



Washington State Conservation Commission

Meeting Packet

March 18, 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.”*

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, March 8, to ensure preparations are appropriately made.

Meeting Coordinates

At 8:30 a.m. on March 18, 2021, please log into the meeting using [this link](#). You may use your computer audio, or dial into the meeting at **(408) 650-3123**, use the access code **554-677-277**, 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.

Public Comment

Public Comment will be allowed prior to the beginning of all action topics. Comments will be limited to three (3) minutes per comment.

Agenda

TIME	TAB	ITEM	LEAD
8:30 a.m.		Call to order/Welcome/Introductions <ul style="list-style-type: none"> Pledge of Allegiance Additions/Corrections to agenda items 	Chairman Longrie
8:40 a.m.	1.	Consent Agenda – call for public comment (Action) <ul style="list-style-type: none"> a. January 21, 2020 draft meeting minutes 	Chairman Longrie
8:45 a.m.	1.	Budget – call for public comment (Action) <ul style="list-style-type: none"> b. Task Order Report 	Sarah Groth & Shana Joy
9:00 a.m.	1.	Policy & Programs – call for public comment (Action) <ul style="list-style-type: none"> c. Klickitat County Conservation Easements 	Kate Delavan
9:20 a.m.	1.	District Operations – call for public comment (Action) <ul style="list-style-type: none"> d. Cascadia Conservation District Election 	Bill Eller

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| e. Palouse Conservation District Election | |
| f. Natural Resources Investments Committee Report Update | Shana Joy |
| g. Conservation District Name Change | |
| h. Conservation Accountability & Performance Program (CAPP) Update | |
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10:15 a.m. – BREAK

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| 10:30 a.m. | 1. Commission Operations – call for public comment
<i>(Action)</i> | |
| | i. Strategic Planning | Dir. Smith,
Laura Johnson |
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12:00 p.m. – LUNCH

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| 1:00 p.m. | 1. Commission Operations – call for public comment
<i>(Action)</i> | |
| | j. WDFW Request to be a full WSCC Member | Dir. Smith,
Ron Shultz |
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| 1:45 p.m. | North Yakima Conservation District Virtual Tour | Mike Tobin |
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| 2:45 p.m. | 2. Policy & Programs <i>(Information)</i> | |
| | a. Legislative Update | Ron Shultz |
| | b. Agency Policy Development Update | Packet Item |
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| 3:15 p.m. | 2. District Operations <i>(Information)</i> | |
| | c. Regional Manager Report | Allisa Carlson |
| | d. Center for Technical Development report | Packet Item |
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| 2:45 p.m. | 2. Partner Updates <i>(Information)</i> | |
| | • WDFW Update | Mike Kuttel, Jr. |
| | e. NACD Update | Packet Item |
| | f. NRCS Update | |
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| 3:00 p.m. | 2. Commission Operations <i>(Information)</i> | |
| | • Governance Sub-committee update | Shana Joy |
| | • General Update | Dir. Smith |
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3:45 p.m. – ADJOURN

TAB 1

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 Cochran, *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 an 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.

Attendees

Mike Baden
Ryan Baye
Perry Beale
Bill Blake
Jennifer Boie
Ryan Boylan
Allisa Carlson
Alan Chapman
Lorenzo Churapé
Larry Cochran
Brian Cochran
Sherre Copeland
Frank Corey
Joanna Cowles Cleveland
Harold Crose
Stephanie Crouch
Jon Culp
Kate Delavan
Jeanette Dorner
Bill Eller
Jean Fike
Kenna Fosnacht
Lori Gonzalez
David Giglio

Attendees (cont.)

Sarah Groth
Josh Giuntoli
Alison Halpern
Bradley Johnson
Laura Johnson
Shana Joy
Levi Keesecker
Jim Kropf
Dean Longrie
Jean Mendoza
Zorah Oppenheimer
Nicholas Peak
Sasha Porter
Terra Rentz
Doug Rushton
Tom Salzer
Ron Shultz
Carol Smith
Sarah Spaeth
Melissa Vander Linden
Kelly Verd
Daryl Williams
Ryan Williams
Ashley Wood



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator
Sarah Groth, Fiscal Manager

SUBJECT: Task Order Report & SCC Investment

Action Item

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Informational Item

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Summary:

It is anticipated that the remaining SCC funding, from the original \$150,000 operating investment, will be insufficient to address the Conservation Reserve Program (CRP) and cultural resources workloads that NRCS is currently aware of and must complete by early July 2021. Should any additional operating funds become available, investing in additional task orders would leverage 75% in federal funds and allow numerous conservation districts to help NRCS meet their programmatic deadlines and get more conservation on the ground with private landowners.

Requested Action (if action item):

The request is for the Commission to allow for an increase in SCC investment in task orders through the end of June 2021, if funding is found to be available, within a new maximum amount of \$200,000.

Staff Contact:

Shana Joy, sjoy@scc.wa.gov, 360.480.2078
Sarah Groth, sgroth@scc.wa.gov, 360.407.6205

Background and Discussion:

In early 2020, the SCC entered into new contribution agreements with USDA NRCS for the following Farm Bill program work: Environmental Quality Incentives Program and Conservation Technical Assistance, Conservation Stewardship Program, and Conservation Reserve Program. These contribution agreements are funded at 75% NRCS funding and 25% SCC funding. Work identified in the contribution agreements is the basis for task order grants that are established with conservation districts to complete work in assistance to NRCS to implement these Farm Bill

programs. Without the work that conservation districts do to assist NRCS, the level of conservation work on the ground that this unique partnership has been able to achieve would be impossible.

In May of 2020, the Commission took formal action to approve investment in these contribution agreements, our 25% share, at a level of \$150,000 in the current fiscal year. As of February 16, 2021, the SCC has restricted \$94,782.29 into existing task orders with conservation districts leveraging \$284,346.87 in federal NRCS funds.

Close monitoring of currently funded task orders is ongoing to ensure we are able to re-allocate any leftover funds immediately as task orders are completed. SCC staff have worked closely with NRCS to ensure that the allowable 10% indirect rate for the SCC is fully taken advantage of as well. It is still likely that the current level of SCC funding will be insufficient. Conservation districts are fully engaged and capable of handling workload for NRCS and will benefit from additional task orders through the remainder of this fiscal year. Commission approval for increased SCC investment, should funding become available, is very important to support the close working partnership between conservation districts and NRCS to the great benefit of conservation work on private lands.

Recommended Action and Options (if action item):

The Commission approves up to an additional \$50,000 of SCC funds investment in task orders under the contribution agreements with NRCS, should funding become available.



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Kate Delavan, Office of Farmland Preservation

SUBJECT: Blain Ranch and Lazy Cross Ranch Authorizations to enter Purchase and Sale Agreement and Proceed to Closing

Action Item

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Informational Item

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Summary:

The Conservation Commission secured grant funding from the Washington Wildlife and Recreation Program, Farmland Preservation Account during the 2017-2019 biennium to acquire permanent agricultural conservation easements on the Blain Ranch property and the Lazy Cross Ranch property in Klickitat County. The Conservation Commission will hold the easements and assume primary legal and financial responsibility for stewarding and enforcing the easement in perpetuity. The projects were developed by the Eastern Klickitat Conservation District. Conservation Commission staff seek authorization to enter purchase and sale agreements and complete the conservation easement transactions.

Requested Action:

Blain Ranch

Signature authority for the Conservation Commission Executive Director to enter into a purchase and sale agreement and to proceed to closing on a permanent agricultural conservation easement on the approximately 1,925-acre Blain Ranch property in Klickitat County.

Lazy Cross Ranch

Signature authority for the Conservation Commission Executive Director to enter into a purchase and sale agreement and to proceed to closing on a permanent agricultural conservation easement on the approximately 4,194-acre Lazy Cross Ranch property in Klickitat County.

Staff Contact:

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

Background and Discussion:

The Conservation Commission “Commission” is responsible for the implementation of the Office of Farmland Preservation (OFP) and those activities identified in the OFP statute (RCW 89.10). The Commission has identified agricultural conservation easements as an important tool to assist in farmland protection and to advance conservation with willing landowners. As a state agency, the Commission is explicitly authorized by RCW 64.04.130 to acquire and hold an interest in land for conservation purposes.

The Commission is an eligible applicant to the Recreation and Conservation Office’s (RCO) Washington Wildlife and Recreation Program (WWRP) Farmland Preservation category (RCW 79A.15.130). Eligible lands for this program must be devoted primarily to the production of livestock or agricultural commodities for commercial purposes. If the Commission applies for and receives funds to acquire an easement through WWRP, it assumes the legal liability as primary holder of the real property right.

Commission’s Responsibilities as Easement Holder

An agricultural conservation easement is a legally recorded deed restriction lasting in perpetuity or for a set term. As the easement holder, the Commission is a party to the recorded document and assumes primary legal and financial responsibility for stewarding and enforcing the conservation easement on the protected property for the life of the easement. Legal liabilities for the Commission include following procedures for notification (inspection, site visits), dispute resolution (preventive discussions, etc.), remedies (in the event of non-compliance), mediation (if parties disagree), amendment, enforcement (responding to violations), and extinguishment (in the event the easement is terminated).

Discussion

The 2017-19 Capital Budget provided \$3,461,481 for the preservation of three farms covering 7,968 acres.

<u>Project Name</u>	<u>Easement Holder</u>	<u>County</u>	<u>Acres</u>	<u>Funding Provided</u>	<u>Funding Source</u>	<u>Status</u>
Schuster Hereford Ranch	Commission	Klickitat	1,849	\$881,000	WWRP	In Progress
Blain Ranch	Commission	Klickitat	1,925	\$776,825	WWRP	In Progress
Lazy Cross Ranch	Commission	Klickitat	4,194	\$1,803,656	WWRP	In Progress

The Commission authorized entering a Purchase and Sale Agreement and closing on the Schuster Hereford Ranch project at the July 16, 2020 Commission meeting. The Schuster project remains in progress. Commission staff are now seeking authorization to advance the Blain Ranch and Lazy

Cross Ranch projects. The following due diligence has been completed or will be completed prior to closing of the easement on Blain Ranch and Lazy Cross Ranch:

<u>Completed</u>	<u>In Process</u>	<u>Outstanding</u>
Site Visit	Easement Drafting	Purchase and Sale Agreement
Funding Agreement	Title Review	Survey (if necessary)
Appraisal		Baseline Documentation
Review Appraisal		

Commission, RCO, and Conservation District Roles

The Commission is the project sponsor and has funding agreements with RCO for easement acquisition and eligible project costs. As noted above, the Commission will hold the easements and assumes primary responsibility for upholding the terms of the easements in perpetuity.

RCO will be a 3rd party beneficiary to the recorded easements. As such, RCO may exercise all of the rights and remedies provided to the Commission and is entitled to all of the indemnifications provided to Grantee in the easements. RCO and the Commission each have independent authority to enforce the terms of the easements. RCO expects the Commission, with local conservation district support, shall have primary responsibility for monitoring and enforcement of the easements.

The projects needing signature authority were developed by the Eastern Klickitat Conservation District. The Eastern Klickitat Conservation District is subcontracted to provide support on due diligence and landowner correspondence.

Commission's Conservation Easement Priorities

The Agricultural Conservation Easement Sponsorship and Liability Policy [#19-02](#) outlines the Commission's easement priorities:

- Priority #1: The parcel proposed for preservation is expected to continue to be used for, and is large enough to sustain, commercial agricultural production.
- Priority #2: The land is also in an area that possesses the necessary market, infrastructure, agricultural support services, and the surrounding parcel sizes and land uses that will support long-term commercial agricultural production.
- Priority #3: Without preservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.

Blain Ranch Project Description

This project will purchase an agricultural conservation easement on the approximately 1,925-acre Blain Ranch in Klickitat County. The property supports a large acreage cow calf operation. The conservation easement will permanently protect the property's agricultural values. In addition to the

grant funded intention of permanently protecting the farmland from development, protecting the property will also support key habitat and identified species of concern in the Rock Creek watershed including Oregon White Oak, Peregrine Falcon, Western Gray Squirrel, Golden Eagle, and mid-Columbia ESA listed steelhead. The conservation easement will include one reserved residential development right to provide the landowner the option to build a house in the future. The remaining residential development potential will be permanently extinguished.

The Blain Ranch project aligns with all three Commission easement priorities:

Priority #1 - The landowners are first generation ranchers who are invested in their community. The property's size and soil types are well suited to rangeland livestock. The property consists of 11 different soil types. All 11 soil types listed on the property are designated suitable for rangeland or grazed woodland use according to the Klickitat County Soil Survey produced by USDA's Natural Resources Conservation Service. These soils produce forage, cover and habitat in concert with rangeland forage utilization and management. Over 500 acres are classified as farmland of statewide importance. The property contains the necessary infrastructure to support rangeland pasture including livestock water and fencing.

Priority 2 – Cattle grazing is a primary land use in the area. The property is contiguous with other land used for grazing and furthers the strategy to keep ranching viable under an upland grazing operation that is common to Klickitat County. The property has long been managed for livestock and is part of a rotational grazing strategy using additional leased acres from adjacent landowners.

Priority #3 – While not near a dense population core, the property is at risk of conversion to a non-agricultural use. The property is zoned General Rural, which allows one dwelling per 5 acres. Over the last year, potentially as a result of changes in the real estate market due to the COVID-19 pandemic, rural acreage has become more attractive to non-traditional buyers. This development has the potential to contribute to the fragmentation of parcels, further limiting viable continued agricultural uses and complicating the implementation of natural resource conservation practices on a larger, more impactful, scale. This property plays a key role in protecting the overall watershed from further development and fragmentation.

Lazy Cross Ranch Project Description

This project will purchase an agricultural conservation easement on the approximately 4,194-acre Lazy Cross Ranch in Klickitat County. The property supports a large acreage cow calf and dryland crop operation. The conservation easement will permanently protect the property's agricultural values. Protection of this property is a value to not only the agricultural community, but to the species and habitat this property supports. The project area represents a unique region of transition between two biological communities with the eastern extent of Oregon white oak habitat transitioning into interior shrub steppe/grassland. The conservation easement will extinguish all residential development potential.

The Lazy Cross Ranch project aligns with all three Commission easement priorities:

Priority #1 – The landowner is a third generation cattle producer. The property is used for a mix of dryland crops and spring pasture. In addition to this property, the producer leases nearby acreage for summer pasture and winter range. The property has livestock water and fencing. The project area consists of 17 different types of soil. The soils are a mix of prime farmland and farmland of statewide importance as well as soils suitable for wildlife habitat. These soils produce forage, cover, and habitat in concert with rangeland forage utilization and management.

Priority 2 – Livestock grazing is a primary land use in the Rock Creek watershed. Grazing is a tradition in this area. The property is contiguous with other land used for grazing and furthers the strategy to keep ranching viable under an upland grazing operation that is common to Klickitat County.

Priority #3 – While not near a dense population core, the property is at risk of conversion to a non-agricultural use. The property is zoned Extensive Agriculture (EA), General Rural (GR), and Energy Overlay Zone (EOZ). While the EA zone is designed to encourage continued agricultural production, the designation allows lots as small as 20 acres. GR allows even smaller parcels at one home site per five acres. The EOZ provides a framework for development of wind and solar facilities and there is a recent increase in solar development in this area. Over the last year, potentially as a result of changes in the real estate market due to the COVID-19 pandemic, rural acreage has become more attractive to non-traditional buyers. These types of development contribute to the fragmentation of parcels, further limiting viable continued agricultural uses. Developing the property under the current zoning would result in a significant loss of the contiguous farmland acreage needed to support continued livestock production. This property plays a key role in protecting the overall watershed from further development and fragmentation.

Project Support

Both the Blain Ranch project and the Lazy Cross Ranch project received letters of support as part of the 2016 grant application process from the Washington Cattlemen's Association, Pacific Birds Habitat Joint Venture, the National Wild Turkey Federation, The Nature Conservancy, and the Klickitat County Board of Commissioners.

Relationship to Commission Strategic Planning

Both easement projects support the strategic direction of the Commission and conservation districts to maximize their community-based business model to deliver effective natural resource and farmland preservation solutions across Washington that meet both local and state priorities. These easements will protect in perpetuity the farmland resource of this property as well as the conservation of other natural resource values without threat of conversion.

Recommended Action and Options:

It is recommended the Commission formally authorize, by motion, the Conservation Commission's Executive Director to sign the required documents to purchase agricultural conservation easements on the Blain Ranch property and the Lazy Cross Ranch property.

Draft Motion Language

The Commission has determined acquisition of a conservation easement on the property is consistent with the mission, duties, and purposes of the Conservation Commission.

The Commission hereby authorizes the Conservation Commission's Executive Director to sign documents for acquisition of an agricultural conservation easement on the approximately 1,925-acre Blain Ranch in Klickitat County.

The Commission hereby authorizes the Conservation Commission's Executive Director to sign documents for acquisition of an agricultural conservation easement on the approximately 4,194-acre Lazy Cross Ranch in Klickitat County.



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Bill Eller, Election Officer

SUBJECT: Cascadia CD election, February 5, 2021

Action Item

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Informational Item

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Background Summary:

Staff recommends the Conservation Commission (Commission) not certify the Cascadia Conservation District (Cascadia) election because Cascadia didn't use a poll list as required by our election Washington Administrative Code. Cascadia is seeking to have their election declared invalid by the superior court and a new election ordered.

Requested Action:

That the Commission finds that the Cascadia Conservation District election, conducted on February 5, 2021, is in significant noncompliance with WAC Chapter 135-110 due to the Cascadia Conservation District failing to create a poll list, as required by WAC 135-110-550, and therefore the Commission declines to certify the election, as per WAC 135-110-795.

Cascadia Conservation District 2021 Election Error:

On February 10, 2021, Commission staff was contacted by Peggy Entzel, District Administrator for Cascadia. She relayed that Cascadia held their election on Friday, February 5, but during the election the election supervisor and polling officers forgot to record the voters on a poll list. A conservation district must use a poll list in their election under WAC 135-110-550.¹

In our plain reading of WAC 135-110-550, and given the importance of the poll list for recordkeeping and voter verification purposes, Commission staff don't see any other option but for the Commission to not certify Cascadia's election and for Cascadia to re-do their election this spring / summer.

¹ WAC 135-110-550 was not one of the provisions that was changed or amended by the Commission in September 2020.

Election details are as follows:

1. Election held at the Pybus Public Market in Wenatchee on Friday, Feb 5, from 11am-4pm
2. Only one declared (meaning name pre-printed on the ballot) candidate, Dillon Miller, the incumbent
3. Only seven voters – five of whom were personally known to the election supervisor (two were not)
4. The election supervisor says that when voters approached their location to vote, both she and the polling officer orally asked for identification, which the voter provided, and then they proceeded to determine, by looking at the county auditor list of eligible voters, if the voter was eligible. They forgot to use the poll list to record the voter information. They verified that all seven voters were eligible, and provided ballots to them. All ballots were cast for the incumbent.
5. The poll list is referenced in our Election Guide and provided to conservation districts for them to use on our Election Administrator's web page as form PF-C.

