



Washington Association of Conservation Districts
2011 Final Resolutions

2011 Resolutions		
Number	Status	Resolution
11-01	Passed	Natural Resource Issues Information Clearing House
11-02	Passed	Providing Technical Assistance as an Effective Alternative in the Regulatory Setting
11-03	Passed	Washington State Delisting of the Gray Wolf Northern Rocky Mountain Distinct Population Segment in Eastern Washington
11-04	Passed	Non-Support of WDFW's "Wolf Recovery Plan"
11-05	Passed	EPA 319 Funds for Non-Point Pollution in the State of Washington
11-06	Passed	WACD Support the Full Implementation of HB 1309 Ecosystem Standards on All Lands Managed by Washington State Natural Resource Agencies.
11-07	Passed	Support District Priority Livestock Resource Concerns and Allow Non-Commercial Livestock Operations to be Eligible for WSCC Livestock Grant Assistance
11-08	Passed	Recognition of Hydropower as a Renewable Resource in Washington State.
11-09	Passed	Keep Forest Logging Run-Off Classified as Non-Point Under Clean Water Act
11-10	Passed	WACD Support Legislation to Limit Long-Term Landowner Liability When Implementing Conservation Practices.
11-11	Passed	Urge EPA to Protect Farms and Businesses from Federal Dust Regulations
11-13	Passed	WACD Support the Development of a Comprehensive Irrigation Conveyance System Efficiency Program.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-01

Title: Natural Resource Issues Information Clearing House

Problem:

Natural Resources legislation, regulation, and ensuing processes are beyond a single conservation district ability to monitor adequately. A recent example being the Water Resource Inventory Area 25 & 26 proposed water rule. The process had been underway for almost 10 years before the rule was proposed and public hearings held. Concerns arising from the public hearing process prompted close scrutiny of the watershed plan and concern for the legitimacy of the planning process to accurately portray water availability and future demand. A very hasty effort to submit comments by the district and other concerned groups and individuals resulted in retraction of the water rule. Other WRIA's have had rules adopted and many others are still in process. As we dealt with our local concerns, we began to learn that other watersheds within the state were dealing with similar issues and concerns with this rule-making process. A forum or clearing house for information sharing would/could have greatly assisted our understanding of the statewide process and could subsequently assist others in avoiding similar poor legislation.

Recommendation:

WACD should convene a committee to discuss the creation of a statewide "watchdog" group that can help districts stay abreast of natural resource concerns, proposed legislation, and rule-making processes.

Key points include:

- Track natural resource issues, proposed legislation, and rule making processes that are focal to district responsibilities.
- Serve as clearing house to disseminate information amongst district (share experiences, activities, concerns around the state)
- Improve/foster consistency with resource agencies communication and application of processes regarding natural resource legislation and rule making.
- Provide a forum for WACD and Districts to assist one another in bolstering awareness of statewide natural resource activities and to foster collective resolution of resource concerns.

Presented by: Cowlitz Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-02

Title: Providing Technical Assistance as an Effective Alternative in the Regulatory Setting

Problem:

A core belief of Conservation Districts as well as our closest, oldest and most faithful partner, the Natural Resources Conservation Service, is that voluntary compliance programs to enhance and protect the environment is the most appropriate strategy for agriculture. Recent developments in social science lend credence and support to this perspective. With the passage of the Ruckelshaus Bill, the State of Washington recognized the potential power of this principle. That bill states that it is the intent of the legislature to “promote plans to protect and enhance critical areas ...while maintaining and improving the long-term viability of agriculture”. The focus is shifted to “maximize voluntary incentive programs to encourage good riparian and ecosystem stewardship as an alternative to historic approaches used to protect critical areas”.

This notwithstanding, the regulatory paradigm persists. Federal, state and local agencies charged with protecting the environment recognize value in the conservation districts working with landowners because of our knowledge, expertise and reputation in the agricultural community, but they are perplexed as to how voluntary stewardship can be the primary method of protecting water quality without requiring the cessation of agricultural activities. They are most familiar with the “historic approach” of expressing/exercising authority; accomplished by defining standards, issuing warnings, orders and levying fines or penalties against agricultural operators who have had a discharge of pollution or whose activities present a substantial potential for pollution of state and national waters.

Conservation Districts do not challenge this authority. However, we have our own charge and authority to conserve the lands of the state through Chapter 89.08 of the Revised Code of Washington enacted in 1939. Conservation districts wonder how they can enter into a formal relationship with a regulatory agency without compromising their core beliefs and abandoning their non-regulatory nature.

