



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-01

Title: Define the extent and effect of the Supreme Court Decision in the Lemire case on agricultural operations.

Problem:

In 2009 the Washington State Department of Ecology issued an administrative order to a cattle rancher, Joseph Lemire, directing him to take several steps to curb pollution of a creek that runs through his property. Lemire challenged the order, which was upheld on summary judgment by the Pollution Control Hearings Board (PCHB). Lemire filed an administrative appeal in Columbia County Superior Court. The *Lemire v. State Dept. of Ecology & Pollution Control Hearings Bd.*, 87703-3 trial court reversed the summary judgment determination and invalidated the agency order. The trial court also concluded that the order constituted a taking. On August 15, 2013, the Supreme Court of the State of Washington reversed the trial court on all counts, reinstated the Board's summary judgment order and Ecology's underlying order, and held that Lemire failed to establish that a taking occurred.

The Supreme Court decision means that:

Ecology's Inspector determines Substantial Potential to Pollute. Ecology is not required to prove that conditions on the property are actually causing the pollution. It is sufficient for Ecology inspectors to observe conditions on property consistent with the kind of pollution in the water body. Ecology need only to show the substantial potential to violate under the statute, which the Ecology inspector's declaration establishes.

Ecology is not required to rule out other sources of pollution in the creek. Again, under the water quality statutes, Ecology need only show that observations of the conditions on the property are consistent with the kind of pollution found in the stream.

"Ecology has broad authority to regulate any person causing the discharge of matters into waterways that cause or tend to cause pollution." The Court cited the "plain language" of RCW 90.48.080 and 020 as giving Ecology the authority to regulate nonpoint sources of pollution.

They did not need to answer the question of a constitutional taking claim. Lemire failed to prove that he suffered any economic loss, or any economic loss amounting to an unconstitutional taking. The Court indicated Lemire did not establish that Ecology's order actually destroyed his ability to use his land.

This decision from the Supreme Court will negatively impact agriculture in a number of ways including:

1. Conversion of land that has a history of continuous agricultural activity into non-agricultural conservation property.
2. The stakes are high. This could force a rancher, whose retirement is tied up in his small farming and ranching operation, to either spend tens of thousands of dollars to implement BMPS, give up ranching, or be subject to what will likely be substantial financial penalties.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-01 (continued)

3. Presumably, all landowners could potentially violate the state's pollution laws. All the operator has to do is have a state water body on his or her property that is not completely fenced off. That is it. Nothing else needs to be proved but those facts.
4. Ecology does not need to test for a water quality violation, or prove a direct violation of water quality standards to initiate an enforcement action. It only needs to prove that conditions that create a “substantial potential” of violation exist on the property in question.
5. Non-conforming conditions only need to be determined by the Ecology inspector in the field.
6. Other sources of pollution do not need to be considered. Land management activities on surrounding properties may prevent successful implementation of BMPs
7. If after a landowner has correctly installed BMPs and he has complied with an order and the water body is not cured of its pollution problems there is assurance that he will not receive another order.

Recommendation:

WACD work with the Department of Ecology, Department of Agriculture, and WSCC to: 1) develop a practical definition of “substantial potential to pollute” 2) ensure that that definition is applied consistently statewide; and 3) when the Department of Ecology (Ecology) makes referrals to a Conservation District, Ecology will assist WSCC to fund solutions through the Commission/District system.

Submitted by: Foster Creek Conservation District

Recommend Do Pass As Amended by the Legislative Committee.

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-02

Title: WACD and WSCC work with the Washington State Legislature, the Washington State Conservation Commission and the Office of Financial Management to ensure that District Consolidation remains a voluntary action of the boards involved.

Problem:

In May 2013, both the House and Senate 2013-15 budget proposals included proviso language that requires the Washington State Conservation Commission (WSCC) to consider district consolidation options related to district overhead costs and efficiencies. Conservation Districts desire to provide sufficient information to decision makers so that supplying better policies will be made. And better policies will mean better conservation on the ground.