The Revised Code of Washington (RCW) and WAC both require that a conservation district election be held in the first quarter of each calendar year (January – March).² The Commission is required to canvass the results of conservation district elections and announce the official results.³ In order to canvass the results of the election the Commission must determine the authenticity of the election. The election was not authentic, because Cascadia did not record voter information on the required poll list.

The Commission typically takes action to certify or not certify conservation district elections at its May Commission meeting. This is because the May Commission meeting is generally the first regularly scheduled Commission meeting after the first quarter of the year.

However, in an effort to expedite the scheduling of an election for the District outside of the requirement to hold it during the first quarter of the calendar year, the Commission can take action to not certify this election before its May Commission meeting.⁴

After the Commission takes action to not certify the District's election, the District is then able to petition the superior court to order another election. The District is still required to hold an election, but the Commission lacks the statutory authority to schedule another election, which is why the District would have to petition the superior court. After successfully petitioning superior court to order another election, the process to hold the election would begin anew for the District.

If the Commission acts to not certify the District's election at their March 18, 2021 meeting, that would allow the District to hold their election as early as May or June, depending on how long it takes to get a superior court to hear the District's case.

² RCW 89.08.190 and WAC 135-110-200.

³ RCW 89.08.190

⁴ See WAC 135-110-760

Staff Contact:

Bill Eller, Election Officer, 509-385-7512, beller@scc.wa.gov



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Bill Eller, Election Officer

SUBJECT: Palouse CD election, February 9, 2021

Action Item

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Informational Item

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Background Summary:

Staff recommends the Conservation Commission (Commission) not certify the Palouse Conservation District (Palouse) election because Palouse didn't have two polling officers to process ballots as required by our election Washington Administrative Code (WAC). Palouse is seeking to have their election declared invalid by the superior court and a new election ordered.

Requested Action:

That the Commission finds that the Palouse Conservation District election, conducted on February 9, 2021, is in significant noncompliance with WAC Chapter 135-110 due to the Palouse Conservation District failing to have two polling officers present for processing ballots, as required by WAC 135-110-620, WAC 135-110-700 and WAC 135-110-710, and therefore the Commission declines to certify the election, as per WAC 135-110-795.

Palouse Conservation District Election Error:

On March 1, 2021, the Palouse Conservation District (PCD) election supervisor Shelley Scott submitted the election report ("[Form EF2](#)") to the Commission. Commission staff reviewed that report in the normal course of business and found that there was just one polling officer documented for the February 9, 2021 PCD election. This is a violation of election procedures, specifically WAC 135-110-620, WAC 135-110-700 and WAC 135-110-710, which requires a CD to have at least two polling officers present to process ballots.¹

¹ While all three of these WAC provisions were amended by the Commission in September 2020, the requirement to have at least two polling officers to process ballots was not part of those amendments and thus has remained a requirements since the initial adoption of the election WAC in November 2010.

The requirement to have two polling officers serves to ensure that there is more than just one person processing and counting ballots, and is further explained in the Commission's [Election Guide](#).²

In our plain reading of WAC 135-110-620, WAC 135-110-700 and WAC 135-110-710, and given the importance of having two polling officers present while processing election ballots, , Commission staff don't see any other option but for the Commission to not certify Palouse's election and for Palouse to re-do their election this spring / summer.

Election details are as follows:

1. Mail-in election held at the Palouse CD office, 1615 NE Eastgate Blvd. Suite H, Pullman, WA 99163, on February 9, 2021, with a 4pm ballot-return deadline
2. Only one declared (meaning name pre-printed on the ballot) candidate, Jacob Smith.
3. Only one voter
4. The election supervisor says that when the one ballot that was requested by a voter was returned to the district, Palouse CD staff didn't realize it was a ballot despite being especially marked with a stamp to identify it as an election ballot. It was opened by Palouse CD staff. Even after it was opened and found to be an election ballot, Palouse CD staff did not use two polling officers to process, tally and record the ballot.

The Revised Code of Washington (RCW) and WAC both require that a conservation district election be held in the first quarter of each calendar year (January – March).³ The Commission is required to canvass the results of conservation district elections and announce the official results.⁴ In order to canvass the results of the election the Commission must determine the authenticity of the election. The election was not authentic, because Palouse did not use two polling officers to process ballots.

The Commission typically takes action to certify or not certify conservation district elections at its May Commission meeting. This is because the May Commission meeting is generally the first regularly scheduled Commission meeting after the first quarter of the year.

However, in an effort to expedite the scheduling of an election for the District outside of the requirement to hold it during the first quarter of the calendar year, the Commission can take action to not certify this election before its May Commission meeting.⁵

After the Commission takes action to not certify the District's election, the District is then able to petition the superior court to order another election. The District is still required to hold an election, but the Commission lacks the statutory authority to schedule another election, which is why the

² Election Guide, pages 7-8.

³ RCW 89.08.190 and WAC 135-110-200.

⁴ RCW 89.08.190

⁵ See WAC 135-110-760

District would have to petition the superior court. After successfully petitioning superior court to order another election, the process to hold the election would begin anew for the District.

If the Commission acts to not certify the District's election at their March 18, 2021 meeting, that would allow the District to hold their election as early as May or June, depending on how long it takes to get a superior court to hear the District's case.

Staff Contact:

Bill Eller, Election Officer, 509-385-7512, beller@scc.wa.gov

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: Natural Resource Investments Committee Report

Action Item	<input checked="" type="checkbox"/>
Informational Item	<input type="checkbox"/>

Summary:

The Natural Resource Investments (NRI) grant program is the only source of project funds for conservation districts (CDs) that is available statewide through the State Conservation Commission (SCC). NRI has been the bread and butter for CDs to work with private landowners to install conservation practices for years. Over time, CDs have seen the conservation project needs and opportunities evolve. If the NRI program hopes to empower CDs to engage in the full range of locally-identified priority conservation work, it must evolve as well. An NRI Committee of CD and SCC staff has been working over the last few months to craft the recommended, updated NRI programmatic guidelines and an associated landowner agreement template for Commission and conservation district consideration.

Requested Action (if action item):

The NRI Committee requests that the Commission approve the distribution of the draft NRI programmatic guidelines and landowner agreement template for review and comment by the conservation districts.

Staff Contact:

Shana Joy, sjoy@scc.wa.gov, 360.480.2078

Background and Discussion:

A key function at the core of the SCC is to support locally-led conservation through the work of CDs. The SCC provides funding support through various programs to help CDs be successful to further conservation. The NRI program is one way that we support CD work. The current NRI program has remained largely unchanged for the last 3 biennia.

The current structure of the NRI program is one primary project type and structure for CDs to utilize – the single landowner cost-share project. In a single landowner cost-share project, a CD interacts with individual landowners to provide technical assistance (TA) and complete a BMP(s) on that landowner's property. The landowner is required to do the work and incur the costs up front and then seek reimbursement from the CD via the terms in the cost-share contract that is executed between the CD and the landowner. The landowner reimbursement amount is governed by a CD resolution that is established at the beginning of each biennium. A common ratio for cost-share projects is 75/25 with the CD reimbursing the landowner 75% of the project cost and the landowner covering the remaining 25% out of their pocket. This structure has been the standard project type and structure for many years.

Today, the conservation work that CDs are taking on and engaging in is often more complex, more expensive, larger scale projects. These projects typically involve multiple landowners and multiple funding sources. The current NRI program structure is difficult if not impossible to utilize for these kinds of projects. Here are some of the key challenges that CDs face with utilizing the current NRI program and cost-share project structure:

- Landowner willingness is key in implementing voluntary conservation. Due to many possible factors, landowner willingness can change suddenly causing a project to be reduced or cancelled all together. Currently, CDs have to work closely with Regional Managers and finance staff to cancel or reduce one project and, dependent on funding availability, initiate the next priority project. This can take several days and valuable staff time to coordinate with the SCC to make these changes. There is little, if any, nimble flexibility afforded to the local CD.
- The expense and scope of larger watershed or community-scale projects prevents a landowner or landowners from incurring the costs of this work up front and then seeking reimbursement. It can also be very difficult to split up the cost of a large salmon recovery project, such as adding large woody debris to a ½ mile of a river, into individual landowner financial contributions through the structure of our current cost-share contract. The current NRI program does not support CDs engaging in these larger scale or community-wide project types.
- For larger scope and scale projects, it is not realistic to expect a single landowner, or even multiple landowners working together, to conduct a process to select and manage an appropriate contractor to complete a fish passage barrier removal project (a bridge), for example. It is far more efficient and effective for a CD to conduct the proper bidding and purchasing process to select and manage a contractor directly, rather than expect landowners to do this. Our current NRI structure provides a work around through additional forms to be completed and signed that allows a CD to pay a contractor directly but not to hire and manage the contractor directly; the landowner remains in that role.
- The amount of TA required to complete a project varies greatly from project to project. Our current process of allocating a set percentage, usually 25%, of funding for TA to individual projects makes it difficult for CDs to actually devote the necessary amount of TA to each project when some projects can be TA-light and some can be very TA-heavy. We do not currently allow TA to be moved around between NRI projects which can leave a CD searching for other funding sources to support the full TA necessary for more complex projects. Also, the CDs cannot choose to focus the available TA on the next priority project

when a TA-light project has been completed. The funds must be turned back to the Commission, triggering paperwork and staff processing for those small amounts of funds.

- The current required cost-share contract for the NRI program can be prohibitive for landowners to participate in certain kinds of projects. Such projects could include irrigation ditch piping projects or community-scale chipping work, where the commitments required of a landowner in our cost-share contract are not reasonable. For example, requiring a landowner to maintain a practice, such as large woody debris placement on their property, for the design life of the practice is not reasonable or realistic. The landowner does not have the expertise required for such maintenance, and reliance upon the CD is essential for these practices. It is also not realistic for a single landowner, or landowners, to commit to maintaining a piped irrigation ditch when that is the legal responsibility of the local irrigation district. These non-traditional project types do not fit the current NRI cost-share project structure or contract.
- NRI funding is incompatible with other available funding sources to fill a gap in a large project, or be counted as match for other grant programs with the current structure. This prevents the CD from utilizing and leveraging NRI funds to their fullest.

Due in part to these challenges in utilizing the NRI program to meet today's conservation project types, a resolution came forward and was approved unanimously at the 2019 WACD annual conference. The title of that resolution was Community Project Funding, 2019-24. The resolution states, in part:

"WACD supports SCC Commission to help create a modified NRI or capital funding stream that allows Districts to act as the contractual recipient and spend funds for specific projects involving multiple landowners in a single area with a common purpose."

In response to this resolution, as well as other feedback that Regional Managers have heard over the last few years from CDs across the state, an NRI Committee was formed in the summer of 2020.

Committee membership is:

Member	Organization	Position
Harold Crose	WSCC	Commissioner
Joe Holtrop	Clallam CD	Manager
Elsa Bowen	Lincoln Co. CD	Manager
Megan Stewart	Asotin Co. CD	Manager
Amy Martin	Okanogan CD	Conservation Director
Al Cairns	Jefferson Co. CD	Manager (former)
Zorah Oppenheimer	Clark CD	Manager
Tova Tillinghast	Underwood CD	Manager
Heather Wendt	Benton & Franklin CDs	Assistant Manager
Evan Bauder	Mason CD	Habitat Program Manager
Courtney Woods	WSCC	Grants Manager

Melissa Vander Linden	WSCC	Program Specialist
Josh Giuntoli	WSCC	Regional Manager
Shana Joy	WSCC	Regional Manager Coordinator
Allisa Carlson	WSCC	Regional Manager
Mike Baden	WSCC	Regional Manager
Jean Fike	WSCC	Regional Manager

The purpose of the NRI Committee is to develop recommendations for improvement and updating to the WSCC Natural Resource Investments Funding to Districts that can be shared with Districts and Commission Members for consideration of possible adoption for the next biennium.

In keeping with this purpose, and pursuant to the language in the WACD resolution, the NRI Committee has met seven times to fully discuss, evaluate, and craft the proposal for updating the NRI program that is being presented to the Commission today.

Key areas where the NRI Committee is proposing to introduce greater flexibility:

- Funding Awards: Rather than awarding NRI funds on a project-by-project basis, instead provide the opportunity for CDs to apply for an equitable share of the available NRI funding, based on appropriations. The CD would describe their proposed work in the grant addendum form that they are already required to complete. These forms would then be reviewed by SCC staff and become the basis of the grant funding award. The majority, if not all, of the funding awards would occur at the beginning of each biennium and provide a greater level of certainty to CDs about when and how much funding would be available to them.
- Changing project priorities: If an originally proposed project falls through for whatever reason, the CD would have the flexibility to switch out the failed project for a new project within their approved NRI funding award without the time lag and correspondence required to formally amend their NRI grant award with SCC staff.
- Technical Assistance: Rather than tethering the 25% allowable TA dollars on a rigid project-by-project basis, a maximum of 25% of the total funding award may be used for TA work. This would enable CDs to focus those TA dollars most effectively to complete as many projects as possible within their funding award.
- District Implemented Projects: In addition to the bread and butter project structure that are cost-share projects, the Committee is proposing to add a new project type as eligible for NRI funds. A District Implemented Project (DIP) is a project in which the CD takes on more responsibility for planning and constructing the practices. No cash cost-sharing would be allowed under this project type. Awarded funds would be expended by the CD directly to hire and manage a contractor(s) for construction, acquire all necessary permits, and utilize an appropriate agreement form with participating landowners to ensure expectations and obligations are clear for the investment of public funds. Landowners would not be required to pay for the project installation up front, nor would they be reimbursed for any resources they may invest towards the project. Any private investments would be considered donations and could be captured as in-kind match in CPDS for reporting. A DIP is not intended to take the place of traditional cost-sharing projects with private landowners.

Here are a few distinguishing factors between traditional cost-share projects and a DIP:

Cost-Share Projects

The landowner(s) pay out of pocket for the installation of practice(s) up front and seek reimbursement from the CD. The landowner selects, hires, and manages any contractors to do the work. The landowner is responsible for acquiring all necessary permits. Often times, the landowner's working lands operation/business realizes some form of benefit from the project such as increased efficiency, increased yields, or reduced pollution potential from their activities. There are also realized public benefits from these projects such as cleaner air, water, or enhanced wildlife habitat.

District Implemented Projects

This new project type is a better fit for larger scale, more complex projects that are often more focused on environmental benefits than benefits to a private landowner(s)' working lands operation/business. Large salmon recovery projects where a stream is being restored with woody debris, re-meandering and riparian buffer restoration are more focused towards a public benefit of supporting fish and wildlife habitat and cleaner water. These projects often involve multiple funding sources, have a need for experienced and expensive contractors, and require numerous permits. These projects are not a good fit for the traditional cost-share project structure.

Additionally, another form of project that does not fit well into the traditional cost-share project structure is community wildfire resiliency projects such as chipping woody vegetation for an entire community or neighborhood of properties. It is far more efficient for a CD to hire and manage a single contractor to do this work rather than individual landowners attempting to complete the work with numerous contractors or numerous contracts with the same business. This is simply inefficient and overly cumbersome to attempt under the current NRI funding cost-share structure which makes the funding unusable for these types of projects. Wildfire resiliency efforts are most successful when engaged in by an entire community rather than on a landowner by landowner basis.

Due to the increased complexity, scope and scale that are likely for District Implemented Projects, the Committee proposes that the SCC provide an optional landowner agreement template for CDs to use if they would like to. This template could be changed as needed to best fit the current project requirements such as specific landowner obligations, if any, for ongoing maintenance.

What wouldn't change for the NRI program?

- All completed practices will still be entered into CPDS so accomplishments for the funding can be rolled up for reporting purposes.
- Cost-share projects, either working with single landowners or multiple landowners, are still eligible projects for NRI funds. The SCC cost share contract will still be required for this type of project.

- All CDs are still highly encouraged to enter developing and future planned projects into CPDS to support future NRI budget requests.

Accountability for NRI funds would increase somewhat under the new recommended programmatic guidelines with quarterly check-ins required between Regional Managers and CDs. The initial review of proposed projects before funding awards are made would be the same with the grant addenda reviewed by Regional Managers and finance staff.

The NRI Committee anticipates that by providing greater flexibility to CDs and including a new eligible project type (District Implemented Project) for the use of NRI funds, CDs will be able to contribute to an increased number of more complex, larger scope and scale projects and increase the leverage factor for NRI funding overall.

Recommended Action and Options (if action item):

Option 1: The Commission directs staff to publish the draft NRI programmatic guidelines and landowner agreement template for at least a 30 day review and comment period by conservation districts with the intent that further action will be considered at the May 2021 Commission meeting.

Option 2: The Commission determines that the draft NRI programmatic guidelines and landowner agreement template are not ready for review and comment by conservation districts and directs staff to continue working with the NRI Committee.



Programmatic Guidelines (DRAFT)
Natural Resource Investments

Program Background

Per the 19-21 biennium legislative budget proviso: *the appropriation is provided solely to help landowners boost environmental stewardship and agriculture sustainability. The commission must consider funding needs for those districts involved with Chinook salmon recovery that will have the most benefit for southern resident killer whales.* A budget proviso may be added to an appropriation as part of the legislative budgeting process. Natural Resource Investments (NRI) funds are capital funds.

Program Rules

Eligibility to Receive Funds

Conservation districts must meet all of the Accountability requirements under the [Conservation Accountability and Performance Program](#) (CAPP) in order to be eligible to receive NRI funds.

Timeline & Application for Funding

Natural Resource Investments funds are allocated to conservation districts at the beginning of each biennium, in the month of July. Funds will be allocated to districts based on complete applications submitted utilizing the [grant addendum form](#). Each district will be eligible to receive an equal share of available NRI funds based on legislative appropriation levels each biennium. Applications will be reviewed by Regional Managers and SCC financial staff for complete information and adherence to program guidelines before funds will be awarded. A district's potential allocation of NRI funds will be held for 90 days at the start of each biennium. At the end of 90 days, the district may forfeit the funding allocation if they are not working in good faith with their Regional Manager to develop projects to properly utilize the funds, or simply cannot utilize their full allocation due to a lack of eligible projects.

Throughout each biennium, after the NRI funds have been allocated for that biennium, each district is expected to enter future project needs for NRI funding into CPDS to build future requests for funding.

Throughout each biennium, Regional Managers will interact with each conservation district with allocated NRI funding to ascertain project progress. Work must be initiated, regardless of project type, within 120 days of funding award to the district.

Technical Assistance

A maximum of 25% of the total biennium allocation of NRI funds may be used for technical assistance activities such as planning, project design, engineering, permitting, project implementation oversight, project management and administration, travel, and reporting.

General Requirements

- All completed projects and practices must be entered in the CPDS.
- All projects and practices must have a detailed description. See example descriptions below.
- Maximum cost-share per landowner per fiscal year is \$50,000 per *13-25 Category 3 Policy, May 16, 2013*.

The maximum cost-share rate allowable for publicly owned lands is 50% per *13-05 Cost Share Assistance Policy, March 21, 2013*.