The challenge for all of us is to reconcile and overcome our fundamental differences to achieve common goals not the least of which is to effectively serve the public. We may come to the solution differently but, there can be no doubt that we share clean water as a common goal.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-02, continued

Recommendation:

WACD will work with CDs to identify common elements for a “voluntary stewardship” alternative pathway for landowners/operators to follow to mitigate water quality problem(s) in a regulatory setting. Guiding principles for such a framework where a CD will accept a referral from a regulatory agency to mitigate identified water quality problem(s) include:

- The landowner/operator retains the unfettered choice as to whether or not to seek the assistance of the CD.
- The agency accepts NRCS conservation practice standards, specifications and planning process as sufficient as “Reasonable Methods of Treatment” (AKART and BMP’s) for mitigating the water quality problems that precipitated the referral through the development and implementation of a conservation farm plan.
- The landowner/operator is afforded the opportunity to identify, evaluate and choose among alternative conservation practices (assuming there are alternatives) in developing and adopting a conservation plan that will, at a minimum, mitigate the identified water quality problems that precipitated the referral.
- The information that the landowner/operator provides to the conservation district in developing and implementing the conservation plan is confidential to the extent that it is not essential to demonstrating which conservation practices are a part of the plan, the timeline for performance and progress towards implementing the plan.
- The agency forebears from taking any punitive action so long as the landowner/operator is making satisfactory progress in implementing the conservation plan pursuant to the agreed upon timeline.
- Resources are available for the CD to provide technical assistance including monitoring the outcomes of the implementation of the plan’s conservation practices to ensure that the desired and expected outcomes (mitigating the identified water quality problems) are achieved and adaptively managing by modifying the conservation plan if they are not.
- The agency confers with the CD in advance of anticipated inspection activity to help ensure that there are adequate resources to meet the workload that is likely to result.
- The CD may elect to terminate a cooperative agreement and refer the landowner/operator back to the agency when the Board concludes that the cooperater is not working in good faith with district staff in developing or implementing the conservation plan or if there are insufficient CD resources, they will be sought out from the regulatory agency.

Presented by: Whatcom Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-03

Title: Washington State Delisting of the Gray Wolf Northern Rocky Mountain Distinct Population Segment in Eastern Washington

Problem:

The Northern Rocky Mountain (NRM) Distinct Population Segment (DPS) of the Gray Wolf is now a delisted species under the Federal Endangered Species Act; this encompasses roughly the eastern one-third of Washington State (see map below). However, the Gray Wolf remains listed as an endangered species by Washington State Administrative Code.

The best science strongly supports the (US Fish and Wildlife) Service's conclusion that the NRM population is biologically recovered. It contains over 1,650 wolves, 244 packs and over 110 successfully breeding pairs. It has exceeded recovery goals for 11 consecutive years, occupies nearly all of the suitable habitat in the Northern Rocky Mountains, is at or above long-term carrying capacity, and has high levels of genetic diversity and gene flow throughout the region. (Per USFWS Gray Wolf Recovery and Delisting Q & A, May 2011).

Recommendation:

Be It Resolved: That the WACD support the Washington State Cattlemen's Association in their petition to delist the Gray Wolf as a state endangered species under the Washington Administrative Code in the portion of Eastern Washington State covered by Northern Rocky Mountain DPS and designate it as a game species.

Presented by: Foster Creek Conservation District

RESOLUTION PASSED.



**Northern Rocky Mountain DPS
Range Map in Eastern WA**



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-04

Title: WACD's non-support of the Washington State Department of Fish and Wildlife's "Wolf Recovery Plan"

Problem:

The current "draft" of the Wolf Recovery Plan relies upon the unwarranted and unauthorized use of private lands to provide much of the habitat for this apex predator.

Further, the use of these private lands by this apex predator has a high potential for conflict (as demonstrated in other states) with current land management uses (private and public), economies (agricultural, sporting and governmental), culture and custom without regard and/or respect by the state of Washington.

In addition, the current "draft" of the Wolf Recovery Plan does not provide any assurances that negatively affected landowners or public will remain whole but in fact are by virtue of its content and context are required to sacrifice items that include economic/financial gains, emotional well-being, and current land use practices that protect natural resource use and protection of their private property.

Recommendation:

The Washington Association of Conservation Districts should request that the wolf be removed from the endangered species list by the state of Washington;

AND

The Washington Association of Conservation Districts should develop a position paper to address the problem statement and the Wolf Recovery Plan. That position paper should then be presented to the Washington Fish and Wildlife Commission as part of public comment.

Presented by: North Yakima Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-05

Title: EPA 319 Funds for Non-Point Pollution in the State of Washington

Problem:

EPA 319 funds for non-point pollution in the state of Washington go to the Department of Ecology (DOE) which is then distributed by DOE as directed.

