



# WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

P.O. Box 60055 • Shoreline, WA 98160  
Phone: (206) 546-7690 • FAX: (206) 546-7740  
e-mail: cstu@ix.netcom.com

---

## MEMORANDUM

**To:** Conservation Districts  
**From:** **Colin Bennett, WACD President**  
**Date:** **March 30, 2000**  
**Re:** **Status on 1999 WACD Resolutions**

At last year's Annual Meeting, WACD members adopted Resolution Number SR 99-23 requiring quarterly reporting to districts on the status of action on WACD resolutions. Accordingly, this memo will report on the status action so far of 1999 WACD Resolutions.

## Action and Status 1999 WACD Resolutions

### **99 - 01, Funding to address resource concerns in dryland farming:**

#### **Recommendation:**

WACD work with NACD for additional funding.  
WACD request that NRCS develop an EQIP sub-committee of the State Technical Advisory Committee to address the following issues:  
Flexibility in planning  
Simplification of application and evaluation process  
Redefine the Statewide Natural Resource Concern Plan

#### **Action and Status:**

Forwarded to NACD Convention and adopted by NACD by unanimous consent.  
Matter still needs to be specifically presented to NRCS Locally

### **99 - 02, Weed control in CRP:**

#### **Recommendation:**

The WACD and the NACD work with appropriate legislators and agencies to provide \$50 funding needed for weed control in CRP in the early establishment phases of CRP where it is most needed, particularly the first three years and eliminate the \$5/year/acre maintenance payment. The cooperator must submit receipts for weed control before he/she is paid.

#### **Action and Status:**

Forwarded to NACD Convention and assigned to Agriculture Lands Resource Hearings Committee. There was some confusion as to the exact meaning of this

resolution and further work is needed. NACD National Director will work with the originating district to clarify this issue.

### **99 - 03, Nonpoint source projects on dryland and irrigated agricultural lands:**

#### **Recommendation:**

1. That WACD negotiate or lobby Washington legislators to designate WSCC and Conservation Districts as the medium for nonpoint source pollution activities and Total Maximum Daily Load projects on dryland and irrigated farmlands.
2. That WACD lobby Washington legislators to designate WSCC as the administrator of disbursing nonpoint source pollution grant funds to CDs, with complete oversight to CD grant administration. Technical support and oversight pertaining to meeting water quality standards of projects would remain with Ecology.

#### **Action and Status:**

WACD is supporting state legislation which would increase the role of conservation districts in the TMDL process. Included is proposed TMDL Pilots including districts and CRM plus funding for pilots which would place districts in lead for implementation. WACD is working on a (or possibly more) TMDL implementation pilot with DoE and Washington Wheat Growers.

### **99 - 04, Improving the management of natural resources on public lands:**

#### **Recommendation:**

That the Washington Association of Conservation Districts and NACD shall actively seek and support congressional legislation to allow conservation districts to guide programs and manage activities within public lands currently under federal management on a test basis on a single large watershed. This shall initially be in a single large watershed and be accomplished on a for profit basis with the profits going to the Federal Treasury.

#### **Action and Status:**

NACD Action, Forwarded to NACD Convention. This resolution was passed at the NACD Convention. We may wish to try to see if we could do this as a project without federal legislation, select a watershed, and see if this can be done with agency approval. Perhaps Pend Oreille CD has a suggested watershed.

### **99 - 05, Fairness for small tree farmers:**

#### **Recommendation:**

The WACD work with the Farm Forestry Association and the DNR to find a solution that allows small tree farmers to have their forest land be considered as lands of long term commercial significance thus relieving their additional paperwork and expense.

#### **Action and Status**

Need to contact the Farm Forestry Association & industry and map out a joint position on this issue with DNR.

## **99 - 06, Time payment for inheritance taxes:**

### **Recommendation:**

WACD should work with NACD on a legislative strategy to address estate tax issues including tax credits, tax deferrals, and other measures to keep agricultural and forest lands in production on non-corporate agricultural and non-industrial private forestry lands.

### **Action and Status:**

NACD Action, Forwarded to NACD Convention and was passed as amended in the Forest Resources Committee – with the main intent intact. It will become a part of the NACD Legislative Strategy

## **99 - 07, Lack of funding for non-salmon watersheds:**

### **Recommendation:**

The WACD work with funding sources to provide adequate funding for one FTE per district to implement conservation practices.