- All best management practices (BMPs) must meet NRCS standards and specifications, alternative practice designs approved by a professional engineer licensed by the State of Washington or an SCC approved practice per *13-05 Cost Share Assistance Policy, March 21, 2013*.
- Ineligible costs for NRI funding:
 - Administrative goods and services (office rent, copy machines, telephones etc....)
An overhead percentage only is allowed to be billed based on actual hours worked.
 - Education and outreach
- All projects must meet requirements for use of NRI capital funding. **Capital projects must have a practice design life of greater than one year.** Refer to practice list available [here](#). For example, management practices such as cover crop or reduced tillage are not eligible for NRI capital funding. Capital funding may only be used for structural-type practices.
 - Select practices with a design life of one year or less may be eligible for NRI funds as long as the practice is completed in conjunction with, and in support of, a structural practice. For example, tree/shrub site preparation, mulching, or spoil spreading are potentially eligible if completed in conjunction with a riparian buffer planting. Please work with your Regional Manager if you have any questions at all about eligibility of a practice for NRI funds before you begin any work.
- Work must be underway on all awarded NRI projects within 120 days of the funding allocation. This could be technical assistance effort or actual construction.
- Any district that does not utilize their awarded NRI allocation in a timely manner or returns funding late in the biennium without a compelling explanation, may receive a reduced allocation or be deemed ineligible to receive future NRI funding allocations.
- All project and practices must be completed in the funding time frame. The funding is granted on a biennium basis (for example: July 1, 2021 - June 30, 2023) therefore, all projects must be completed by the end of each biennium.
- Please submit a [Natural Resource Investments Returned Funds form](#) as soon as it becomes clear that funds will not be utilized.

CPDS Requirements

- All completed practices must be entered into the CPDS

- Input the amount of NRI funding utilized for the practice.
- Input other funding sources also being utilized for the practice such as landowner contribution or another grant.
- The Contract for Cost Share must be printed from the CPDS for all cost-share projects. No changes may be made to SCC's Contract for Cost Share.
- "Before" and "After" pictures are required for each practice.
- "Planned" and "Actual" implementation measures are required for each practice.

Vouchering

Monthly grant vouchers are required. Technical assistance must be vouchered for on a monthly basis whether or not any cost-share practices or construction of a district-sponsored project were completed in the given month.

- Once practices are completed, the following fields need to be updated in the CPDS prior to reimbursement:
 - "After" pictures are required for each practice.
 - "Actual" implementation measures are required for each practice.
 - "Actual" amount of practice is required.
 - Completion date of practice is required.
 - All cultural resources documentation needs to be uploaded per landowner into the documents tab.
- The [GEO 05-05 Complied Statement](#) form must be submitted when requesting cost share or district-sponsored project reimbursement.

Refer to the [Grant and Contract Procedure Manual](#) for further, detailed vouchering and cost share rules.

Cultural Resources

- All practices must comply with the SCC cultural resources policy. A cultural resources review begins only after the final design is complete to expedite the process. Please plan ahead to ensure enough time is permitted prior to implementation, which could be 45 days or more. Cultural resources review is required by the Governor's Executive Order 05-05 for all projects using both state operating and capital funding provided by SCC.
 - Please refer to the [SCC Cultural Resource Policy](#)
 - DAHP has provided SCC with a list of practices that are exempted from the requirements within the SCC cultural resources policy. The list can be viewed at: [cultural resources policy exemptions list.](#)
- Cultural resource costs are awarded on a case by case basis from a separate grant set aside for only cultural resources costs. These costs are vouchered for separately from cost share or technical assistance.

Eligible Project Types

NRI funds may be implemented in two different project types. The following are the eligible project types and associated parameters of each type:

Landowner Implemented Cost-Share Projects

- All landowner information and proposed practices must be entered completely into the Conservation Practice Data System (CPDS).
- All cost-share practices must be identified under the funding tab as utilizing “Natural Resource Investments” funding.
- The cost-share contract must be generated from CPDS and utilized for this type of project. The cost-share agreement terms must not be modified.
- Multi-landowner cost-share projects are allowed. A multi-landowner cost-share project is one in which the same or similar BMP(s) are installed on several landowner’s properties.

District Implemented Projects

A district implemented project (DIP) is a project where the district is the lead planner and implementer. An example of a DIP could be implementing an identified practice with multiple landowners at the same time – reducing vegetative fuels throughout a neighborhood or installing riparian buffers on several consecutive properties along a creek. Another example of a district implemented project could be performing one aspect of a much larger project such as acquiring large woody debris for a stream restoration project or constructing or installing one component or practice of a multi-practice project. In this project type, the District is taking full responsibility for installation/construction of the project which may include, but is not limited to: acquiring permits, bidding and purchasing processes, and prevailing wage requirements.

- A district implemented project must not include cost-sharing, cash reimbursement, to a landowner(s) with NRI or other SCC funds. The District is assuming all responsibility for project planning and construction directly.
- All project information and completed practices must be entered completely into the Conservation Practice Data System (CPDS).
- A Landowner Agreement is required for any projects completed on non-district owned property and a fully signed copy must be provided to the SCC at the time of vouchering. The WSCC provides a Landowner Agreement template for district use, if desired. A District may also use their own version of a Landowner Agreement. A copy of this agreement must be provided when vouchering.
- There is no match or cost-share scenario requirement for these projects. However, other sources of contributing funds toward the project should be reported.
- See District Implemented Project Decision Tree in Attachment A for assistance with determining if a cost-share or DIP approach is best for your project or contact your Regional Manager.

Recommendations

- Districts are encouraged to group landowners and practices together.
 - This unique targeted approach of clustering practices with multiple landowners in one geographic area allows for more effective and efficient use of capital funding targeting focused geographic areas for measurable resource improvement.
- Districts are encouraged to prioritize projects implemented in areas with identified pollution inputs with particular focus on areas with 303(d) listings, projects implementing an Ecology TMDL implementation plan, projects addressing habitat for Chinook salmon, and projects implementing a local resource plan.
- Districts are encouraged to prioritize projects connected to the conservation district's annual or long-range plan.

Definitions

This is the verbatim definition of a capital project per the Office of Financial Management's budget instructions. The SCC must work within this definition as well as restrictions that may exist for our specific sources of capital funding and any legislative budget provisos.

- **Capital Project:** A capital project is a project to construct either new facilities or make significant, long-term renewal improvements to existing facilities. A capital project usually has the length of time of an NRCS BMP practice life and typically requires the involvement of an architect and/or engineer. Grants made by the state to fund capital projects for other entities are also included in the capital budget.

Capital projects are usually funded by sources specifically set aside for capital purposes, such as proceeds of bond sales, long-term financing contracts, and other dedicated revenues.¹ Projects are typically on-the-ground projects and technical assistance activities limited to those that support projects or will lead to capital funded projects.

- **Practice:** Approved practice per current NRCS BMP Field Office Technical Guide (FOTG). Or Washington State Conservation Commission (SCC) approved practices or Licensed Engineer approved practices.

Detailed Practice Descriptions

Completed Cost-Share Project or Practice (Example)

The landowners want to address water quality concerns with the implementation of a more effective manure management program. At the present time, the farm has 22 beef cattle spring and summer grazing on approximately 100 acres of pasture located on the east side of the

¹ Office of Financial Management Budget Division 2015-25 Capital Budget Instructions June 2014, OFM Directive 14B-02.

Northfork. During the late fall, winter and early spring months, the livestock will be fed hay from the barn. As manure accumulates during the rainy months when the manure cannot be spread on the fields, it will have the potential to contaminate surface and groundwater resources. To address the problem, the landowners would like to construct a waste composting facility. Implementation of this practice will improve and protect water quality by providing a means of storing and composting manure which has the potential to contaminate surface and groundwater resources. In addition, it will provide the farming operation with a high value organic soil amendment for use on the crop, pasture and hay fields.

The Skokomish River has a history of having problems with fecal coli form contamination that sometimes results in shellfish closures in the Hood Canal. This project will help reduce the risk of shellfish contamination by eliminating a potentially substantial source of fecal coli form to the system.

Frequently Asked Questions

Why do we need to describe the practice(s) with so much detail?

- **Answer:** The Commission will need to write a detailed, narrative report for the Legislature and other interested entities on how this funding was spent and what was the benefit to natural resources, nutrient and pathogen pollution and any other resource concern. The Commission will also need to explain how these funded projects measurably improve habitat for Chinook salmon, water quality, natural resource needs overall, and partnerships with other entities to make significant measurable improvements to these resource concerns. We must report how the funding impacted the watershed, or what water bodies or habitat were improved. The number of new BMPs installed and what benefit did they bring to the problem of a local county partnership, Ecology's 303(d) listed water bodies or a county or local issue.

If you were to read the examples above, which one would you be able to "tell the best story with?"

Why do we need to enter into CPDS all of our completed practices regardless of whether or not it was a cost-share or district implemented project?

- **Answer:** The Commission utilizes CPDS to compile metrics on accomplishments for our capital funded programs including NRI funds. We must be able to efficiently report out to the legislature and others what the public investment of funds is buying. CPDS is our current method of collecting this information from conservation districts.

Do the SCC cost-share policies apply to a district implemented project?

- **Answer:** A District Implemented Project is not a cost-share project so the SCC policies that apply to cost-share specifically do not apply to a District Implemented Project.

LANDOWNER IMPLEMENTED COST-SHARE VS. DISTRICT IMPLEMENTED PROJECTS (DIP)

Cash Flow

- LANDOWNER IMPLEMENTED COST-SHARE: SCC cash **can** change hands between CD and landowner, this triggers specific requirements for the Commission
- DIP: SCC cash **cannot** change hands between CD and landowner, but landowner can contribute time and equipment as a donation

Cost-share Advantages

- Well suited for straight-forward, expensive BMPs and projects (i.e. sprinkler conversion, nutrient management)
- Landowner can be their own contractor (avoids conflict of interest compared to DIP)
- Straightforward SCC cost-share contract (Via CPDS, vetted by AG)
- Leveraging of funds through cooperator contribution
- Multiple-landowner option available, a cost-share contract is required for each landowner
- Landowners are not required to pay prevailing wage

DIP Advantages

- District hires a contractor directly and/or serves as the contractor and completes the work directly
- Could be a better fit for publicly owned land/public entity (considering the 50% limitation under cost-share)
- Can be a good option for complex projects with many different funders where DIP is used for one or two pieces of it (i.e. installing large woody debris as part of a large salmon recovery or river restoration project)
- Provides a better opportunity for NRI projects to be useful in leveraging other funding sources where the district will be doing the contracting work (such as RCO salmon recovery projects)
- Can work with multiple landowners without the need to complete a cost-share contract for each participant
- Have the option to use SCC's landowner agreement template or develop their own
- May increase a landowner's willingness to complete a project

DIP Project Examples

- Large and Watershed-scale River/Stream/Estuary or Riparian Restoration
- Community Scale Wildfire Resiliency Projects (woody vegetation chipping, small acreage forest thinning)

CHART 1 - NRI Decision Tree

DRAFT

DIP - District Implemented Project
MLO - Multi-landowner Cost-share
NRI - Natural Resources Investment

NOTE: This decision tree is intended to help you decide which NRI structure might be best suited for your project. The end result, or "answer" *may* offer certain advantages.

If you don't find this helpful, consult with your Regional Manager.

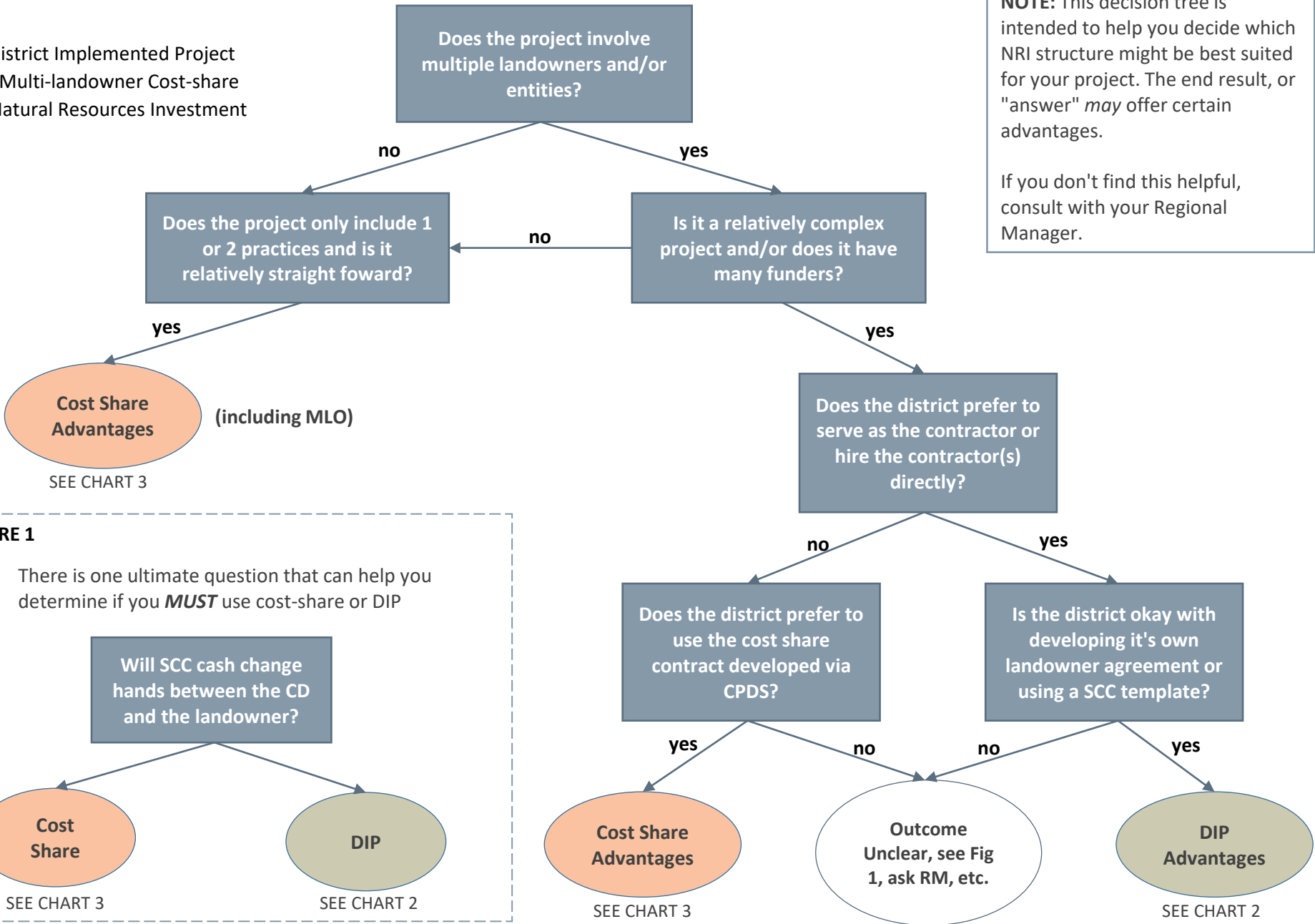


FIGURE 1

There is one ultimate question that can help you determine if you **MUST** use cost-share or DIP

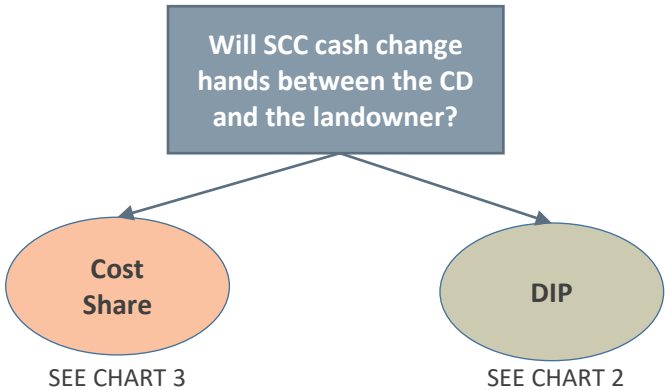
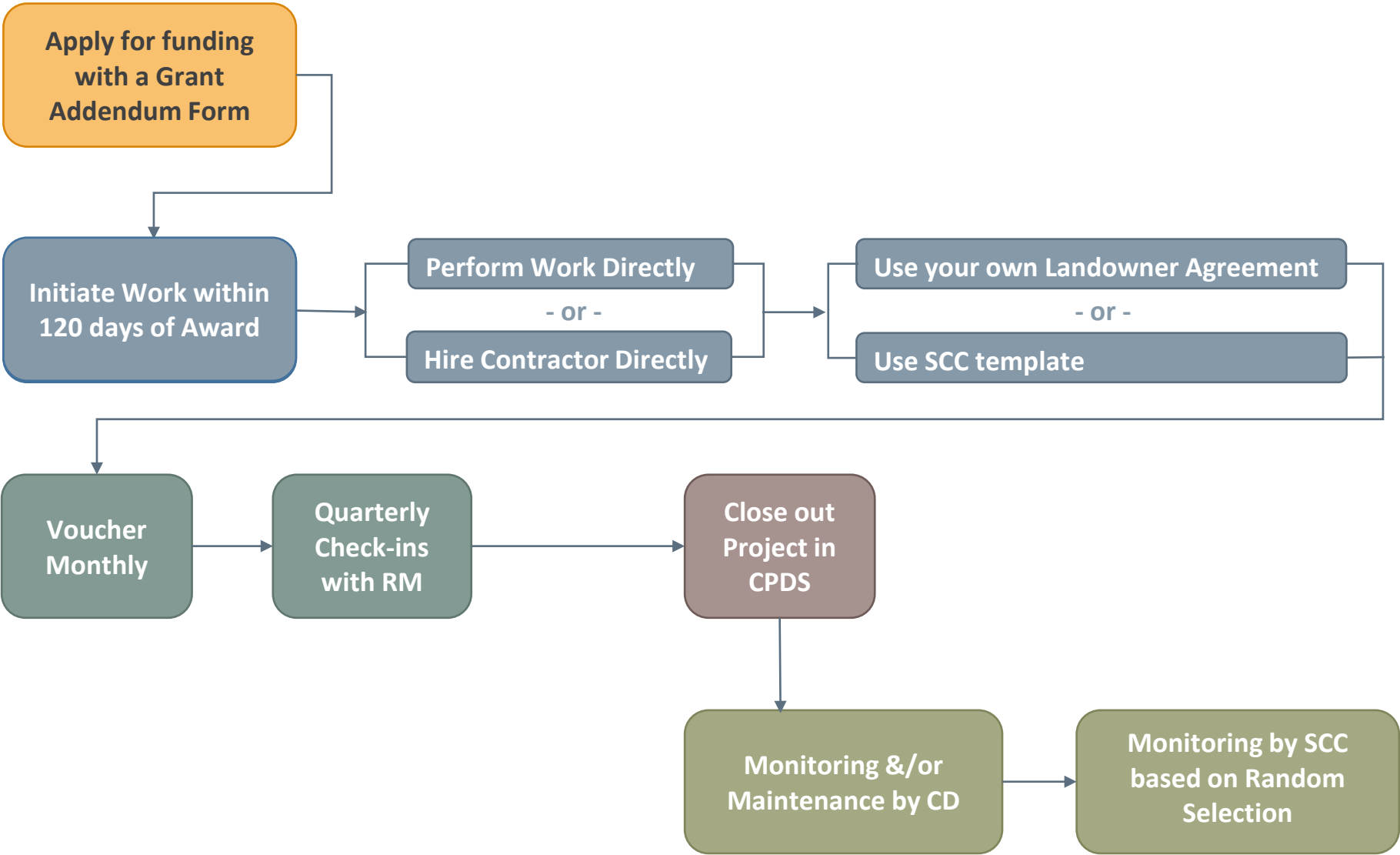