Recommendation:

WACD will work with the appropriate agencies and elected officials to have the federal section of 319 non-point source funding directly released to WSCC to be distributed to the conservation districts.

Presented by: Palouse Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-06

Title: WACD Support the Full Implementation of HB 1309 Ecosystem Standards on All Lands Managed by Washington State Natural Resource Agencies.

Problem:

State natural resource agencies continue to purchase properties for wildlife habitat and other natural resource values using limited state Capital Budget funds. After purchase many of these lands that once supported agricultural lands are set aside for wildlife habitat with little to no management activities occurring.

The resulting impact of large tracts of unmanaged lands has been a significant increase in noxious weeds, decreases in wildlife cover and forage, and increased wildfire risk. These lands affect adjacent landowners because weeds blow across property lines causing increased management costs to adjacent landowners.

In 1993 the Washington State Legislature passed House Bill 1309 calling for the development of Ecosystem Standards for State-Owned Agricultural and Grazing Lands. The standards developed and published in December, 1994 call for minimum ecological standards to be met on lands owned by the State of Washington that are or once supported agricultural or grazing operations. These standards are not being met on many Washington Department of Fish and Wildlife lands because they are using clauses in the Ecosystem Standards that allow the department to vary from the standards for wildlife habitat. Studies and local investigations have shown that the lack of management due to minimal funding available to wildlife area managers has diminished the quality of wildlife habitat on these lands.

Recommendation:

WACD Support the Full Implementation of HB 1309 Ecosystem Standards on All Lands Managed by Washington State Natural Resource Agencies.

Presented by: Okanogan Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-07

Title: Support District Priority Livestock Resource Concerns and Allow Non-Commercial Livestock Operations to be Eligible for WSCC Livestock Grant Assistance

Problem:

Washington Conservation Districts have been and continue to be successful addressing natural resource conservation on commercial livestock operations with technical and financial assistance through the WSCC Livestock Grant. This success has generated numerous requests for similar assistance on non-commercial operations, particularly small acreage livestock landowners. In many districts, these non-commercial livestock operations put a tremendous amount of pressure on the natural resources and have more influence on resources than the larger, commercial producers.

For example, the Clark County Executive Horse Council conducted a survey of horse owners and estimated over 34,000 horses living in Clark County. A horse produces approximately 50lbs of manure a day. This equates to **1,700,000 lbs of manure produced every day**. These operations have become a priority concern for resource conservation in Clark County. However, non-commercial livestock operations are not eligible for technical and financial assistance through the WSCC Livestock Grant.

Livestock influence and affect our natural resources regardless of the landowner's commercial or non-commercial status, and if the District Board of Supervisors has prioritized these non-commercial operations for assistance, then they should be eligible for funding along with commercial operations.

Recommendation:

WACD work with the WSCC members and staff to support conservation districts with funding for their priority livestock resource concerns through the Livestock Grant Program, regardless of whether the request is for a commercial or non-commercial livestock operation.

Presented by: Clark Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-08

Title: Recognition of Hydropower as a Renewable Resource in Washington State.

Problem:

When Initiative 937 was passed in 2006, it required electric utilities with 25,000 or more customers to meet targets for the use of renewable energy and energy conservation. The initiative did not include hydropower, which makes up nearly 75% of energy generated in the state. Wind, solar, biomass, or tidal power was included as renewable resources. Wind turbines, however, do not generate power on the hottest or coldest days, when no wind generally blows. Wind turbines only work about 25% of the time, according to Franklin County PUD. The other sources are still in the development state.

Chelan, Douglas, and Grand PUDs have invested millions to improve fish passage on the upper Columbia. The results of these efforts have been higher returns than before the dams were build only to be penalized for their efforts.

Investing in hydropower would reduce the cost of wind power by involving a second renewable resource. The use of hydropower and dams is vital to the economy of many Eastern Washington agricultural communities. Hydropower costs half of wind power and one fifth of solar. Forty nine other states recognize hydropower as a renewable resource.

In addition to providing clean, affordable, domestic electricity, hydropower also helps foster the growth of other renewable energy resources. By providing load firming and energy storage, hydropower helps maximize the benefits of solar and wind resources, too.

Recommendation:

WACD should continue to work with the Washington State Legislature to amend Initiative 937 to include hydropower as a renewable resource in Washington State.

Presented by: South Douglas Conservation District.

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-09

Title: Keep Forest Logging Run-Off Classified as Non-Point under Clean Water Act

Problem:

The Ninth Circuit Court of Appeals recently made a ruling that overturns 35 years of legal precedent and federal environmental policy. The Court ruled that forest storm water runoff produced during logging must be regulated by the federal Clean Water Act (CWA) rather than by state forestry laws.