### **Action and Status:**

Included in legislative strategy for '01 Session budget. Working to focus State TMDL approach on district implementation activities. Seeking funding for TMDL Pilot. Seeking funding through Commodity Commission effort. This effort along with basic funding is central to WACD's goals.

## **99 - 08, Funding for professional engineering services:**

### **Recommendation:**

That WACD work with the Conservation Commission and the Engineering Board to amend the FY2000 Professional Engineering Grant to include the following option: Clusters of districts may opt to divide the available funds in an equitable manner. These funds will be dedicated to providing engineering services at the local level by allowing districts to contract with private sector engineering firms and/or government agencies for these services.

### **Action and Status:**

Presented this issue to and argued before CC on three plus occasions. Attended Public Meeting of Engineering Board to track need. Following engineering Board legislation on dairy issue. Working on budget to provide sufficient grant funding to allow districts to afford to hire engineering services. This may include rolling penalty income into technical assistance budget, etc.

## **99 - 09, Retaining job approval authority:**

### **Recommendation:**

That the Washington Association of Conservation Districts form a task force with the Washington Conservation Commission to strengthen the Conservation District/NRCS partnership in regards to engineering practices by:

- I. Having the list of engineering practices reviewed so that qualified Conservation District staff may have job approval on projects traditionally handled by the Conservation District staff under the direction of NRCS staff.

- II. Amending the NRCS/Conservation District Operating Agreement to ensure that NRCS job approval authority covers District employees, as long as practices follow the FOTG.
- III. Pursuing cooperative associations with other agencies following the example of the NRCS/Conservation District cooperative agreements and memoranda. Such arrangements would be used to develop standards and specifications not provided by the FOTG.
- IV. Establishing an infrastructure that will support Conservation District technical field staffing.

**Action and Status:**

This issue has been raised with NRCS State Conservationist. Plan is to work with new NRCS field team areas and CC cluster areas to form a comprehensive approach to delivery of engineering services. Either WACD or the CC needs to get started on this as soon as we get our clusters in place.

**99 - 10, Eliminate conflict between State and Federal Freedom of Information Acts:**

**Recommendation:**

WACD should first present this problem to state and federal legislative representatives requesting immediate action to resolve this serious problem. In the interim, WCC should indemnify and hold harmless any District, or its employee, that is penalized under federal law for a good faith disclosure of information under state law.

**Action and Status:**

WACD and the CC have presented this problem to the attorneys for both State and Federal Governments. WACD send a recent letter to NRCS and the CC with copies to their attorneys supporting an official AG Opinion on this subject and asking them for immediate action to resolve this in court. State Legislators are not in a position to change Federal Law. They could change State law to make release unnecessary – and this has been suggested to some legislators, with little indication of hope for success. Few Legislators care to restrict Freedom of Information Act passed by the voters in a strong public initiative. Before seeking changes in Federal Legislation, there is a need to get a court decision. WACD has been working to get the matter into court without threatening district personnel with criminal penalty or costing one or more districts large sums in legal expenses. An official Washington AG opinion has been requested. This will heighten its importance.

**99 – 11, Dairy waste SRF loan program flexibility:**

**Recommendation:**

WACD should request the Conservation Commission to allow implementation of proposed BMPs after submittal of loan applications once a district technician has documented pre-implementation conditions and be funded by the loan program if the loan is approved. Producers who elect to go forward with implementation of BMPs prior to local approval do so at their own risk i.e. there is no guarantee or assurance that their loan application will be approved.

**Action and Status:**

The Conservation Commission has acted on this resolution.

**99 - 12, Attaching maintenance agreements for cost-share projects on to covenants, conditions and restrictions or directly on to property deeds:**

**Recommendation:**

To provide some security to the public and agencies that the conservation efforts continue after property ownership transfers, we recommend that the Washington Association of Conservation Districts (WACD) oversee an inquiry into procedures, costs and public acceptance of recording maintenance requirements or at the discretion of the property owner placing an easement on the deed specifying practices in perpetuity onto property deeds.

**Action and Status:**

This needs to be investigated with legal counsel. The CC has also been made aware of this issue.

**99 - 13, Digital orthographic photograph sharing:**

**Recommendation:**

The DNR makes regular flights over the state and produces digital orthographic photographs for sale. Since Districts do not profit from their planning activities, since digital orthographic photos can significantly enhance farm and watershed planning, since implementation of conservation plans benefits all citizens of the State, and because Districts generally lack the resources to purchase this important tool, the WCC should seek an MOU with DNR to obtain photos and other GIS information at little or no cost.