CHART 2 - District Implemented Project (DIP) Process

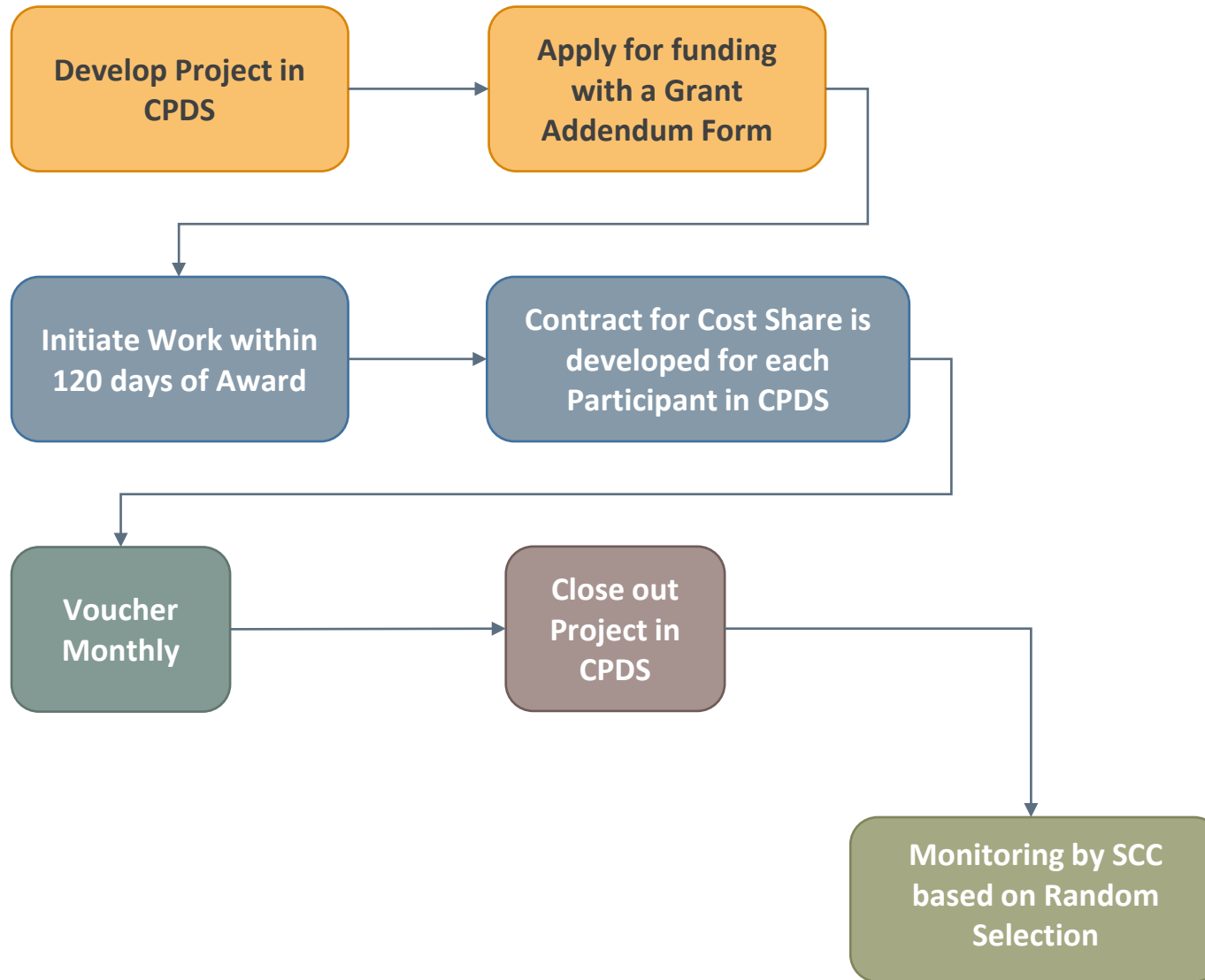
DRAFT



Last Updated: 3/3/2021

CHART 3 - Landowner Implemented Cost Share Project Process

DRAFT



Last Updated: 3/3/2021

District Implemented Projects - Landowner Agreement

Template – draft

Purpose of Agreement

The purpose of this Agreement is to identify and confirm the terms, conditions and obligations agreed upon between the XX Conservation District (District), who is undertaking a project (Project) funded by the State Conservation Commission (SCC), and Landowner or Landowner(s), who own the property on which the Project will take place. The District and Landowner(s) mutually agree to participate in conducting the natural resource improvement activities described below. The activities also are described in, and in accordance with, the SCC's Master Contract with XX District, into which this agreement, once signed by both parties, becomes incorporated herein.

XX Conservation District

- Contact Information
- Staff Project Lead Name and Contact Information

Landowner(s)

- Name and contact information

Property Description

- Project address(es) and lat/long coordinates

Terms, Conditions and Responsibilities

District Agrees To

- Be responsible for the design and installation or completion of the project, and the conduct and activities of its staff, agents, and representatives within the scope of the project.
- Provide the Landowner(s) with a timeline of estimated dates of Project activities, including start and completion dates, and to keep the Landowner(s) informed of progress.
- Conduct the Project-related activities described above in the Project Description.

- Leave all remaining portions of the property in as near pre-project condition as reasonable, or as otherwise agreed upon in writing with Landowner(s).
- Hold harmless the landowner from any liability, including any negligence on the part of the landowner, associated from injuries or damages occurring to workers implementing the project.
- Ensure all applicable local, state, and federal permits are obtained for installation of the practice(s). District understands and agrees that construction or implementation must not occur until documentation of obtained permits is on file at the District.
- Ensure compliance with Executive Order (EO) 05-05 and SCC's Cultural Resources policy and provide required documentation to the SCC describing actions taken under the EO and policy.
- Identify the specific maintenance and/or monitoring activities that will be provided and performed by the District in Attachment A. Practice design life standards will apply for all USDA Natural Resources Conservation Service and SCC-approved practices.

Landowner Agrees To

- Authorize the District to install, construct or complete practice(s) described in the detailed Specific Project Information in Attachment A to address identified natural resource issues on Landowner's property.
- Agrees to defend, indemnify and save harmless the District, its appointed and elected officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the District, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the applicant, his/her contractors, its successor or assigns, or its or their agent, servants, or employees, the District, its appointed or elected officers, employees or their agents, its appointed or elected officials or employees. It is further provided that no liability shall attach to the District by reason of entering into this agreement, except as expressly provided herein.
- Permit for the duration of the practice(s) design life, on reasonable notice and request from the District, the inspection of the location, maintenance, and monitoring of the long-term condition of the practice(s).

- Provide annual proof of performance documentation as specified in Attachment A to the District on October 1 of each year, for the design life of each practice.
- Reimburse all or part, as prorated by the District, in addition to any other remedies available by law or in equity, if, before the expiration of each or any practice design life the contract is terminated due to any of the following:
 - Landowner destroys or fails to maintain the practice(s)
 - Landowner relinquishes management or title to the land on which the practice(s) have been established and the new owner/operator of the land does not agree, in writing, under the same terms applicable to the Landowner, the practice(s) for the remainder of the design life.
- Request of any person(s) to whom the benefitted acres are transferred by sale, lease, or other means, to sign a statement to maintain and continue the practice(s) for its design life under the same terms applicable to the Landowner as a condition of ownership or control.
 - Landowner will notify the District in writing of any change in ownership or control of the subject property within thirty (30) days of such a change.
 - Written notification to the District will include:
 - The name of the new landowner(s);
 - Whether or not the new landowner(s) agree to continue the practice(s), and;
 - If they agree to continue the practice(s), a copy of the new landowner-signed statement to retain and maintain the practice for its remaining design life.
 - Landowner also understands that in the event the District is required to institute legal proceedings to seek recovery of public funds, the District is entitled to its costs thereof, including attorney's fees.
- Agree that any and all photographs submitted to the District, or taken by the District, in relation to this project can and may be used for the purposes of reporting and/or displaying the results of the Project.

General Terms

This agreement may be terminated by the District, if in its discretion, it determines that circumstances have rendered the Purpose of this agreement impractical to achieve. Termination also may be sought by either party by providing 30 days written notice to the other party. This Agreement does not authorize the District or SCC to assume jurisdiction over, or any ownership interest in, the premises. The Landowner retains sole responsibility for taxes, assessments, damage claims, and controlling trespass. The Landowner also retains all benefits and enjoyment of the rights of ownership except as are specifically provided in this agreement.

Definitions

- **Project:** An investment of public funds to plan, design, permit, install, construct, and/or complete 1 or more defined practices on 1 or more properties.
- **Practice:** A defined, specific activity to be performed or constructed according to approved standards and specifications published by the USDA Natural Resources Conservation Service (NRCS) or SCC for the purpose of addressing a natural resource concern(s). See Specific Project Information in Attachment A.
- **Conservation District (District):** Special purpose district authorized by RCW 89.08 to assist in the conservation of natural resources in Washington State.
- **Landowner:** Person or persons with legal title to, and control over, the property where the practice(s) will be implemented. This person or persons must sign this contract before any work commences on their property.
- **Natural Resource Concern:** An opportunity to sustain or enhance soil, water, air, plants, animals, humans and energy.
- **Practice Code:** A code assigned to a practice, established and published by the USDA Natural Resources Conservation Service in the Field Office Technical Guide.
- **Practice Design Life:** The described and expected life of a practice if installed correctly, and maintained in accordance with the accompanying management plan.
- **Proof of Performance:** An agreed to a method of communicating the ongoing retention, maintenance or operation of a practice between the District and the Landowner. See Specific Project Information in Attachment A.
- **District Authorized Signatory:** Person identified by the District authorized to obligate the District and reflected on an Authorized Signature Form on file at SCC.

Signatures & Dates

XX District Authorized Signatory:

Date:

Printed Name:

Landowner:

Date:

Printed Name:

Attachment A: Specific Project Information

1. Describe the resource concern(s) to be addressed by the project activities on Landowner's property.
2. Describe the practices to be installed on Landowner's property including NRCS practice code(s) and practice design life.
3. Specify and describe construction, maintenance and/or monitoring activities that will be provided or performed by the District and the Landowner. Include frequency and duration of such activities. Include specific details of which District staff, contractors or other authorized personnel may be entering the property for the purposes of performing work including maintenance or monitoring activities and when (dates or timeframes) work will occur.



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: Conservation District Name Change

Action Item	<input checked="" type="checkbox"/>
Informational Item	<input type="checkbox"/>

Summary:

The Palouse Rock Lake Conservation District (PRLCD) has determined that changing the name of their district would reduce confusion with the nearby Palouse Conservation District. A name change would also reduce challenges with the length of their district name wherever it may appear such as signage, checks, letterhead, and other materials. PRLCD has taken local board action to approve, by resolution, that the district name be changed to the Rock Lake Conservation District. The PRLCD has submitted the proper documentation to the Commission, enclosed in the meeting packet, in order to process the change.

Requested Action (if action item):

The PRLCD requests that the Commission approve their change of name to the Rock Lake Conservation District and forward the documentation on to the Secretary of State for final processing.

Staff Contact:

Shana Joy, sjoy@scc.wa.gov, 360.480.2078

Recommended Action and Options (if action item):

The Commission approves of the change of name from Palouse Rock Lake Conservation District to Rock Lake Conservation District.

PETITION FOR NAME CHANGE OF THE
PALOUSE-ROCK LAKE CONSERVATION DISTRICT
TO BE KNOWN AS THE
ROCK LAKE CONSERVATION DISTRICT

TO: The Washington State Conservation Commission

Pursuant to the Conservation Districts Law (Chapter 89.08 RCW) the undersigned supervisors of the Palouse-Rock Lake Conservation District, respectfully represent:

First: That heretofore, the Palouse-Rock Lake Conservation District was duly organized as a governmental subdivision of this state and a public body corporate and politic.

Second: That there is need, in the interest of the public health, safety, welfare, and operating efficiency, for the Palouse-Rock Lake Conservation District to change its name to be known as the Rock Lake Conservation District.

Third: That this petition is signed by the Palouse-Rock Lake Conservation District Board.

WHEREFORE, the undersigned supervisors of the Palouse-Rock Lake Conservation District respectfully request that the Washington State Conservation Commission duly determine that changing the name of the Palouse-Rock Lake Conservation District to be known as the Rock Lake Conservation District is in the interest of public health, safety, welfare, and more efficient operations.

Palouse-Rock Lake Conservation District


Chairman


Vice Chairman


Secretary-Treasurer


Member

Member

The signing of this Petition was authorized by a resolution of the Palouse-Rock Lake Conservation District Board of Supervisors adopted on February 16, 2021.



Cindy White, Secretary

Signature: 
Clinton O'Keefe (Feb 8, 2021 15:49 PST)
Email: okeefefarms@mail.com

Palouse-Rock Lake Conservation District
Resolution # 41
January 26th, 2021

WHEREAS, the Board of Supervisors of the Palouse-Rock Lake Conservation District ("District") operates under the laws of the State of Washington applicable to conservation districts.

WHEREAS the District is governed by a five-member board, as set out in RCW Chapter 89.08 and WAC Section 135-110.

It is RESOLVED that the organization hitherto known as the Palouse-Rock Lake Conservation District change its name to and operate, in all legal and official matters, henceforth as the Rock Lake Conservation District.

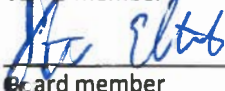
The District tasks and entrusts the management and the staff to carry out all necessary measures to complete the aforementioned change in name.



Adopted at a regular board meeting of the District Board of Supervisors on January the 26th, 2021

Clinton O'Keefe

Chair Signature

Board member


Board member


Board member

Board member

Resolution

Final Audit Report

2021-02-08

Created:	2021-02-03
By:	Andrew Wolfe (awolfe@prlcd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAoQrQdacza5zULj8nz1Mbp1aWww-osr_

"Resolution" History



Document created by Andrew Wolfe (awolfe@prlcd.org)

2021-02-03 - 5:28:54 PM GMT- IP address: 162.248.145.197



Document emailed to Clinton O'Keefe (okeefefarms@mail.com) for signature

2021-02-03 - 5:29:16 PM GMT



Email viewed by Clinton O'Keefe (okeefefarms@mail.com)

2021-02-08 - 11:47:11 PM GMT- IP address: 174.204.79.219



Document e-signed by Clinton O'Keefe (okeefefarms@mail.com)

Signature Date: 2021-02-08 - 11:49:17 PM GMT - Time Source: server- IP address: 174.204.79.219



Agreement completed.

2021-02-08 - 11:49:17 PM GMT



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Shana Joy, District Operations & Regional Manager Coordinator

SUBJECT: Conservation Accountability & Performance Program (CAPP) Update

Action Item

☒

Informational Item

☐

Summary:

This CAPP update is being provided due to concerning CAPP issues that have come to light recently at the Pine Creek Conservation District. More detail on those issues is explained below. It has been my understanding that the Commissioners prefer to be informed right away when one or more CAPP accountability issues of a serious nature become known. Per the CAPP guidelines that were adopted in January 2021, Commissioners may choose to take action based on this report with respect to SCC funding to the Pine Creek Conservation District.

Staff Contact:

Shana Joy, sjoy@scc.wa.gov, 360.480.2078

Background and Discussion:

The Conservation Commission at their January 2021 meeting approved the CAPP guidelines for use in 2021. Meeting 100% of the requirements in Accountability Standard 1 is a threshold for receiving state funding through the Conservation Commission. This CAPP update is reporting to the Commission that the Pine Creek Conservation District (CD) is not meeting all of the accountability requirements. You may recall that in July of 2019, the following CAPP deficiencies were reported to the Commission for the Pine Creek CD:

- Item 4. Pine Creek district has done minimum this past fiscal year in addressing conservation concerns that are listed in their Long Range Plan.
- Item 12. Pine Creek district has not held their board meeting on the advertised date for 8 of the past 12 meetings making it difficult for people to plan and attend.
- Item 14. Pine Creek District has not complied with the terms of the Master Contract regarding required monthly vouchering for funds received from the WSCC.

The Pine Creek CD established a plan to address the deficiencies and worked to carry that out through the remainder of 2019 and into early 2020. I have continued to work with the Pine Creek CD to monitor their accountability and offer guidance and assistance upon request during this time.

Unfortunately, a recent CAPP accountability evaluation of Pine Creek CD identified the following deficiencies. The CAPP accountability standard 1 is attached for reference.

- Item 4. The CD is not currently demonstrating progress towards addressing the goals identified in their long range plan, as it was updated in 2019.
- Item 8. The local State Auditor's Office (SAO) audit team has been attempting to conduct a regular accountability audit of the CD since September 15, 2020. Recently, it came to light that financial records were accidentally destroyed or lost by district staff for 2017 and 2018, two years of the three that the SAO has been attempting to audit. While the results of this audit are not yet finalized, it is likely that at least a finding for the loss of financial records will be reported by the SAO. There is no clear remedy for such a finding except to be audited again in the following year and provide a complete set of financial records for the timeframe under audit.
- Item 14. The CD has not complied with the terms of the Master Contract regarding required monthly vouchering for funds received from the SCC. As of the date that this memo was submitted for the meeting packet on March 4th, the CD is 9 months behind in submitting vouchers for Natural Resource Investments funding.

The loss of district financial records on top of the lack of timely grant vouchering in 2020 and early 2021 has triggered this report to the Commission at this time.

Pine Creek CD was alerted of the grant vouchering issue beginning in August of 2020 and communication with the district board and staff has continued since then. The information pertaining to the financial records and audit that is in progress came to light in February of 2021 and was immediately communicated to the Pine Creek CD board prior to and during the February 17th regular board meeting. Since that time, the board has held 2 special meetings focused on addressing the CAPP issues raised and the following actions have been taken:

- The CD is actively seeking to hire, or contract with, an independent accountant/CPA to take over the daily financial management duties for the CD.
- The SCC grant vouchering has been brought current only for the Implementation grant.
- The current district manager, working with the board, is exploring options for retirement as soon as possible.
- The board is discussing options for a new district manager including conducting their own recruitment or possibly approaching a neighboring district about staff sharing.

Recommended Action and Options (if action item):

It is within the purview of the Commission and in accordance with the published 2021 CAPP guidelines to take action, such as withholding SCC grant funding, from a conservation district that is not meeting 100% of the required Accountability elements under CAPP.