Today, forest runoff produced by harvesting is regulated under the CWA as a "non-point source of pollution," a policy the Environmental Protection Agency (EPA) has followed for the past 25 years. Under this policy, each state is empowered to draft its own rules to ensure compliance.

Because the Ninth Circuit ruled in the NEDC's favor, landowners would need to get a separate federal permit for every culvert and bridge under their roads. There would also be significant new monitoring requirements.

Members of the U.S. House of Representatives have introduced legislation, H.R. 2541, the *Silviculture Regulatory Consistency Act*. This legislation would restore the federal government's previous policy under CWA. The House has already added the bill, in the form of an amendment, to the 2012 Interior appropriations bill - another vehicle to get the law over to the Senate for their consideration.

The EPA and Forest Service are continuing to regulate water runoff as they have always done, awaiting appeal of the Ninth Circuit Court's decision.

Recommendation:

That WACD, WSCC work with NACD and Congress to support legislation that would keep forest logging run-off classified as non-point under the Clean Water Act and allow the Department of Natural Resources to continue to administer the Forest Practices Act in accordance with the current EPA regulations.

Presented by: Spokane Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-10

Title: WACD Support Legislation to Limit Long-Term Landowner Liability When Implementing Conservation Practices.

Problem:

Individual landowners and state agencies alike are increasingly concerned about their respective long-term liability to voluntarily engage in instream habitat restoration activities. The concerns are focused on the potential effects to downstream landowners and consequential loss of property as a result of failure of the conservation practice.

In Washington, there are several existing laws that address liability, although each speaks to a very specific element of liability. For example, RCW 4.24.210 addresses “liability of owners or others in possession of land and water areas for injuries to recreation users.” In many instances, public agencies and landowners cannot be held liable for recreational injuries that occur on their managed lands.

Increasingly, landowners across the state are requesting a release from liability should they voluntarily allow construction of habitat restoration projects on their property. This issue is not limited to private landowners. Washington State Department of Fish and Wildlife and the Washington State Department of Natural Resources are implementing changes to permits that either require branding of Large Woody Debris (LWD) to identify their source should they come free and cause downstream damage or are requiring special use permits to access lands they manage

Recommendation:

WACD should seek and support legislative changes to state law to limit the long term liability to landowners, private and public, for implementing conservation practices that are in compliance with appropriate specifications and regulations at the time of installation

Presented by: Okanogan Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-11

Title: Urge EPA to Protect Farms and Businesses from Federal Dust Regulations

Problem:

The Clean Air Act requires EPA to set national air quality standards for particulate matter. The law also requires EPA to periodically review the standards to ensure that they provide adequate health and environmental protection, and to update those standards as necessary.

The EPA is currently reviewing its National Ambient Air Quality Standards (NAAQS) for particulate matter, including proposals to amend the standards.

The PM NAAQS includes standards for both PM_{2.5} and PM₁₀. Fine and coarse PM differ in ways other than size. Fine PM is produced chiefly by combustion processes and atmospheric reactions of gaseous pollutants; sources include motor vehicles, power generation, and residential fuel burning. Coarse PM tends to result from mechanical processes or the resuspension of dusts in the air; sources include construction and demolition activities as well as agricultural and mining operations. The two types of PM also exhibit different atmospheric behavior: while fine PM can remain suspended for long periods of time and travel great distances, coarse PM tends to deposit rapidly and does not travel as far. Historically, the PM₁₀ standard is of great interest to the agricultural community. Dust is a way of life in rural America and it is unavoidable in the agricultural community.

WACD should support legislative action which retains the current standard for dust and small particulate matter in light of the natural buildup of dust on farm fields and rural roads. Proposals to lower the standard would have a negative impact on agriculture and rural businesses.

Recommendation:

WACD should work with NACD to oppose any proposals from EPA to amend the PM_{2.5} and PM₁₀ standards.

Presented by: Palouse Conservation District

RESOLUTION PASSED.



Washington Association of Conservation Districts
2011 Final Resolutions

Resolution No: 11-13

Title: WACD Support the Development of a Comprehensive Irrigation Conveyance System Efficiency Program.

Problem:

Agriculture is a primary and essential economic activity in Washington State which requires large volumes of uncontaminated water. Most irrigated lands in Washington State are served by irrigation ditches, canals, and related conveyance systems.

Many irrigation conveyance systems are unlined open ditches that typically require irrigators to divert much larger volumes of water than is necessary for the irrigated lands to compensate for the loss of water to evaporation and leakage.

Recommendation:

WACD should support legislation which provides funding for irrigation efficiencies that could include lining and piping for irrigation water conveyance systems.

Presented by: Okanogan Conservation District

RESOLUTION PASSED.