**Action and Status:**

President Colin Bennett has raised this issue with Bill Boyum, the DNR member of the Conservation Commission. Mr. Boyum has indicated he will look into this and Colin will follow up.

**99 - 14, Resolution proposing changes in county soil rental rates to facilitate CREP:**

**Recommendation:**

- That the Washington Association of Conservation Districts and NACD lobby USDA at the national level to allow an interim adjustment in soil rental rates in the Pacific Northwest. Basis for this would be to better promote CREP and establish riparian forest buffers to provide habitat for ESA listed salmonid species.
- WACD should also work with WCC and the State Legislature to address this problem.
- WACD and districts work with the FSA County and State committees to resolve this problem.
- WACD and conservation districts support increased rental rates for soils that do not accurately reflect current market rental rates and establish appropriate rental rates for irrigated lands.

**Action and Status:**

NACD Action, Forwarded to NACD Convention. This was defeated at NACD in the Agriculture Lands Resource Committee based on FSA statement that it does this at the state level. It was concluded that this was a state level issue. WACD is working at the state level with the CC and FSA to promote this change through USDA either directly with FSA or, if necessary, through amendment to CREP MOU. USDA has recently made some CRP changes which may make this more possible – but they have not been willing to advance soil rental rates locally in some of the more disparate counties beyond a limit based on national policy. Making this change will require district persistence locally with sound data and participation in the FSA process and pressure nationally to waive the limits where local data supports it. WACD is also seeking additional funding through the State Legislature to improve flexibility of CREP program in this and other regards. WACD and WCC have met with members of Washington Congressional Delegation and have raised this issue.

**99 - 15, Enhancing the Conservation Reserve Enhancement Program (CREP) maintenance payment:**

**Recommendation:**

WACD should work with FSA and WCC on the CREP Program to enhance the state contribution for buffer maintenance and provide program options to landowners and conservation districts to complete this work. Proposed alternatives could include accelerated payments to landowners to pay for the more intensive management tasks needed earlier in the buffer establishment, or payments directly to districts to provide buffer maintenance services.

**Action and Status:**

WACD is working with WCC and FSA to make these changes. Some of these changes may now be possible with some changes in CRP program which have recently been announced. Others will still be difficult to achieve. WACD and WCC have met with members of Washington Congressional Delegation on this issue. WACD is also continuing to pursue a CREP Plus type of program through the Washington Legislature that would allow us to address a number of these concerns (and others) at the local level. This legislative action will not happen in 2000, but there is still some cause for hope for the 2001-03 Biennium.

**99 - 16, Improving the Standards for water quality monitoring:**

**Recommendation:**

WACD shall actively support a Statewide, Standard Operating Procedure for WQ Monitoring document that guides conservation districts to manage WQ activities to produce consistent and reliable results.

**Action and Status:**

Such a coordinated effort and document is already in the works. The CC has been made aware of this issue and is involved. WACD needs to make contact with those involved in other levels of government and to help support their actions.

## **99 - 17, Standardization of stream flow measurement methods:**

### **Recommendation:**

The Northeast Area Conservation Districts recommend WACD and WSCC work with conservation districts making discharge measurements do so with a standardized method that produces consistent and accurate data.

- a) **Adopt a procedure.** Methodologies for performing and calculating stream discharge should be researched and evaluated. The method that provides detailed references and methods should be considered for use statewide.
- b) **Prepare written guidelines.** A summary of the method in the form of a field guidebook should be prepared for use by the state's conservation districts. The guidebook should be referenced to original material to provide detail instructions in cases where the guidebook does not provide enough information.
- c) **Provide training.** After the preparation of the guidebook and reference material, staff training should be conducted for conservation districts interested in doing discharge measurements. Training should be conducted at actual stream sites using the provided material.
- d) **Coordinate** to the extent possible with agencies, tribes and other groups collecting data.

### **Action and Status:**

The CC has been made aware of this matter. WACD needs to network some communications to get this process started.