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:**

	Compliance with Laws and Requirements	Citation (link to RCW or WAC)	Yes	No
1.	Annual report of accomplishments was submitted on time, in the prescribed format to the Commission.	RCW 89.08.070 (11)		
2.	District Long Range Plan submitted on time & meeting RCW and Commission requirements.	RCW 89.08.220 (7)		
3.	District Annual Work Plan submitted on time & meeting RCW and Commission requirements.	RCW 89.08.220 (7)		
4.	The District has made a demonstrated effort to address their top resource needs identified in their Long Range Plan.	RCW 89.08.220 (7)		
5.	Upon request, District contracts and agreements have been submitted to the Commission	RCW 89.08.210		
6.	Supervisor elections & 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.	RCW 89.08.190 & 89.08.200 WAC 135-110		
7.	Annual financial reporting to State Auditor's Office completed correctly and on time.	RCW 89.08.210		
8.	All State Auditor identified issues (during SAO audits) have been resolved to the extent possible.	RCW 89.08.070 (12)		
9.	Open Public Meetings Act is followed including executive sessions.	RCW 42.30		
10.	State Public Records Act is followed.	RCW 42.56		
11.	All Board Supervisors and Public Records Officers are current on the required Open Public Meetings and Public Records Act Training.	RCW 42.30.210 & RCW 42.56.150		
12.	Keeping public informed of Conservation District activities.	RCW 89.08.220 (13)		
13.	State Ethics laws for public officials are being followed.	RCW 42.20 & 42.23		
14.	District in compliance with terms of Commission/District Master Agreement.	RCW 89.08.070 (5)		
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.	Various		

Standard 1 Ideas for Improvement:



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members

FROM: Carol Smith
Executive Director

SUBJECT: Agency 2022-2027 Strategic Plan Follow-up

Action Item

X

Informational Item

Summary:

Update to agency Mission, Vision and Values-

At the January Commission meeting, members reviewed the current mission, vision and values statements, and discussed adding diversity, equity, inclusion (DEI) language. A small committee of commission members (Dorner, Spaeth and Williams) worked with the executive director to review and provide proposed DEI language for full member review and approval. In the documents following this memo, you will see the suggested edits from the previous meeting along with an additional DEI element added to the Values.

Strategic priorities and goals:

SCC staff met to strategize on potential agency priorities for commission review and response. Staff is also working on draft goals and tactics for the Commission to work from in May.

Requested Action (if action item):

Mission, Vision, Values: Once members review and discuss the proposed changes, approval will be needed for these changes to become effective and included in our newly updated 2022-2027 strategic plan document and updated on our commission website and communication materials.

Strategic Priorities and Goals: After review and discussion, members can approve the proposed strategic priorities with any suggested changes.

Goals, objectives, and tactics will be reviewed and/or developed at the May Commission meeting, where we will have an extra day added to our business meeting to focus solely on goals, objectives, and tactics.

Staff Contact:

Carol Smith, Executive Director: csmith@scc.wa.gov

Background and Discussion:

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.

Following this memo, we have included items for March:

- Approved timeline for developing our five-year strategic plan,
- Mission, vision and values document for final review and approval, and
- Staff proposed strategic priorities

Recommended Action:

Motion requested to approve the updated mission, vision, values statement with the diversity, equity and inclusion (DEI) element added.

Motion requested to approve the five agency strategic priorities presented titled: Improving Natural Resources through Voluntary conservation, Agricultural Working Lands Viability, Increasing Climate Resiliency, Committed to Leadership, Partnership, and Collaboration, and, Governance and Accountability.

APPROVED TIMELINE FOR DEVELOPING OUR FIVE-YEAR STRATEGIC PLAN

SCC staff develops
recommendations for
strategic priorities

Nov-March

Dec SCC Meeting:
Commissioners review/approve process for developing plan.

Nov: Staff crafts recommended process for developing plan.

Jan SCC Meeting:
Commissioners review statute, vision, mission, and values.

Mar SCC Meeting:
Commissioners review/approve strategic priorities.

SCC staff develops
recommendations
for goals

March-May

May SCC Meeting:
Commissioners review/approve goals.

SCC seeks input
from partners on
strategic plan

May-July

July SCC Meeting:
Commissioners review partner input and consider revisions to strategic plan.

**Finalize
plan**

Sept 2021

Sept SCC Meeting:
Commissioners approve 2022-2027 Strategic Plan.



Strategic Planning Review

January 21, 2021

Our Mission...

To conserve natural resources on all lands in Washington State, through voluntary and incentive based programs, 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 promote voluntary stewardship and accomplish natural resource goals.

Deleted: incite

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.

Additional Value included for consideration:

Diversity Equity and Inclusion

We commit to inclusion across gender, race, age, religion, accessibility, identity, veterans status, neurodiversity, and experience to have a culture where all feel included and valued. We believe that diversity drives innovation and that our work should reflect the diversity of people across Washington State. We strive to remove barriers that impact equity in our programs and agency. We commit to reach out to marginalized and underserved communities to inform them about our programs and recruit applications for future open positions at the Commission and the Conservation Districts.

Commented [GL(1)]: Note from Commissioner Dornier: I think this is good to state but wondering if this statement belongs later on in the document where we will talk about actions to execute on our values.

2022-2027 Strategic Plan Development

Proposed Priorities and Goals for Commission consideration:

Priority Area: Improving Natural Resources through Voluntary Conservation

Staff examples of goals:

- I. Goal: Demonstrate measureable progress towards restoration and enhancement of fish and wildlife habitat.
- II. Goal: Improve water quality
- III. Goal: Improve soil health
- IV. Goal: Demonstrate protection and enhancement of critical areas and viability of agriculture through the Voluntary Stewardship Program as an alternative to GMA.
- V. Goal: Improving forest and rangeland health on private land
- VI. Goal: Water Quantity/Drought (see climate priority)
- VII. Goal: Educate Washingtonians as to the value of natural resources and opportunities for protection and enhancement of their land
- VIII. Goal: Demonstrate measureable progress towards *restoration and enhancement* of cultural and social considerations in natural resource conservation

Priority Area: Agricultural and Working Lands Viability

Staff examples of goals:

- I. Goal: The SCC is a trusted and knowledgeable partner in advancing working lands protection and agricultural viability across Washington.
- II. Goal: Working lands are available for future generations.
- III. Goal: Increase and maintain water supply for agriculture.
- IV. Goal: Promote policy and funding to support farmland preservation and economic viability as part of the food system.

Priority Area: Increasing Climate Resiliency

Staff examples of goals:

- I. Goal: Equip producers and land stewards to implement adaptive management strategies to help them respond to changes around them to be successful.
- II. Goal: Increase carbon sequestration to mitigate climate change.
- III. Goal: Decrease greenhouse gas emissions to mitigate climate change.
- IV. Goal: Educate decision-makers about work that SCC is engaged in towards climate change resiliency.
- V. Goal: Increase recognition of the multiple benefits that practices offer.

Priority Area: Committed to Leadership, Partnership, and Collaboration

Staff examples of goals:

- I. Goal: Earn and maintain the trust of partners and decision-makers.
- II. Goal: Secure recognition and respect for our leadership in voluntary conservation and innovative natural resource solutions.
- III. Goal: Cultivate a broad and inclusive culture of conservation.
- IV. Goal: Foster collaborative multi-benefit solutions for natural resources and agriculture.

Priority Area: Governance and Accountability

Staff examples of goals:

- I. Goal: The SCC Board and agency operates legally, transparently, and accountably.
- II. Goal: A fully engaged and representative SCC Board.
- III. Goal: Conservation district boards are representative of their communities.
- IV. Goal: Conservation districts operate legally, transparently, and accountably.



Washington State Conservation Commission

March 18, 2020

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Ron Shultz, WSCC Policy Director

SUBJECT: Request of WDFW to be a Full Member of WSCC

Action Item

☒

Informational Item

☐

Summary:

Recently the Washington Department of Fish and Wildlife (WDFW) communicated to the Washington State Conservation Commission (WSCC or Commission) the interest of WDFW to be added to the Commission as a full voting member.

When considering the WDFW request, the Commission evaluated the current composition of the Commission board. In particular, the Commission considered whether the Commission board contains the right mix of representation. The Commission considered various possible additions and how the addition of an agency representative would impact the current composition. The Commission directed WSCC staff to submit the question to conservation districts for feedback.

The Commission also directed staff, when seeking input from conservation districts on the addition of WDFW, to include a number of options for possible changes to the Commission membership. These options are detailed below.

Requested Action (if action item):

Commission staff recommends the Commission take no action to change the composition of the Commission at this time.

Staff Contact:

Ron Shultz, WSCC Policy Director (360) 790-5994 rshultz@scc.wa.gov

Background and Discussion:

The Conservation Commission currently consists of 10 voting members¹, the composition of which is established in statute.² According to the statute, Commission membership consists of the following:

- 2 members appointed by the governor, one of whom shall be a landowner or operator of a farm.
- 3 elected members, at least 2 of which shall be landowners or operators of a farm.
- 5 members representing: the directors of Ecology and WSDA; the commissioner of public lands; the dean of the college of agriculture at WSU, and the president of the Washington Association of Conservation Districts. These members may appoint a designee through delegation of authority.

The statute also authorizes the Commission to invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the Commission. These advisors are not official members of the Commission and do not vote on Commission matters.

WDFW has served as an advisory member of the Commission for many years. There are a number of issues managed by WDFW which overlap with the work of conservation districts and the Commission. Specifically these issues relate to species management, land management, and habitat protection and restoration.

WDFW Request to Commission and Action on Request

In November 2019, WDFW Director Kelly Susewind submitted a letter to the Commission requesting WDFW be added to the Commission as a voting member. A copy of the letter is attached.

At the December 2019 Commission meeting, the Commission discussed the request and considered a number of factors relating to the composition of the Commission. Various options were considered, including the addition of members reflecting other interests including Tribes.

Key factors in the Commission's discussion included:

- Concerns about balance of representation between agencies and districts;
- The question whether to formalize the Tribal appointment, which now is an informal appointment by the Governor;

¹ State agency representatives on the Commission are identified in statute as "ex officio members of the commission". RCW 89.08.030. The term "ex officio" does not suggest these members are not voting members. According to Robert's Rules of Order, the term "ex officio" is Latin for "by virtue of office or position". Therefore the reference in statute to these member's positions being "ex officio" is because of their official position. Also according to Robert's Rules of Order, ex officio members have exactly the same rights and privileges as to all other members, including the right to vote. Source: Robert's Rules of Order Revised (10th ed.), p. 466-67.

² RCW 89.08.030.

- Whether to add representation for urban or small-acreage agriculture.

After extensive discussion, the following motion was passed:

Motion by Commissioner Cochran to allow staff to distribute the options to the conservation districts for comment per the agency's policy on policies regarding adding a WDFW representative and including options adding potential other members, including a tribal representative to the commission. Seconded by Commissioner Beale. Motion carried.

Based on this motion, Commission staff submitted a survey to conservation districts for their consideration of the question of adding WDFW to the Commission. Included with the survey was a memo describing the WDFW request; offered several points for districts to consider when evaluating the request; and presented the districts with five options for consideration. A copy of the memo is attached.

The voting was open to all district supervisors. They could vote individually or as a district. We received 70 responses. A compilation of their response is attached. Below is a summary of the vote for each option:

Option 1: Add WDFW to the Commission as a full member.

Response: yes – 14 no – 56

Option 2: Add one additional representative of CDs if WDFW is added.

Response: yes – 37 no – 33

Option 3: Add one representative of urban or small acreage agriculture if WDFW is added.

Response: yes – 21 no – 49

Option 4: Add tribal representative if WDFW is added.

Response: yes – 52 no – 18

Option 5: No change to the Commission's current membership.

Response: yes – 46 no – 24

Commission staff also reach out to stakeholders to solicit feedback on the issue. From the Executive Director of the Washington Wheat Growers:

I have brought this request before my leadership team and these are their thoughts:

- We feel agencies should be able to advise but not vote
- We feel the mission and scope of the commission would change and not for the better for producers - it's of importance we keep farm leaders as high priority.

We have resolutions that state that we support locally led conservation control and having an agency have the voting power would not be in our best interest. In summary, WDFW can advise but we are against them having any voting power on the commission.

From the State Dairy Federation, an informal response from their staff indicated a concern regarding the addition of a regulatory agency to the Commission. However, it was acknowledged the areas of cooperation between WDFW and conservation districts. Staff indicated they would likely not have a preference either way.

From the State Farm Bureau, and informal response from staff:

As you know WDFW has made this request for more than a decade. Expanding the number of agencies represented on the commission should at the very least trigger a conversation about adding another farmer rep to balance the power.

Recommended Action and Options (if action item):

The Commission is presented with the same options for action consideration as the conservation districts. Of course, the Commission may also choose a new option. It should be remembered, any option for action to change the membership composition of the Commission will require a statutory change. The earliest opportunity to propose this legislation would be at the 2022 Legislative Session since all deadlines for bill passage have passed for this session.

Staff recommends Option 5 – No change to the Commission’s membership. We recognize and value the many partnerships we have, and will continue to engage in, with WDFW. This recommendation is not a reflection of these activities. Staff believes the primary issue of concern is achieving the correct balance on the Commission of the various interests. Many commenters in the survey expressed concern regarding the addition of a regulatory agency to the Commission, creating an imbalance toward agencies. Others expressed support for adding WDFW if other members, such as another conservation district or Tribal representation, were added to the Commission for balance. One commenter even suggested an allocation of two district representatives for each agency representative. Staff is concerned these questions of balance could lead to a larger Commission that would become unwieldy in operation and decision-making.

Attachments:

1. Director Susewind letter to the Conservation Commission.
2. Memo to Conservation Districts request input
3. Conservation District survey results



RECEIVED

NOV 01 2019

WA Conservation Commission

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

October 30, 2019

Mr. Jim Kropf
Chair, Washington State Conservation Commission
Post Office Box 47721
Olympia, Washington 98504-7721

RE: WDFW interest in becoming voting member of the SCC

Dear Mr. Kropf:

I am writing to express Washington Department of Fish and Wildlife's (WDFW) interest in becoming a voting member of the Washington State Conservation Commission (SCC). WDFW and SCC/conservation districts (CDs) partner on many efforts. Fifty percent of lands in Washington are in private ownership. The fish and wildlife resources of Washington belong to all the residents of the state, and WDFW holds these resources in trust. We will not be successful in fulfilling our mission to preserve, protect, and perpetuate the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities unless we partner with private landowners.

WDFW conducts some of this work directly, but a large amount of conservation on private lands relies on partners, including CDs. Notable examples of CDs working with private landowners to conserve fish and wildlife include restoring riparian areas through the Conservation Reserve Enhancement Program, correcting fish passage barriers, and leading the second annual Orca Recovery Day in 2019.

In addition to these broad examples, WDFW partners with SCC/CDs on the following efforts:

- WDFW is one of four state agencies serving on the Technical Panel for the Voluntary Stewardship Program administered by the SCC.
- SCC staff have coordinated with WDFW staff to provide input on WDFW's effort to update the Priority Habitats and Species Riparian guidelines.
- WDFW is leading the Southwest Washington Small Forest Lands Conservation Partnership, partnering with eight CDs, SCC, the Department of Natural Resources, Washington State University Extension, and the Natural Resources Conservation Service (NRCS). The partnership is part of NRCS's Regional Conservation Partnership Program.

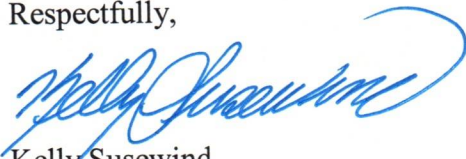
- WDFW and SCC worked together to influence policy in the 2018 Farm Bill including extensive efforts to work with Washington's congressional delegation. The Farm Bill is the largest source of federal funding for private lands conservation and is critical to funding voluntary, incentive-based conservation efforts.
- WDFW and SCC actively participate in Coordinated Resource Management at the state and local levels. Coordinated Resource Management is a collaborative process to help stakeholders develop local solutions to challenging natural resources issues.
- SCC and WDFW staff coordinated to obtain funding for beach restoration activities on the Pacific Coast. Pacific CD is coordinating this effort.

WDFW has served as an advisory member of the SCC for many years. We strive to participate in the SCC business meetings and CD tours held every other month throughout the state and have not missed a business meeting in over four years. We are one of five state agencies represented on the SCC, but we are the only non-voting agency.

Given the high volume of collaboration between WDFW, SCC, and CDs, we believe there is value in WDFW becoming a voting member of the SCC. We realize there may be concerns regarding the overall composition of the SCC through adding another state agency as a voting member of the SCC. We acknowledge those concerns and support the possibility of adding additional citizen voting members to the SCC. This could balance out the distribution of voting members and broaden the representation of stakeholders who participate on the SCC.

Thank you for your consideration of our request. We recognize the SCC needs to coordinate with CDs and other stakeholders to gather input before this request moves forward. Please keep us apprised of these efforts and let us know how we can help if the proposal advances.

Respectfully,



Kelly Susewind
Director

cc: Dr. Carol Smith, Executive Director, Washington State Conservation Commission
Nate Pamplin, Director of Budget and Government Affairs
Tom McBride, Legislative Director
Mike Kuttel, Jr., Farm Bill Coordinator

August 19, 2020

TO: Conservation District Board Supervisors and Managers

FROM: Ron Shultz, WSCC Policy Director

RE: Seeking District Comment on Adding WDFW to the WSCC

Recently the Washington Department of Fish and Wildlife (WDFW) communicated to the Washington State Conservation Commission (WSCC or Commission) the interest of WDFW to be added to the Commission as a full voting member.

The Commission considered WDFW's request and has directed WSCC staff to submit the question to conservation districts for feedback. When considering the WDFW request, the Commission also considered the current composition of the Commission board. In particular, the Commission considered whether the Commission board contains the right mix of representation. The Commission considered various possible additions and how the addition of an agency representative would impact the current composition.

The Commission also directed staff, when seeking input from conservation districts on the addition of WDFW, to include a number of options for possible changes to the Commission membership. These options are detailed below.

BACKGROUND

The Conservation Commission currently consists of 10 voting members, the composition of which is established in statute. RCW 89.08.030. According to the statute, Commission membership consists of the following:

- 2 members appointed by the governor, one of whom shall be a landowner or operator of a farm.
- 3 elected members, at least 2 of which shall be landowners or operators of a farm.
- 5 members representing: the directors of Ecology and WSDA; the commissioner of public lands; the dean of the college of agriculture at WSU, and the president

of the Washington Association of Conservation Districts. These members may appoint a designee through delegation of authority.

The statute also authorizes the Commission to invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the Commission. These advisors are not official members of the Commission and do not vote on Commission matters.

WDFW has served as an advisory member of the Commission for many years. There are a number of issues managed by WDFW which overlap with the work of conservation districts and the Commission. Specifically these issues relate to species management, land management, and habitat protection and restoration.

