect water quality;*
- *Ecology must complete the chapter that addresses riparian areas on agricultural land (and four other BMP chapters) on or before Dec. 31 2022, and submit this work to EPA as part of an update to our Clean Water Act nonpoint plan*
- *EPA reviews the nonpoint plan in 2022, and;*
- *EPA submits its proposed approval of Washington's nonpoint plan to expert federal fish and wildlife agencies to assess its impact on threatened and endangered species.*

Commissioner Giglio, Mr. Peak, and Director Smith all stress that since this information regarding the settlement has only recently been made public, there is still much to learn about next steps and processes.

Policy & Programs (*Information*)

Conservation Reserve Enhancement Program (CREP) Status Update, with case studies from Walla Walla and Whatcom Conservation Districts

Chairman Longrie welcomes Brian Cochrane, SCC Habitat & Monitoring Coordinator, to begin the presentation on the next topic regarding the Conservation Reserve Enhancement Program (CREP). Mr. Cochrane explains that CREP is a federal program, and is part of the Conservation Reserve Program (CRP), the country's largest private-land conservation program. Different states have different CREP purposes, and in Washington, CREP is intended to alleviate some of the agriculture-related habitat lost for ESA listed salmon, steelhead, and impacts to water quality. In exchange for removing environmentally sensitive land from production, agriculture producers are paid and annual

rental rate to grow a riparian crop. The Farm Service Agency (FSA) funds 80% of the costs and the state pays 20%. From the funding, the landowner receives 100% of practice cost, a signing bonus, rental payment for 10-15 years, and 100% maintenance costs for up to five (5) years.

Land is eligible if it is able to support Natural Resource Conservation Service conservation practices, including riparian forest buffers, wetland enhancement, hedgerow, or grass filter strip. The land must not already have a functioning buffer, and it may not be under an existing easement. Land must be along specific Salmon and Steelhead Stock Inventory (SASSI) streams. Eligible cropland must have the required "cropping history," meaning it must be planted to an agricultural commodity during four (4) of the six (6) crop years between 2008 and 2013, and is still physically and legally capable of being planted in a normal manner. It may also be marginal pasture, or, land that is not cropland or forestland and is not currently functioning as a riparian buffer.

Mr. Cochrane provides a rundown of the accomplishments Washington CREP has made since 1999. Some of these accomplishments include:

- *Enhanced salmon habitat along over 925 miles of stream;*
- *Planted nearly six million trees;*
- *Constructed over 280 miles of fence to keep livestock away from salmon streams, and;*
- *Enrolled over 207,000 acres in the program.*

Mr. Cochrane introduces Joanna Cowles Cleveland from Walla Walla Conservation District to give a brief overview of their program. Ms. Cowles Cleveland notes that when the program was first introduced in 2016 it was wildly popular. Since then, they have 126 contracts with 2,671 acres in their program. The sizes range from .75-168 acres, with an average size of 21.20 acres. There are approximately 390 miles of streambank & 1.4 million stems planted. CREP has helped meet buffer width requirements and built positive working relationships with landowners.

Mr. Cochrane introduces Frank Corey from Whatcom Conservation District to present a brief overview of their program. Since its introduction, they have 475 contracts, 2,800 acres, with an 8-acre average size. Some of Whatcom CD's successes include the Nooksack floodplain tributary that is important to Chinook, and flexible buffer sizes. Some challenges are the current low rental rates, low cost share rates, and long-term maintenance. Other successes include a 15' hedgerow buffer, and a separate 35' buffer.

Legislative Update

Chairman Longrie invites Mr. Shultz to present on the next agenda item relating to the 2021 Legislative Session. Mr. Shultz shares that the 2021 session began on Monday, January 11. This session will be 105 days in length, 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 people won't need to travel to Olympia to testify. Instead, folks will be able to testify on legislation from your home or office.

Governor's Budget Proposal: Information has been distributed to the Commission regarding the Governor's budget proposal. 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.

Prefiled Legislation: Legislators are already dropping legislation. Called "prefiling", these bills will be formally introduced once session opens. One prefiled 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 Walla Walla CD. The plan was completed in 2020 by the management group, which now endorses plan implementation by WWCD. 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.*

Voluntary Stewardship Program Overview

Chairman Longrie invites Brian Cochrane back to present on the next agenda item pertaining to the Voluntary Stewardship Program (VSP). Mr. Cochrane provides a brief overview of the program, explaining that VSP is an option for counties to manage critical areas where agriculture is conducted while maintaining the viability of agriculture. VSP is intended to leverage all types of Best Management Practices (BMP) from all funding sources, and monitoring is the most unique and critical part of VSP.

Mr. Cochrane invites Levi Keesecker, SCC Natural Resource Scientist, to present on the next portion of this topic. Mr. Keesecker shares that there are many approaches to evaluate successes of VSP. These include the levels of participation, agricultural viability, and implementation of conservation practices. These can be measured by field sampling, spatial analysis and mapping, and observation. These fall under monitoring. Mr. Keesecker shows examples of monitoring on small and large scales, and hands the presentation to Ryan Boylan from Palouse CD to share examples of monitoring effectiveness.

Mr. Boylan shares how Palouse CD has monitored the effectiveness of VSP work in Whitman County, by monitoring soil health, habitat, and water quality. Mr. Boylan shows conservation tillage (mulch tillage) and contrasts that with conventional tillage, explaining the difference in residue. He shares that there are continuous data collection (outlets) that monitor air temperature, water temperature, stage height, pH levels, dissolved oxygen, conductivity, and turbidity. Mr. Boylan turns the remaining presentation to Commissioner Crose. Commissioner Crose shares Grant County CD's tracking approach to show

success. Commissioner Crose shares different spreadsheets used for tracking, and different projects that have been a success within the conservation district.

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, how regional managers have been able to attend remote board meetings, and participate in a number of other meetings, forums, and projects. Ms. Fike also highlights some “coming attractions” such as the current Legislative Session, Conservation District election season, and continued response to COVID-19.

Executive Session (*Action*)

Chairman Longrie calls for an executive session per [RCW 42.30.110 \(1\) \(i\)](#) at 2:45 p.m. 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. The meeting reconvenes at 4:00 p.m.

Motion by Commissioner Williams to authorize the Washington State Conservation Commission Executive Director to draft and send a response letter to the complainant. Seconded by Commissioner Dorner. Motion carries.

Commission Operations (*Information*)

Chairman Longrie welcomes back Director Smith to give a brief overview of the 2020 WACD resolutions that pertain to SCC. Director Smith provides further information regarding resolution numbers 2020-02, 2020-06, and 2020-10. These resolutions can be found in their entirety on **pages 91-94** of the meeting packet.

Chairman Longrie adjourns the meeting at 4:30 p.m.