## **99 - 18, WACD support for Coordinated Resource Management as a core component for Washington salmon recovery plan:**

### **Recommendations:**

- 1) That the Washington Association of Conservation Districts (WACD) take a leading role in sparking the much-needed bottoms-up initiative by joining with other entities already working to incorporate the CRM voluntary, locally led, incentive based approach to renewable resource management as a core component of Washington's salmon recovery plan for the short-term and as a long-term strategy that will move us away from "crisis" management in favor of an ongoing commitment to achieve "productivity and sustainability" for Washington's total complex of renewable resources.
- 2) Secondly, that WACD commit to informing and training district supervisors and staff to fulfill the role of local leadership identified for districts in Washington's MOU for Coordinated Resource Management.
- 3) Thirdly, if successful in achieving "salmon plan" recognition and endorsement of CRM and prioritized funding for CRM processes and projects, that WACD lobby for funding of one staff member for each conservation district choosing to provide local leadership and coordination for these CRM efforts and activities.

### **Action and Status:**

General watershed planning and salmon project priority setting are already established processes, similar to CRM, but specifically laid out in statute under HB 2514 and HB 2496. HB 2514 is WRIA wide, so there remains opportunity for CRM at local level. WACD has been working with Legislators on a TMDL bill which would be designed in

such a way as to place district leadership at the forefront, and leave opportunities for districts to use CRM processes for watershed planning on 303(d) listed water bodies. WACD is also working with the Washington Wheat Growers and have proposed a pilot TMDL implementation project in dry land wheat country in Whitman County which specifically includes CRM processes. WACD also proposed a pilot TMDL implementation project for inclusion in the current TMDL legislative proposal in Olympia but at the moment, legislation may be unlikely. Nonetheless, this may also appear in the form of budget proviso language – which we are working on with DoE. Whether this ends up in legislation or funded in the budget, we still plan to support one or more pilots on this which should include CRM processes. WACD has signed on as a full participant in the CRMP group.

## **99 - 19, Enhancing communication between conservation partners:**

### **Recommendation:**

That WACD create a task force (with NRCS, WACD, WADE & WSCC Rep) to create ways to enhance interpartnership communication.

### **Action and Status:**

There have been meetings in the past two years between the partners for this purpose, although it has been pointed out that these did not include WADE. The appointment of this task force is in process.

## **99 - 20, Health insurance exclusion:**

### **Recommendation:**

WACD lobby the state legislature and the Washington Insurance Commission to change Washington law to allow WACD and WADE to participate in the NACD, NCDEA National Health Insurance Plan.

### **Action and Status:**

WACD has inquired of NACD and through NACD's brokers to learn the specific hold-up that is preventing Washington's participation in this program. The brokers have provided us with information indicating that a number of issues are currently preventing their carrier from doing business in Washington. Among these are Washington Insurance Commissioner requirements for: 1) Too restrictive a pre-existing conditions clause; 2) Community rating rather than individual rating for groups; 3) Restrictive rules concerning initial pricing and renewal pricing of the policies; and 4) An overall unfriendly business environment for individual major medical underwriters doing business in Washington said to be created by the Washington Insurance Commissioner's Office. Similar regulations, however, exist in several other states as well. Individual carriers have responded by stopping business in those states. Because of the breadth and variety of these concerns are preventing Washington access to the NACD program, this does not appear to be amenable to a simple administrative or legislative fix. It would require, instead, a broad attack on current health care insurance regulation in our state. This may be outside the intended scope of this resolution.

## **99 - 21, Association indemnification of directors acting in good faith in course of duties:**

### **Recommendation:**

The WACD Articles and bylaws should be amended, as needed pursuant to legal counsel, to provide that Association may advance and indemnify costs, attorney fees, and judgments accruing against its officers and directors arising out of their good faith exercise of their duties on behalf of the Association. This should be accomplished by adding language to the Articles and/or Bylaws (as needed) substantially providing as follows:

“WACD shall investigate securing of liability insurance to indemnify any individual made a party to a proceeding because that individual is or was a director of WACD and shall advance and reimburse the reasonable expenses incurred by such individual in advance of final disposition of the proceeding, in the manner and to the extent provided in RCW 23B.08.500 through 23B.08.600 of the Washington Business Corporation Act, as now existing or hereafter amended, so long as such individual was acting in good faith in the exercise of their duties on behalf of WACD.”

Refer this resolution to a task force appointed by the President of WACD.

### **Action and Status:**

Appointment of this task force is in progress.