SCC staff and conservation districts work very closely with WDFW staff on a variety of issues, including:

- WDFW is one of four agencies on the Voluntary Stewardship Program (VSP) technical panel, and the Commission included a specific funding request for WDFW in our 2019-21 VSP budget proposal, supporting WDFW's remote sensing program. This proposal was funded.
- SCC staff worked with WDFW staff on funding for beach restoration activities on the Pacific coast, the projects being coordinated by the Pacific Conservation District.
- Commission staff engaged with WDFW staff in the agency's development of the revision to the Priority Habitat and Species (PHS) Riparian update guidance for aquatic species.
- WDFW is the lead on the Southwest Washington Small Forest Landowner RCPP in partnership with SCC staff and local conservation districts.
- SCC staff have also coordinated with WDFW staff on Farm Bill matters. WDFW staff have done a large amount of work informing members of Congress on the impacts of the Farm Bill to our state. Continued coordination on this topic will be beneficial.
- From 2008 to 2010 the OFP Farmland Preservation Task Force conducted a series of meetings around the state to discuss issues impacting farmland. The number one issue of concern to the group was management of WDFW lands. We invited WDFW staff to meet with the Task Force to have a dialogue about land management issues.
- WDFW and SCC actively participate in Coordinated Resource Management (CRM) at the state and local levels. CRM is a collaborative process that helps stakeholders develop local solutions to contentious natural resources issues.
- WDFW and CDs have worked together on many fish passage and fish screening projects. Given the number of road crossings and irrigation screens, there will be many opportunities to partner in the future.

For any changes to the composition of the Commission, the statute must be changed. This would be a process of introduction of legislation. However, once legislation is considered, the perspectives of legislators must be addressed as well as gathering input from any interested stakeholders.

DISCUSSION

There are several factors to consider when evaluating whether to add WDFW, or any entity, to the Commission board. In no particular order, some of these factors include:

1. The mutual work and interests between the entity under consideration and the work of the Commission and conservation districts.
2. The balance of voting on the Commission. Currently there are 4 conservation district representatives, 4 agency representatives, and 2 Governor appointees. One may wish to consider how the addition of another representative will fit within this balance.
3. Whether there is appropriate representation on the Commission based on the issues the Commission and conservation districts undertake. For example, there's a considerable amount of mutual interests between the work of WDFW and the work of the Commission and conservation districts. There may be other areas where there is a significant nexus in mutually important work where representation on the Commission would be beneficial.
4. Currently, the Commission does not have specific representation from any particular group, such as "large ag" or "urban ag". The two Governor appointees are not required to have any particular affiliation according to the statute. That said, over the years an informal affiliation has been used with one appointee reflecting environmental interests and one reflecting tribal interests.

These are only a few of the possible factors to consider when thinking about the appropriate composition of the Commission. You may have other factors that are important to you.

OPTIONS FOR CONSIDERATION:

Commission staff will be distributing a survey for your responses as to whether to add any of the following as voting members to the Commission. The survey will be in a "yes / no" format and each option is considered independent of the others.

The options approved by the Commission for consideration by conservation districts are:

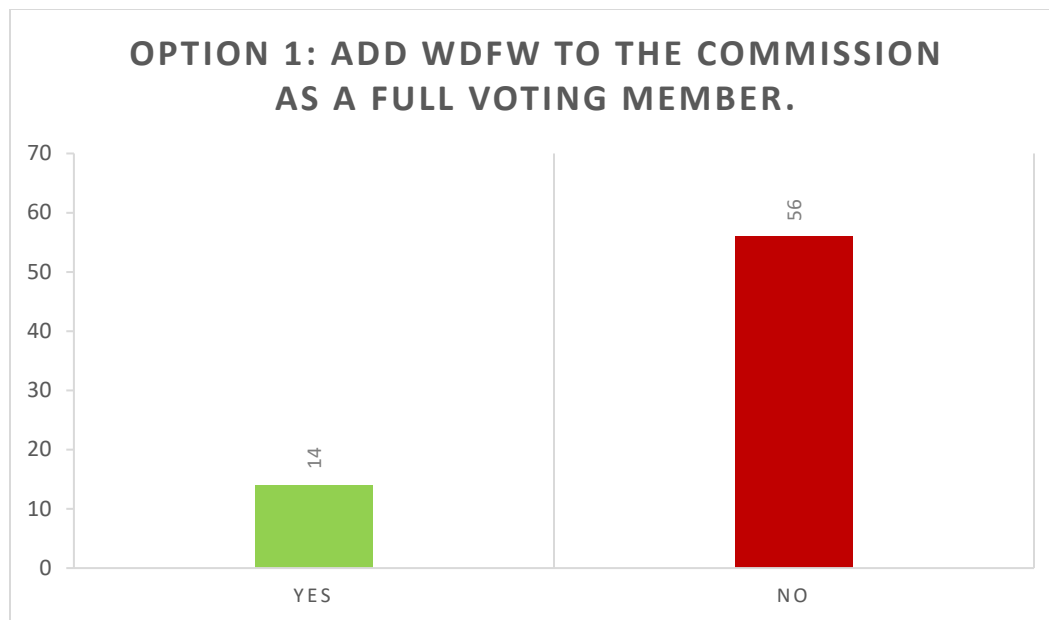
Option 1: Add WDFW to the Commission as a full voting member.

Option 2: Add one additional representative of conservation districts, if WDFW is added.

Option 3: Add one representative of urban or small acreage agriculture, if WDFW is added.

Option 4: Add tribal representative, if WDFW is added.

Option 5: No change to the Commission's current membership.



Additional Comments about Option 1:

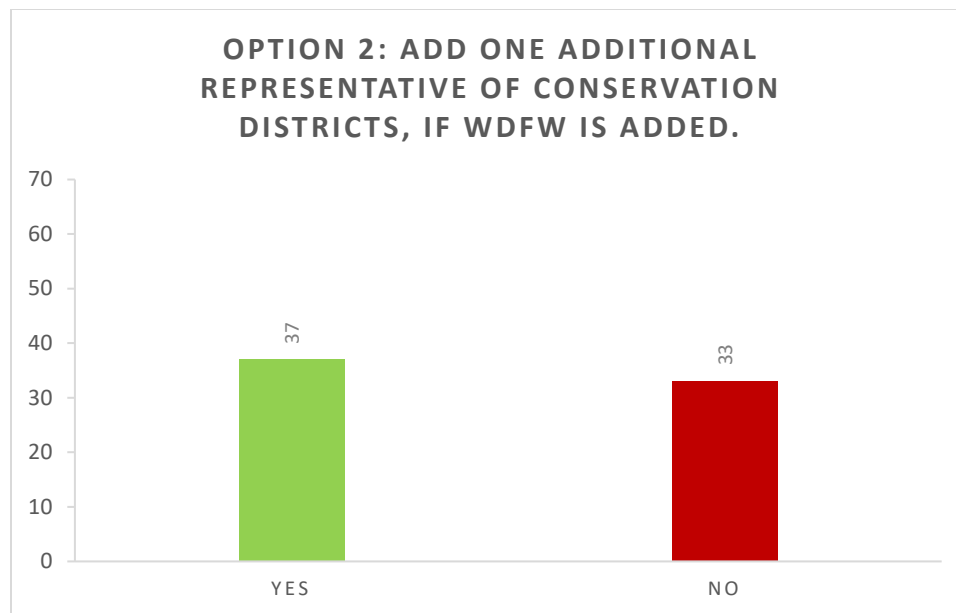
- If DFW were to be added there would need to be some balance. Also, given the overlap in the work areas it would seem appropriate to have local CD representation on the DFW commission.
- The state has their own interest like fish and Orca. WDFW could sway future support to the Districts by the state if the Districts don't see the focus being the same as WDFW.
- WDFW is a cooperating agency in many issues, but their written and legislatively driven goal set is extremely different the conservation commission. In the local VSP group they have been more of a hindrance than asset. I strongly oppose this idea.
- WDFW is overworked and underfunded already.
- My experience with WDFW is they talk the talk, but do not walk the talk concerning prudent management of lands they control. They do not exhibit any knowledge of resource management. Their presence on WSCC would not be of value.
- WDFW has a vested interest in habitat creation. While there is room for this in the landscape and CDs implement buffers and wildlife habitat regularly, the WDFW perspective is inherently detrimental for agricultural producers.
- My understanding is that the state agency appointees are ex officio. I thought that meant non-voting. They should be allowed non-voting ex officio membership like on the SRFB
- Don't believe WDFW has much concern for conservation or doing work to help landowners.
- Absolutely not, last thing we need is more government involved in our process. They are a land ownership company anyway. They buy and lock down and that's the end of the land usage. No conservation practices per say take place on their property.

WDFW Survey Responses – March 2021

- We need to keep an arm's length away from all government agencies including tribal to represent the people of our district.
- Our Board answers with a no. Although our board recognizes the listed successes between the WDFW and WSCC and a few examples of success with CD's. These should be part of any "partnership" ... mutual success. Our district partners with WDFW all the time with success. Our district also participates in CRM processes where WDFW will NOT participate in a manner consistent with their signing of the CRM management document. Until our district sees the State entities that are currently on the commission participate in a manner where they are truly partners (developing funding packages directly for / to CD's where we as CD's are doing their jobs our answer is a no. Until the WSCC can see and develop DNR's budget, etc... the answer to another State agency oversight to local CD's is NO.
- From Board of Supervisors: No Thanks! WDFW has their own Commission and we see no benefit to Districts or WA Conservation to give more control to WDFW on our own Commission. I prefer decrease voting representation by government agencies i.e. not CD. CD has lost autonomy.
- Adding a regulatory agency who has more than one department at odds with private landowners does not help keep districts neutral and non-regulatory in the eyes of the landowner. Because the commission controls the conditions (strings attached) of the money coming to districts it is felt they will use us to promote their agencies agenda rather help Districts work better and more efficient with private landowners. WDFW has very little credibility in our county from wolf and large ungulate management, permitting and management of their property. We are fully open to having them in a partner and working together with them especially in services provided to landowner but not as an advisor or regulator of District funding, policy and procedures.
- Beginning at the WACD Annual Meeting, suggest that WDFW take its case to the districts. A memo from Commission staff not an adequate substitute. There are unanswered questions as to motivations, intentions and aspirations. For example, folks recall positions contrary to those of the overwhelming majority of conservation districts. There is no obvious basis to believe that WDFW would not continue its independent, antagonistic behavior just because it gets a vote. In which case, one wonders why anyone would one afford another more power to impose its will? This essentially comes down to trust. WDFW at the state level does not have the trust of this board.
- Consider putting ag/working lands person on the Wildlife Commission. Adding WDFW creates an imbalance towards public sector agencies over citizens. This could decrease the diverse range of voices on the WSCC.
- Too much agency involvement is not what CDs are about. Should be landowner driven to take care of landowner concerns.
- I support adding WDFW under the condition of options 3 or 4

WDFW Survey Responses – March 2021

- I would not support the unilateral move to add WDFW to the Commission as a voting member. It seems this skews the makeup of the board to agencies
- In a perfect world the commission would be the main state conservation body. With voting representation from all the conservation agencies. This would give us more political power and hope better funding. So adding WDFW is a good start.
- I would only be in support of this if an additional CD representative was added. There should not be more partner representation than District representation.
- With caveats. While we have had good relationships mostly with local DFW staff I have concerns. During water rule making dfw, doe and tribe pushed through an unnecessarily onerous new rule. Concern would be the same thing happening regarding implementation of CD programs, specifically mandating buffer widths that aren't flexible. DFW mandate is for fish and habitat protection - in watershed planning processes they have shown that their mandate does not include keeping ag operations viable.
- Add WDFW, but put them in one of the Governor appointed positions and limit the Governor to one appointment. Otherwise we'd opt for option 2.

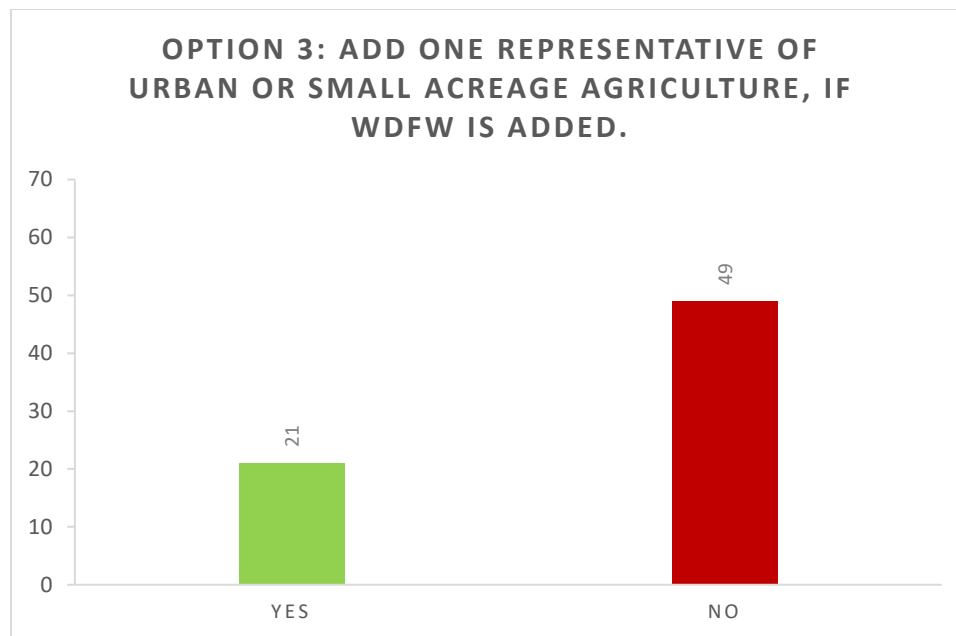


Additional comments about Option 2:

- WCC already is represented by those that each district has trust in. With the current turnover of Supervisors it is hard to get experienced members to attend.
- This would be hard to balance
- They don't need to be added.
- Opening the RCW to add WDFW and others is a non-starter for our district. Open it up and change this during this political time?!?!?! We will not like what we come up with.
- If WDFW is added, we would like to see an additional CD representative.
- Small farms, small woodland owners, and small acreages are wholly under represented
- Yes it would be a good move to for now.
- Only IF WDFW is added to the commission, but the preference is to maintain the status quo and not open up to any number of unknown consequences if this discussion goes through the legislature.
- This position should be elected like the three geographic positions that are currently elected by conservation district supervisors. This will prevent any governor from having a majority control on the conservation commission through direct appointment and/or authority over the agencies that have ex officio positions on the Conservation Commission.
- Add two.
- To counteract the above potential.
- It was a close call between this option and #3, but this won because you're likely to get at least one urban/small acreage farmer within 5 CD reps.
- At least 2 conservation district representatives per regulatory agency
- 2nd choice

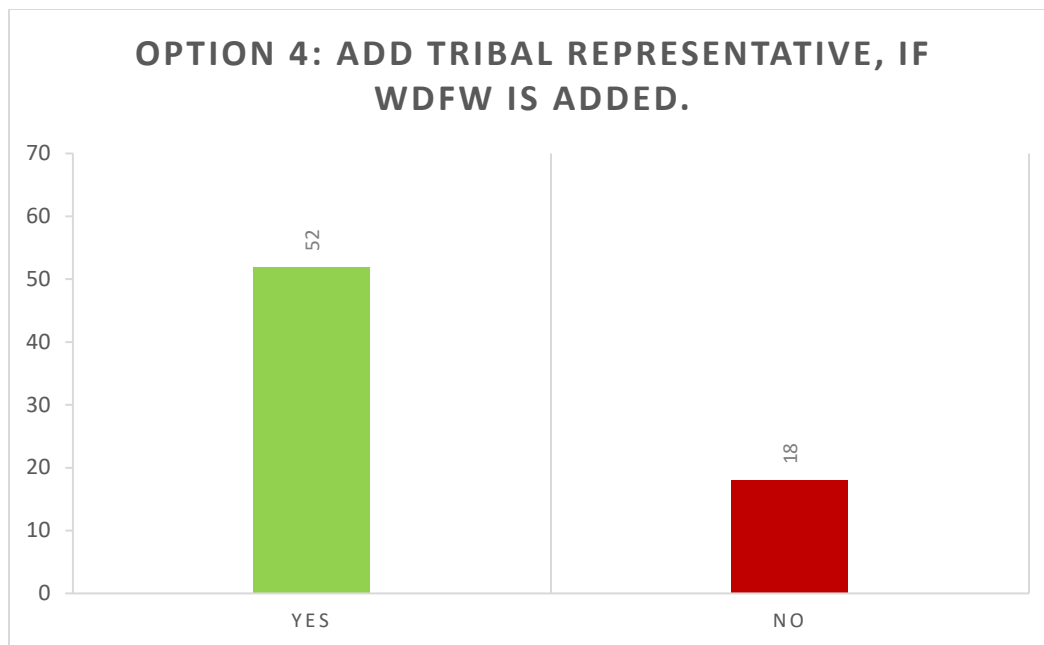
WDFW Survey Responses – March 2021

- This response is not be construed to in any way to mitigate or overcome the unanimous objection of this Board to the addition of WDFW as a voting member. Such a decision should be reached by consensus of all conservation districts across the state. Should be brought to WACD Annual Meeting.