## **99 - 22, Immediate Past President to be eligible to serve as National Director:**

### **Recommendation:**

Amend bylaws to allow Past President to serve as National Director:

### **Action and Status:**

This has been done.

## **99 - 23, Resolution updates:**

### **Recommendation:**

WACD establish a process to address resolutions that are passed at the annual convention. This process will identify who will take the action and when. The process will also keep districts updated at least quarterly.

### **Action and Status:**

This report is the first step in the process to fulfill this resolution. This report is being sent to all our member districts.

## **99 - 24, Establishing a WACD seed bank:**

### **Recommendation:**

That WACD direct the WACD Plant Materials Center Board of Directors to establish a “seed bank” to meet the needs of conservation districts in Washington State.

### **Action and Status:**

WACD has referred this issue to the PMC Board as the Resolution instructs. The PMC Board is investigating ways in which we can usefully address the need for a

seed bank for conservation districts. To this end, the PMC has already set up a seed bank arrangement with a private nursery firm where locally collected seed can be deposited and will be held under the direction of the district which collects it. The PMC has also acquired equipment and capacity to test seed for viability to enhance its seed collection and banking capacity.

## **99 - 25, Washington Agriculture Environmental Coalition Initiative:**

### **Recommendation:**

WACD should support and advocate the adoption of the “Proposal for a Washington Agriculture Environmental Coalition,” prepared by a public policy group from Class XX of the Washington Agriculture and Forestry Leadership Program. This proposal provides the structure for the diverse agriculture community throughout Washington State to dialogue with all interested parties and reach consensus on present as well as future environmental issues.

### **Action and Status:**

WACD has established an extensive support team for the AFW process which may be the predecessor to fulfillment of this goal. Kurt Isaak, one of the proponents of the WAEC proposal is our lead in our AFW Support Team and is negotiating the FOTG standards in AFW. Paul Stoker, N. Central Director, is negotiating the irrigation district policy standards. WACD has supported, and will continue to support and advance this idea and work toward its acceptance.

## **99 - 26, Promoting stakeholder coalitions involved in natural resource issues:**

### **Recommendation:**

1. WACD should actively seek representation on all negotiations involving Agriculture and the Environment.
2. WACD should make it understood to agency and agriculture groups that conservation districts represent all natural resource users and landowners and these natural resource users elect it’s supervisors.
3. WACD should promote those processes that would create coalitions of stakeholders involved in natural resource issues, for example, the Ag-Forestry class XX project, Washington Agriculture Environmental Coalition.

### **Action and Status:**

WACD sought and received a seat at the AFW process and is actively supporting that process. WACD actively supports and advances the causes and purposes of this resolution at every opportunity and supports the proposed WAEC (see # 25, above). WACD’s President is a member of the Washington Ag President’s group.

## **99 - 27, Supervisor cost-share process:**

### **Recommendation:**

WACD recommends that conservation districts making cost-share decisions establish in advance a clear written policy concerning the following elements of those decisions:

- a. **Widely publicized process:** Whatever processes or rules for decision are used, the district should make sure those rules are established in

writing, in advance, included in publicity, and made known to potential applicants. Once established, this process should be followed scrupulously.

b. **Objective criteria:** Districts expecting to judge between cost-share applicants should establish, in advance and in writing, objective qualitative criteria upon which the decision is to be based. These criteria should be designed to advance the public interest in the district's cost-share contracts. These criteria should be included in publicity about the program. Once established, these criteria should be applied scrupulously in making the ultimate decisions.

c. **Other processes and procedures:** Conservation district boards are encouraged to develop and to share with other districts their processes and practices for the making of supervisor-cost-share decisions. Districts need to be above reproach and to set the highest standards both for the fact and for the appearance of fairness.

d. **WACD will actively seek ideas** from Districts and others and act as a clearing-house for ideas pertaining to this issue.

**Action and Status:**

This resolution has been provided to all districts in the State. WACD continues to track these issues and support districts with respect to them. These matters have also been presented for discussion at the WCC for further possible policy manual action.

**99 - 28, National Director to be voting officer of WACD:**

**Recommendation:**

Amend WACD Bylaws to make National Director a voting officer of WACD.

**Action and Status:**

This has been done.

**99 - 29, Responsibilities of the Nominating Committee:**

**Recommendation:**

Add recommendations for a National Director to the responsibilities of the WACD Nominating Committee.

**Action and Status:**

This has been done.