Additional comments about Option 3:

- I think having a representative of this type would be beneficial, but it should be independent of this decision.
- Each district has its own needs for their district, not all urban / Small acreage needs are the same which again could create discussions that would not get resolved and complicate the appearance of districts to WDFW.
- Add one District representative of rural aquaculture if WDFW is added.
- Relevance not understood. Is there a state wide regional small acreage organization? What is considered small acreage.
- Again why open the RCW? What is urban agriculture? Is it Congdon Farms on 64th and Washington...766 acres of hops and orchard or is it Johnson Fruit at 10.19 acres of orchard? Both are within the urban area of the city of Yakima? Will a representative from Western Washington be the same as one from central or eastern Washington? Again NO to changing the RCW.
- Don't feel we need more diversity on commission making decisions more difficult, district representatives should be able to represent diversities within our work areas
- I would like to see more representation from urban and small acreage agriculture but I don't see that as tied to WDFW participation.
- This needs more definition

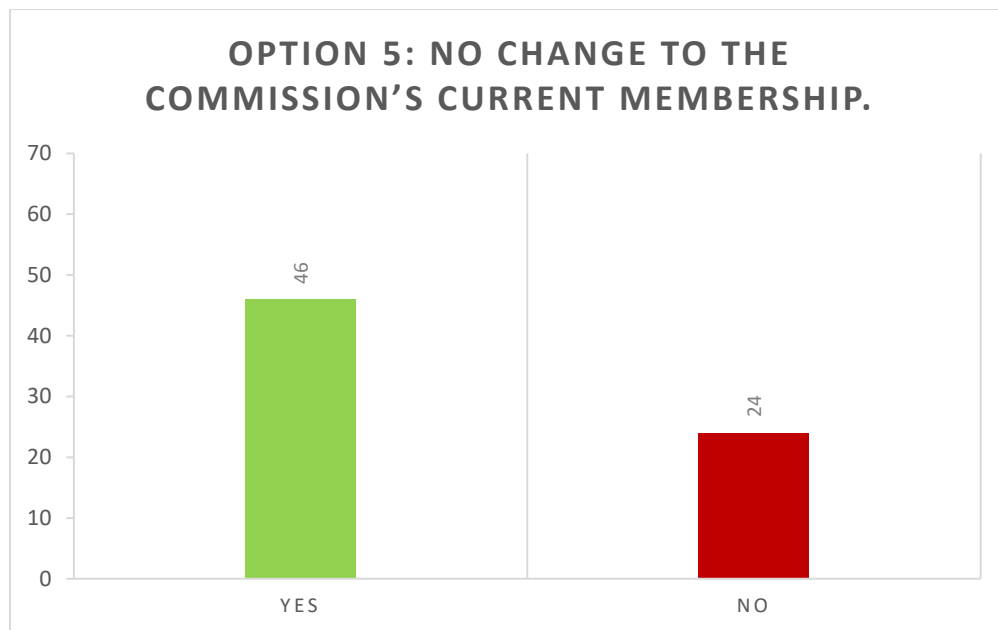


Additional comments about option 4:

- Tribes are already well represented by the governors appointees
- This would effectively add 2 votes for wildlife habitat and stack the deck against agricultural interests.
- The addition of a voting tribal representatives from the East side would be beneficial. Similar to the CD representation east and west representation.
- Again caveats. Not a good idea if tribes push to mandate large fixed stream buffers which some tribes have pushed.
- There is too much tribal influence at this point now.
- First of all, Tribes are sovereign nations and as such adding them to a voting membership of a State entity is inappropriate. If DNR is acting in a manner that is harmful there are avenues of recourse. There are none with a different nation. Efforts to partner on natural resource issues in common to a CD, WSCC or any tribe should be sought but not as oversight to CD policy etc... How would the WSCC choose between the 29 federally recognized tribes, what about the non-federally recognized tribes?
- Don't feel we need more diversity on commission making decisions more difficult, district representatives should be able to represent diversities within our work areas
- Perhaps request that one of the gov'n appointees remain a tribal seat as currently filled. The second gov'n seat could be a WDFW seat.
- Again, I would like to see more tribal representation but not as a consequence of adding WDFW
- We favor a formal tribal member

WDFW Survey Responses – March 2021

- Tribal Representation is needed more in all aspects of our work and WDFW work. They are an important voice in the work of WDFW and the focus on our resources.
- Not sure if they will accept official designation. May be more comfortable with informal Gov appointment like now.
- Would like to ensure tribal interests are represented on the WSCC.
- There is no guaranteed seat at the table for tribes. There is a lot of work done with tribes across the State and they should be represented.
- Appointments can neglect the Tribes and should always be include



Additional comments about Option 5:

- Make the change.
- Tribes should be added no matter what.
- With the exception of the tribal rep from the east side, and an ex officio WDFW rep. Is the commission financially responsible for ex officio representatives' costs?
- Remove Ecology as a voting member and make them a partner not advisor. The commission should advise them on working with landowners (providing technical assistance).
- I think we should have Option 1, 3, and 4 better representing by having a vote.
- This is far and away the most preferred option.
- Add 1 WDFW and Tribal Representative but they must be offset with 1 CD representative and 1 owner/operator of a farm.
- CDs should already be representing everyone in their Districts. Small, large, tribal ect.
- Conservation Districts recently won the right to authorize HPAs for common sense ditch maintenance projects. Instating WDFW as a voting member in WSCC business threatens to reinstate the previous overlay of bureaucracy that slows down common sense projects and inhibits collaboration with conservation districts and landowners.
- Would rather have indicated "maybe"
- WDFW currently existing in an advisory Membership role seems to be working. If the Commission has a substantial reason to appoint WDFW as a voting member I'm sure all local districts would like to hear WSCC thoughts on the decision (a virtual discussion perhaps?) The concern lies with local conservation district operations and objectives and that the chance

more restrictions might arise from this decision affecting negatively landowners and producers or a districts ability to effectively provide voluntary conservation assistance.

- We need to be an independent source to represent our farmers and ranchers independently for the people who elected us.
- Our board wishes to keep the WSCC membership the same. We understand WDFW's request but what if our district wanted to be a WSCC member based upon our mutual partnerships (OFP-farmland preservation grants, multi-landownership NRI cost share program, etc...)? The answer to us should be a no. We also believe that any current State member of the WSCC has a inherent responsibility to serve in a manner where by the WSCC and CD's are benefitted directly by that State agency / partner. We do not see any evidence of that currently. (Specific comments: I'm getting tired of doing DNR's and DOE's job's. We as staff do this though some of the worst grant application processes imaginable, that's if you can even find a grant process with the agency. After the efforts of your own WSCC staff to partner, or even get an audience with anyone with DNR to discuss "prevention programs" you should be questioning the relevance of those agencies and what they are even doing to partner with WSCC/CD's. I do not see any evidence of effective partnership where our district is benefitting through the WSCC. Any effective partnership(s) has been developed through great effort by our district at a local level, not through the WSCC. This shouldn't be the case but for some reason it is and has been for the 30 plus years I've been with the district. These agencies see the decision packages; do they support them through the individual State agency's budgeting process with OFM? The answer is NO because it would show that CD's are doing their jobs. We are treated as a threat not partners. It's sad and depressing.)
- Consensus of the district is we have plenty of agency people of the commission now.
- 1st choice
- This is currently the only option that is supported by this Board.
- Additional board members may not increase representation because voices can get lost with boards greater than 9 people. Our preference would be no change.
- Unanimous consent that the Board selects option 5

TAB 2



Washington State Conservation Commission

March 18, 2021

TO: Conservation Commission Members
Carol Smith, SCC Executive Director

FROM: Ron Shultz, WSCC Policy Director
Lori Gonzalez, Executive Assistant

SUBJECT: Agency policy development update

Action Item

☐

Informational Item

☒

Summary:

State Conservation Commission (SCC) staff are developing policies relating to the investigation of complaints of misconduct. The attached document is for information only as an example of one such policy currently in development. These policies will provide a clear path for (SCC) staff and management on how to bring complaints of misconduct forward knowing they are safe to do so, and providing a clear process for human resources staff and managers to act on these allegations immediately and appropriately. As these policies are developed they will be presented to the Commission at a future meeting for review and approval.

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

Staff Contact:

Ron Shultz, WSCC Policy Director rshultz@scc.wa.gov

Lori Gonzalez lgonzalez@scc.wa.gov

Background and Discussion:

During a risk management assessment exercise with the Office of Financial Management, agency staff collectively identified lack of policies, or having policies out of date as one of the areas that poses a high risk to SCC operations. To decrease this level of risk, the agency proactively created a work group of volunteer staff members to review existing policies, ensuring they are up to date with current legal requirements, regulations, and commit to review with a diversity, equity and inclusion lens. The group will also identify policies that are in need of development.

The SCC has policies broken into three main categories:

- Personnel and Administration
- Commission Policy and Positions
- District Policies and Positions

As part of the development process, the development team will seek input from staff, districts, members and stakeholders depending on the type of policy.

One specific area of focus in this policy review are policies relating to investigation of complaints received by the Commission or Commission staff. These could be complaints relating to the conduct of Commission staff, conservation district staff or supervisors, or Commission members. Commission staff are developing policies to address each of these scenarios.

Attached to this memo for information is an example of one of these policies. This particular policy addressed the process for investigating complaints against a Conservation Commission employee. This draft policy is presented to provide an example of how these policies will look and work. The policies will be reviewed by our Assistant Attorney General. All policies will be implemented following the Commission's "Policy on Policies" so there is appropriate review for each policy.

After the draft policies have been reviewed and finalized they will be presented to the Commission for approval as appropriate for the policy.

This policy review process will be an ongoing process for Commission staff. There are a number of policies which are required for all state agencies to have. Other policies need to be revised and updated. And there are new policies needing to be developed to address new situations such as electronic communications and remote work policies.

The Commission will be updated on the progress of the policy evaluate effort as it proceeds.

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



Washington State Conservation Commission

Policy Number	<p>XX-21 Establishing guidelines for investigations of complaints received related to State Conservation Commission personnel.</p> <p>State Conservation Commission related policies covered by this policy include, but are not limited to:</p> <ul style="list-style-type: none">• 13-01 Ethics• 13-06 Workplace and Domestic Violence• 13-08 Sexual Harassment• 13-09 Anti-Discrimination• 13-17 Workplace Safety
Applies to	<p>This policy applies to all employees of the State Conservation Commission (SCC) in all job classifications, applicants, volunteers or others who have business with the SCC.</p>
Effective Date	<p>xx/xx/2021</p>
Approved by	<p>(Executive Director)</p>

Purpose

The SCC strongly encourages employees, applicants, volunteers or others who have business with the SCC who witness work place misconduct, discrimination, harassment, sexual harassment or retaliation to report alleged violations to any SCC supervisor, manager, leader or human resources personnel. While we recognize that victims and bystanders who experience or witness this behavior may feel uncomfortable with reporting violations, reporting of this conduct minimizes future violations. We will promptly investigate allegations brought forward. Where such allegations are substantiated, we will take appropriate corrective or disciplinary action. This process includes support to victims and bystanders.

Retaliation or attempted retaliation against anyone who files a complaint under this policy or who participates in an investigation will not be tolerated.

SCC encourages anyone with complaints alleging discrimination, harassment and/or retaliation to submit them as soon as possible after the alleged violation. A person making a complaint under this policy may also file a complaint with the Washington State Human Rights Commission or the Federal Equal Employment Opportunity Commission.

Definition(s):

For the purposes of this policy, the following definitions are provided:

Business: Individuals contracting with the State Conservation Commission.

Discrimination – Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class, or retaliation for complaints related to discrimination against a protected class.

Harassment – Verbal, nonverbal or physical conduct that threatens, intimidates, coerces, offends or taunts another person (including sexual, racial or ethnic slurs) that interferes with the employee's ability to perform their job.

Investigations: For purposes of this policy, an investigation is defined as an examination or inquiry to determine the facts regarding allegations or information about possible misconduct. This policy applies to investigations conducted at a formal level. Preliminary or informal investigations may be conducted by supervisors or managers. The findings of any preliminary or informal investigation may become part of a formal investigation.

Protected class – A person's religion, age, sex, status as a breastfeeding mother, marital status, race, color, creed, national origin, political affiliation, military status, status as an honorably discharged veteran, disabled veteran or Vietnam era veteran, sexual orientation, gender expression, gender identity, any real or perceived sensory, mental or physical disability, genetic information, the participation or lack of participation in union activities, or use of a trained dog guide or service animal by a person with a disability.

Retaliation – Adverse action(s) against individuals because they have reported instances of discrimination, harassment or allegations of such conduct, or participated in or have been witnesses in any procedure to address a complaint of discrimination or harassment.

Sexual harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Workplace misconduct is behavior that's inappropriate for the workplace and negatively impacts their work, environment or peers. Misconduct can range from minor issues to serious breaches in agency policy. Types of misconduct include, but are not limited to, attendance issues, misuse of agency provided equipment and software, failing to follow reasonable instructions, harassment and bullying, theft or fraud, and endangering the health and safety of the employee and others.

Reporting:

The SCC has established a process for reporting discrimination, harassment and sexual harassment complaints, and workplace issues. The SCC will ensure that all individuals are protected and provided relief from any form of discrimination or sexual harassment in the workplace. Pursuant to law ([WAC 357-25-027](#)), there are occasions the SCC must inform employees that it is under a legal obligation to respond to allegations of behaviors covered by this policy. The SCC is committed to responding in order to promote an inclusive, respectful and safe culture.

A Personnel Incident Form is available to submit complaints or allegations. This form is not required.

SCC May investigate any allegations or information received on misconduct/workplace issues

Allegations or information about employee misconduct can be submitted to the SCC Human Resources Liaison, brought to the attention of a supervisor or manager, or to the SCC Executive Director verbally, by email, text or filed on the Personnel Incident Form. After information or the report of an allegation is received, the SCC Human Resources Liaison or employee supervisor or manager consults with the Executive Director and determines if an investigation is warranted. The Executive Director makes the decision on whether to use an internal or external investigator, based on an assessment of the circumstances of the allegations or information and staff and resource availability. Investigations will be overseen by the SCC Executive Director, and the results of the investigation will be presented to the SCC Executive Director.

In cases in which a complaint is made against the SCC Executive Director, such complaints may be made to the SCC Human Resources Liaison, the Department of Enterprise Services (DES) agency assigned Human Resources Consultant to the SCC, or to the SCC. Investigations of complaints against the Executive Director shall be conducted by the DES agency assigned Human Resource Consultant or the Office of Financial Management's State Human Resources and overseen by the SCC. Results of the investigation will be presented to the commissioners of the SCC for any action under this policy.

Authorization to investigate

The SCC Executive Director is authorized to initiate and conduct, consistent with this policy, all necessary investigations of complaints of misconduct by an SCC employee.

The SCC is authorized to initiate and conduct, consistent with this policy, all necessary investigations of complaints alleging misconduct by the SCC Executive Director.

The investigator may use a variety of evidentiary materials to conduct the Investigation.

Information gathered may include all available information and evidentiary materials related to the alleged misconduct. This may include work records, administrative policies and procedures, personnel records, email, organizational charts, and preliminary or informal investigations conducted by supervisors or managers.

The SCC may monitor and access all agency facilities, work spaces, and equipment. This includes, but is not limited to, desks, file cabinets, computers, email, Internet use, state vehicles, and lockers. The term “work space” includes remote offices, telework stations and work from home locations. Such monitoring or access must be authorized by the Executive Director. Access to email and Internet records must be authorized by the Executive Director or human resources liaison. Employees must relinquish all state owned equipment and work files upon request.

An investigation may be reassigned based on potential conflict of interest.

The investigator is responsible to make every effort to determine if there is a conflict of interest by any relationship that the investigator may have with the subject(s) of the investigation. Upon becoming aware of an actual, potential, or perceived conflict, the investigator notifies the Executive Director. The Executive Director may reassign the investigation upon becoming aware of the actual, potential, or perceived conflict.

Employee(s)/individuals to be interviewed

The individual(s) named in an allegation is notified in writing by the Executive Director prior to being interviewed by the investigator after the decision to conduct an investigation is made. Who is interviewed is at the discretion of the investigator. The investigator directly contacts other individuals who need to be interviewed to schedule the investigatory meeting and location, identifying him/herself as the person assigned or hired to conduct the investigation by the SCC.

Investigations should cause minimal disruption to the workplace

Investigations are conducted as promptly as possible and with as little disruption to the workplace as possible. To the extent possible, investigations are conducted at the site where the allegations occurred. Investigators may meet with individuals outside the work area if necessary, or conduct interviews by telephone or over the internet. Generally, the investigation starts with the person alleging misconduct, the investigator may address with specificity each individual issue raised in the complaint.

An accused employee may be reassigned during an investigation, including administrative reassignment to home.

SCC management has the right and responsibility to direct the work of the agency and its employees and the manner in which it will be completed. After consulting with Human Resources, the Executive Director or designee may reassign an employee to another work location during the course of the investigation. Such reassignments may include administrative reassignment to home.

Only the Executive Director or designee may assign an employee to home.

Administrative reassignment to home can be an important and effective management tool for ensuring full, thorough and impartial investigations of workplace issues. SCC controls the use of administrative reassignment to home to ensure that home assignments are concluded as quickly as possible.

Only the SCC Executive Director or designee may place an employee on home assignment. The Director or designee consults with SCC Human Resources before placing an employee on home assignment. When the Director or designee places an employee on home assignment, he/she must notify Human Resources in writing of the action and the reasons for the action. Human Resources will notify the State Human Resources Director.

The employee's supervisor and program manager are informed of decisions regarding home assignments.

The employee's supervisor is informed in writing when decisions are made.

Employees are expected to cooperate with investigators.

One role of the investigator is as a fact-finder and neutral gatherer of information, and employees are expected to cooperate with him or her.

The investigator will take written notes of the interview. Each employee or persons interviewed will be asked to sign the investigator's completed notes of the statements made during the investigation interview to verify the interviewer's statements. These statements become part of the investigative report. Any errors made in the employee's written statements on the part of the investigator are corrected prior to signature.

Discussion and Disclosure

In accordance with state law, an employer in the state of Washington may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events or between employees, or between an employer and employee off the employment premises. Any document signed by an employee as a condition of employment that has this effect is void and unenforceable per [RCW 49.44.210](#). Responses to public records requests will be in accordance with applicable disclosure laws including section 2, chapter 373, Laws of 2019.

In this section, the term "employee" does not include human resources staff, supervisors or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and obligated to participate in an open and ongoing investigation into alleged sexual harassment and asked to maintain confidentiality during that investigation.

Information obtained during investigations should be confidential.

To the extent possible, information obtained during investigations will be kept confidential; although confidentiality cannot be guaranteed. The investigator will discuss with the interviewee the importance of not disclosing information with co-workers or others during the investigation, because disclosure could interfere with the investigation. Improper discussion of the investigation with others may lead to disciplinary action.

The investigator submits a final investigative report to the Executive Director

The completed investigation report and recommendations are submitted to the SCC Executive Director. Investigations should be completed as soon as reasonably possible, but in a manner that ensures the allegations or information regarding misconduct have been appropriately investigated and reviewed.

The final investigative report must include an outline of the matters investigated and a summary of each witness interview, including pertinent statements and a summary of the investigator's factual findings.

Copies of the report will be distributed to the appropriate manager involved in the investigation, to the Human Resources Liaison, and to the Executive Director. Upon request, a person who was interviewed during the course of the investigation will be given a copy of his/her statement.

In cases of an investigation into the conduct of the SCC Executive Director, copies of the report will be distributed to members of the SCC and the SCC Human Resources Liaison.

The completed investigative report may be requested under the Public Records Act ([RCW 42.56](#)).

An employee will be provided the opportunity to respond prior to formal disciplinary action greater than an oral or written reprimand.

If the Executive Director is considering taking formal disciplinary action that is greater than an oral or written reprimand, the employee has an opportunity to respond in one of two ways; 1) at a pre-disciplinary hearing that will be scheduled with the employee prior to a final decision being made; or 2) in writing. The employee may choose which way to respond, and he or she may also submit written information at the pre-disciplinary hearing.

If the SCC is considering taking formal disciplinary action against the Executive Director that is greater than an oral or written reprimand, the Executive Director has an opportunity to respond in one of two ways: 1) at a pre-disciplinary hearing that will be scheduled with the Executive Director prior to a final decision being made; or 2) in writing. The Executive Director may choose which way to respond, and he or she may also submit written information at the pre-disciplinary hearing. Should the SCC decide to discuss the complaint in executive session, RCW 42.30.110 and any related statutes must be followed.

The Executive Director makes the final decision on the outcome of an investigation of SCC staff.

The Executive Director will make his/her decision based on the facts provided in the investigative report, information received from the parties involved, and other follow-up information he/she feels is pertinent to making a decision.

The final decision will be communicated in writing to the appropriate parties by the person making the decision.

Employees may request a review meeting with their first or second line supervisor for oral and written reprimands.

Retaliation may result in disciplinary action.

The SCC does not tolerate retaliation against any employees who participate in any way in an investigation under this policy. Any employee found to have retaliated may be subject to disciplinary action, up to and including dismissal.

DRAFT

DISCLOSURE

Filing a written complaint is voluntary. Washington State Conservation Commission (SCC) takes all complaints of discrimination, harassment, unethical, unfair or unprofessional conduct seriously. Information submitted on this form is treated confidentially. Names and other identifying information is disclosed when it is necessary for investigative purposes. It is illegal to be intimidated, threatened, coerced, discriminated, or retaliated against for filing this complaint. You are not required to use this form.

Form completed by:

- | | |
|---|---|
| <input type="checkbox"/> Complainant (employee filing the complaint/allegation) | <input type="checkbox"/> HR Employee (name)
_____ |
| <input type="checkbox"/> Another employee (on behalf of the complainant) | <input type="checkbox"/> Manager/Supervisor (name)
_____ |
| <input type="checkbox"/> Other (specify)
_____ | |

The information on this form was gathered:

- | | |
|---|--|
| <input type="checkbox"/> By phone | <input type="checkbox"/> In person |
| <input type="checkbox"/> Submitted by the complainant | <input type="checkbox"/> Other (specify):
_____ |

PLEASE PRINT OR TYPE (Attach extra pages as necessary)

YOUR NAME		EMPLOYEE ID#
HOME PHONE (Please include area code)	WORK PHONE (Please include area code)	
STREET ADDRESS	CITY, STATE, ZIP	
EMAIL ADDRESS (If available)	ALTERNATE CONTACT METHOD (If available)	
AGENCY/DIVISION/SECTION	WORK LOCATION	

PLEASE IDENTIFY THE PERSON(S) AND/OR DIVISION/SECTION AGAINST WHOM/WHICH YOU ARE FILING THIS COMPLAINT

NAME(S) OF ACCUSED

AGENCY/DIVISION/SECTION

PHONE NUMBER

PLEASE ANSWER THE FOLLOWING QUESTIONS PERTAINING TO YOUR COMPLAINT (Attach additional pages as necessary)

Describe what happened. Please be as specific as possible, including dates.

How does this adversely/negatively impact you?

Witnesses. List all names and positions of anyone who witnessed the conduct or incident.

Have you attempted to resolve the concern? If yes, please describe in detail.

Do you believe that the action(s) taken against you were because of a protected class*?

Protected class may include the following (for a complete list refer to RCW 49.60): age, color, disability, sex, family medical leave, medical condition, religion, national origin/ancestry, race, sexual orientation, veteran status.*SIGNATURE** (Please sign and date this form. You do not need to sign if submitting via email, email submission represents signature)

EMPLOYEE SIGNATURE

DATE

RETURN THIS FORM TO

WASHINGTON STATE CONSERVATION COMMISSION
HUMAN RESOURCES LIASON
PO BOX 47721, OLYMPIA, WA 98504-7721
FAX #: 360-407-6215 / EMAIL: commission@scc.wa.gov



Washington State Conservation Commission

March 18, 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

Action Item	<input type="checkbox"/>
Informational Item	<input checked="" type="checkbox"/>

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
- Records Retention and PRA
- CD Audits & Annual Financial Reporting
- Chehalis Basin
- Commission Meeting Planning
- District Digest Publication
- Human Resources (law/rule updates, hiring, performance evaluations, compensation, healthcare, issues)
- OPMA & Executive Sessions

Conservation District Service, Recent Topics

- COVID 19 Operations
- Elections and Appointments
- Finance Tracking & Management
- Direct Deposits & Internal Controls

- **District Name Change**
- **Hazard Mitigation Grant**
- National Estuary Program Grant
- District Governance
- **CAPP Evaluations**
- Supervisor Cost Share
- Property Management & Remodeling
- Virtual Board Meetings & OPMA
- Cultural Resources
- **OPEB Reporting**
- SCC & District Policy Development
- **Prevailing Wage**
- Equipment Rental
- **New Staff Orientation and Training**
- **NRI Committee**
- Heritage Gardens Program
- **NACD TA Grants**

Issues Resolution in Progress

- Personnel management: issues, turn-over, capacity gaps, transitions
- Audits
- Elections
- Inter-district relationships and partnering
- Grant vouchering requirements

Hazard Mitigation Grant Implementation

Mike Baden is leading implementation of a Hazard Mitigation Grant that the SCC is receiving from the Department of Emergency Management. The scope of work focuses on delivering three types of training across the state to conservation districts and partners, as seats are available. The three types of training are:

- Home Ignition Zone Training (“Assessing Structure Ignition Potential from Wildfires”) delivered by National Fire Protection Association (NFPA) trainers,
- Outreach Strategies for Community Wildfire Preparedness and Recovery co-organized and delivered by Val Vissia, Lincoln County CD, and Laura Johnson on our staff, and
- Post-Fire Risk Mitigation and Assessment training organized and delivered by the Okanogan Conservation District.

Dates for each type of training are established for spring 2021 (to be delivered virtually at this time) and additional trainings will be scheduled in the fall of 2021 and potentially in the spring of 2022. Mike is coordinating closely with conservation district logistical hosts for each training and with the NFPA as well.

Chehalis Basin

Josh Giuntoli represents the Commission as an ex-officio member of the Chehalis Basin Board. Recent board activity has focused on the Local Actions Program, legislative priority and budget request, and long term strategy. The Governor’s budget for the Chehalis Basin Strategy is

proposed at \$70M for the '21-23 biennium. The \$70M would be distributed evenly between Board-approved projects to protect and restore aquatic species habitat and for Board-approved projects to reduce flood damage. \$3.9M would be for the operations of the Office of Chehalis Basin and Chehalis Basin Board. At the June 3, 2021 meeting, the Board will recommend 2021-2023 funding allocations and project lists. Specific to the Aquatic Species Restoration Plan (ASRP), the board approved a “slow ramp up” which would have \$33M in funding for the '21-23 biennium, and would increase the following two biennia, totaling \$125M. This would achieve up to 50 miles of currently occupied core habitats and up to 4,200 acres of riparian and floodplain restored and protected.

CDs are gearing up for construction this summer on previously ASRP funded projects as summer fish windows are right around the corner (July/August). CD staff continue to engage locally with landowners and partners and provided valuable input on the various advisory committees working to provide the Board information. Josh continues to convene monthly meetings of Chehalis Basin CDs and partners (lead entity, Office of Chehalis Basin, WDFW, and others) to provide updates/needs on work and activity in the Basin.

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.

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. WDFW has been working with legislators on a possible budget proviso requesting funding for shrubsteppe wildlife habitat restoration efforts in areas burned this past year in the Pearl Hill and Whitney Fires. Shana Joy and Mike Baden have been participating on a new steering committee to keep up to date on developments around the effort with legislators as well as plan for implementation should funding be made available.



WSSC Center for Technical Development (CTD) March 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 held a webinar on March 9, 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 recently released changes to their Conservation Planner designation nomenclature and updated some course requirements. CTD has updated their Training Plan Template to reflect these changes. These changes, along with the updated CTD template, were presented at the March 9 webinar (see above). That webinar, like all CTD- hosted webinars, is available for viewing on the CTD website.

Training

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 March 1, 2021, funding has not yet been allocated by NRCS. 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. The CTD was invited by NRCS to work with them in March on their State Conservation Action Plan.

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.**

The CTD is coordinately directly with NRCS this spring/early summer to bring 3 important courses to District staff:

- **Environmental Permitting on Working Lands** training module to be held virtually in mid-April, and tailored for both District and NRCS staff implementing BMPs and stream restoration work. The CTD worked with WSCC and NRCS staff to successfully secure a task order to help fund development of this course, and it will be recorded for those unable to attend the live training.
- **Cultural Resources, Part 2**, to be held in a hybrid format in late May. The Cultural Resources, Part 2 course is required for all Level III (Certified) planners and is an important offering to help District staff complete certification requirements. The classroom portion will be held virtually, with a session each morning over the course of a week; the field portion will be held regionally, in small groups, with appropriate safety protocol.
- **Conservation Planning, Part 2** CTD is outlining a process to create and offer this foundational course in a hybrid format that can be accessed by staff at any time. This will hopefully onboard new planners quicker, and educate interns, supervisors and others as needed.

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 is coordinating with WADE again this year to provide both technical track content and virtual platform hosting for the 2021 WADE Conference.** The CTD and WADE leadership teams are meeting regularly leading up to the conference in June.

The CTD **continues to curate and host monthly training and sharing webinars** focused on 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. 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. A communications survey was 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. We are **working on the FY22-23 budget request as well as an annual and long-range (5 year) plan** to show depth of planning and sustainability of the CTD.

Leadership: The CTD will hold its **Annual Update and Feedback Session, inviting all District staff from across the state for an overview of our FY21 activities, and to provide feedback for our FY22 annual plan of work.** That meeting will be held virtually on March 31, 2020.

The CTD Leadership Team and partners (NRCS, WADE, WSCC) continue to meet monthly to ensure tasks are on track.

The CTD continues to prioritize **recruiting new members to both its leadership and working teams**. The CTD has requested the assistance of the Commission staff in helping get the word out 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



Supplement Update for Washington State Conservation Commission* March 18, 2021 Meeting

Status of WACD Resolutions that went to NACD 2021 Annual Meeting

1. Improved rural broadband Internet and cell phone access. Assigned to NACD Legislative Committee. NACD #: A-3. Policy Book location: 6.C.1.
2. Extending Electronic Training Resources. Assigned to NACD District Operations/Member Services Committee. NACD #: B-3. Policy Book location: 2.A.5.

2021 Fly-in March 22nd

- NRCS, WSCC, and WACD are coordinating efforts for the 2021 NACD Virtual Fly-In – highlighting issues of importance to WA to the other Washington.
- NACD's four Issue paper for the 2021 Fly-in are on website – [here](#). There will be a Zoom orientation to issue papers on March 16th along with an NACD description of the process.
 1. National Watershed Coalition, Fiscal Year 2022 Appropriations Request; USDA Small Watershed Program.
 2. Climate Change, Soil Health and Voluntary Conservation.
 3. FY 2022 Appropriations Request.
 4. Natural Resource Health and Management.
- Emphasis areas of the Biden administration and to which we need inject into our efforts and in no particular order: COVID, climate, equity/inclusion, and the economy.

DC Update

1. The Acting Chief of NRCS is Terry Cosby from Ohio.
2. A wildfire caucus was set-up in December. Mary Scott, NACD staff, will be engaging.
3. Carbon sequestration from agriculture will be a common thread throughout Congress. Hopefully benefitting farmers and not just the investors.
4. Senate confirmed Tom Vilsack as Secretary of Agriculture on February 23, 2021, by 92-7.
5. Nominations are major issue right now (3/6/21). Representative Deb Haaland (D, NM) is being considered to head Department of the Interior — potentially the first Native American to do so and serve as a Cabinet secretary.

Miscellaneous:

- NCDEA - National Conservation District Employees Association's 2020 annual report on NCDEA website (in the [library](#) section).
- **NACD Staffing** - New NACD regional specialists coming on board March 15. Both have district ties. For NACD's SW region, Rachel Thieler from Colorado (She's been the NASCA representative on the forestry resource policy group), and for Northern Plains, a lady out of Kansas and the presenter could not remember the name.

*As of March 6, 2021

Respectfully submitted by [Doug Rushton](#), WACD national director, NACD board member



March 2021

Natural Resources Conservation Service | Washington

- [Message from the State Conservationist](#)
- [Quick Links](#)
- [NCPP looking for conservation planning feedback](#)
- [New rule improves partner flexibility in Regional Conservation Partnership Program](#)
- [Areawide Planning - Conservation Partnership Program - NFWF](#)
- [Zebra Mussels found in Washington Pet Stores](#)

Message from the State Conservationist



Introducing the WCPP

As we approach Spring, I am not only looking forward to warmer weather. I am looking forward to reinvigorating our conservation planning! We have developed a small team, who is working on a plan for our state. Our group will be called the Washington Conservation Planning Partnership (WCPP). They will be developing a strategy to ensure that our conservation planners have the right tools, expertise and time to produce quality conservation plans with landowners and land users.

It's a familiar model for us, as it's based off of the National Conservation Planning Partnership (NCPP), which is comprised of the National Association of Conservation Districts, NRCS, the National Association of State Conservation Agencies, National Conservation District Employees Association and the National Association of RC&D Councils.

I am very excited to see the directions that this team will take us! If you are interested in contributing to the WCPP, please reach out to [Nick Vira](#), our partnership liaison, who will be able to keep you in the loop as more information and resources become available.

As always, I hope all of you, and your families, are happy and healthy, and I look forward to working closely with all of you so we can all better help the land.

~ Roylene

Quick Links

- Washington Water Supply Outlook | [March 2021](#)
- [USDA seeks public comment on revised conservation practice standards](#)
- [Kittitas County CD announces April 5 as due date for CSP Classic applications](#)
- [USDA offers renewal options for active Conservation Stewardship Program contracts from Fiscal Years 2017](#)
- [USDA offers signup for the Conservation Stewardship Program Classic](#)
- [Local, national organizations pool resources to conserve 1,000 acres of local farmland](#)
- [Updates to conservation easements strengthens protection for farmlands, grasslands and wetlands](#)



NCP looking for conservation planning feedback

The National Conservation Planning Partnership (NCP) would like help in gathering feedback from producers on conservation plans and conservation planning. Please share with producers, staff, tribes and partners.

Please [click here](#) to access the survey.

New rule improves partner flexibility in Regional Conservation Partnership Program

SPOKANE VALLEY, Wash. (Jan. 15, 2021) – The U.S. Department of Agriculture (USDA) today released the final rule for its Regional Conservation Partnership Program (RCPP). The rule updates USDA's partner-driven program as directed by the 2018 Farm Bill and integrates feedback from agricultural producers and others.

"RCPP is a really great program that gives us the opportunity to work with our partners on projects that benefit both agriculture and wildlife habitat," said Roylene Comes At Night, State Conservationist of USDA's Natural Resources Conservation Service (NRCS) in Washington. "The final rule contains some minor adjustments made in response to public comments, and we now look forward to continuing our important conservation work with our wonderful partners and producers across Washington."

RCPP promotes coordination of NRCS and partner conservation activities that aid farmers, ranchers, and private landowners in Washington with addressing on-farm, watershed, and regional natural resource concerns.

NRCS received comments from more than 65 organizations and individuals on the RCPP interim rule, which was published February 13, 2020. To integrate that feedback, the final rule adopts the interim rule with minor changes made to RCPP that:

- Make explicit special considerations for historically underserved (HU) producer and landowner enrollment, including requiring partnership agreements to denote any authorizations for higher payment rates, advance payment options, or other methods for encouraging HU participation.
- Identify ranking criteria for proposals that include developing an innovative conservation approach or technology that specifically targets the unique needs and limitations of historically underserved (HU) producers.
- Adjust the rule language to incorporate source water protection as a priority resource concern.
- Remove the list of infrastructure types that would be considered for Alternative Funding Arrangements to avoid confusion.
- Increase the emphasis on conservation benefits and objectives partners seek to achieve for the ranking of proposals.
- The 2018 Farm Bill made RCPP a stand-alone program with its own dedicated funding and simplified rules for partners and producers. Additionally, the 2018 Farm Bill reduced the number of funding pools and emphasized partner reporting of conservation outcomes.
- The updated program also expands flexibility for alternative funding arrangements with partners and the availability of watershed program authorities to projects outside Critical Conservation Areas.

About RCPP

Eligible partners include conservation districts, producer associations, water districts, state or local governments, American Indian tribes, institutions of higher education, and nongovernmental organizations. RCPP applications are accepted from all 50 states, the District of Columbia, and the U.S. territories. When funding is available, NRCS releases an announcement for program funding that includes proposal requirements.

NRCS reviews partnership proposals according to the priorities and evaluation criteria included in the announcement and ultimately makes project selections. Upon selection of a partnership proposal, NRCS and the partner enter into a partnership agreement through which assistance to producers in the project area is provided. Partnership agreements may be for a period of up to five years.

RCPP helps producers protect working agricultural lands to ensure resilience to climate change by increasing the sustainable use of soil, water, wildlife, and related natural resources, contributing to USDA's Agriculture Innovation Agenda of reducing the environmental footprint of U.S. agriculture in half by 2050. Last year, Secretary Perdue announced the department-wide initiative to align resources, programs, and research to position American agriculture to better meet future global demands.

[View the final rule on the *Federal Register*](#). For more information on how to sign up for RCPP the [Washington NRCS RCPP webpage](#) or contact your [local NRCS field office](#).

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 NRCS, Farm Service Agency, 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.

Areawide Planning - Conservation Partnership Program - NFWF

The Natural Resources Conservation Service (NRCS) works closely with the National Fish and Wildlife Foundation (NFWF) to help target and accelerate conservation investments through a collaborative partnership, known as the Conservation Partners Program.

The Conservation Partners Program is pleased to announce the 2021 Request for Proposals

The Conservation Partners Program is soliciting funding proposals to provide technical assistance to producers on working lands. The program will award approximately \$3.8 million in grants in 2021 to support the adoption of conservation practices or regenerative agriculture principles on working lands. Details about this

funding opportunity are provided in the [Request for Proposals](#). The submission deadline for pre-proposals is **April 6, 2021**. Additional application information is available at www.nfwf.org/conservation-partners-program.

In 2021, grant funding will be awarded in four priority program areas:

- Upper Mississippi River Basin
- Southern Great Plains
- Pacific Salmon and Western Water
- Working Lands for Wildlife

Eligible applicants include non-profit organizations, farmer and commodity-led organizations, educational institutions, and state, tribal and local governments.

Should you have any questions regarding this opportunity, please contact Mark Defley, National Coordinator [Working Lands for Wildlife \(WLFW\) Landscape Conservation Initiative](#)



Zebra Mussels found in Washington Pet Stores

[Zebra Mussels have been found](#) in shipments of Marimo moss balls to pet stores in Washington .

What Are They?

Zebra and quagga mussels are freshwater mollusks that colonizes lakes and rivers. Their preferred habitats include the calm waters upstream of dams. They are most abundant on hard, particularly rocky surfaces.

Why Should I Care?

These species could cost taxpayers hundreds of millions of dollars a year and close down access to state waters for recreation and commercial opportunities. They clog water intake pipes and filters, reducing water pumping capabilities for power and water treatment plants. Once established, these mussels will change ecosystems and food sources critical to native mussels and species such as salmon and trout.

How Can We Stop Them?

[Report any sightings](#) to the Washington Invasive Species Council. Do not purchase, plant, or trade this species. **Do not dispose of any aquarium water or tank materials in areas where they could wash into surface water.** Clean, drain, and dry all watercraft and equipment before using them in another water body to prevent spreading the mussels. It is illegal to transport, possess, or release these species, and there are severe penalties for doing so. Boaters should thoroughly wash and decontaminate boats when traveling from an area known to have populations of these mussels (e.g. Lake Mead).

[More information here.](#)