There is often misunderstanding of the roles of counties and conservation districts in terms of organization, purpose, funding and governance. Conservation Districts are a state-subdivision special purpose districts under state law. Therefore the Conservation District fulfills a role unrelated to local jurisdictions. In terms of natural resources, agriculture, urbanization and other conservation issues, there is nothing special about political boundaries. These boundaries are not set using criteria related to natural resources.

A forced consolidated district will lead to a loss of true local representation, leadership and accountability. Examples are: 1) a larger district may lose the ability to govern effectively with a five-member board; or 2) a smaller district may be swamped by another leading to a loss of local leadership; or 3) adjacent conservation districts may be sufficiently different in terms of resource needs, customer type, agricultural practices, etc., where one area's issues will come at the expense of another.

Critical local district collaboration will be lost if local ties are weakened. As smaller districts grow into county-size districts there will be a loss of accountability to the direct electorate. This will lead to pressure to involve county officials with supervisor appointments by county officials versus public elections. With increased local pressure, conservation districts are more susceptible to becoming general purpose, local government entities rather than the current special purpose districts resulting in shifting of funds away from conservation work to general purpose government functions.

Recommendation:

WACD and WSCC will share information with legislators and others to educate decision-makers about consolidation as an option for conservation districts. Consolidation can only come at the initiative of involved conservation districts, in response to a shared need for joining together and to sustain the locally-led principle or to improve efficiencies and conservation services. It should not come from external influence seeking to force conservation districts to consolidate, against their will, regardless of the reasons. Neighboring conservation districts already share resources even though they have very different approaches to resource conservation, based on local knowledge of the board of supervisors.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-02 (continued)

Submitted by: Foster Creek Conservation District

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-03

Title: Expedite Resource Management Practices Leading to Improved National Forest Health

Problem:

Eastern Washington National Forests face serious health problems. Tree overcrowding, species composition, disease and insect outbreaks are all factors leading to critical health issues. In eastern Washington forests during the 1980's, about 600,000 acres per year were damaged by insects and disease. In the 2000s, the amount doubled to 1.2 million acres per year. At some point, the deteriorating forests will overwhelm the capacity to rejuvenate itself. Thinning overstocked stands and emphasizing management of early successional tree species such as Ponderosa pine wherever possible would significantly improve overall forest health and resilience.

Expeditious resource management practices strategically targeting a healthier forest are necessary to get back on track. Effectively utilizing the National Forest land will not only promote more resilient forests, but will maintain a viable timber industry, reduce the risks of catastrophic wild fires and strengthen local rural economies which are economically linked through jobs, energy and recreational opportunities. An unhealthy forest means an unhealthy community.

Recommendations:

- WACD recognizes the seriousness of Eastern Washington's forest health and encourages the Forest Service to invoke emergency resolutions to expeditiously use effective measures towards managing for improved forest health.
- WACD will facilitate collaborative efforts in soliciting supportive letters from neighboring county commissioners, fire districts and other stakeholders within Eastern Washington boundaries.

Submitted by: Stevens County Conservation District

Recommended Do Pass as Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-04

Title: Buffer Width Compliance

Problem:

Washington agriculture and cattle producers are working toward compliance with current Department of Ecology requirements for streamside buffers adjacent to crop lands and grazing areas. Much progress has been made but there are still areas around the state that have yet to implement the required streamside buffers and exclusionary watering facilities for a variety of reasons, not least of which is economic.

The conservation districts have been working hard to assist landowners with implementation but have been met with some resistance because of lack of any assurance from DOE that if they were to proceed with implementation of the current size requirement for buffers, that DOE would not at some later date determine that buffer size needs be increased.

Recommendation:

The Washington Association of Conservation Districts and the Washington State Conservation Commission work with the Department of Ecology to assure that all buffers installed at the current width requirement be considered in full compliance of the DOE requirements for acceptable conservation levels and would be grandfathered in as continuing to be in full compliance.

Submitted by: Spokane Conservation District

Recommend Do Pass as Amended by the Natural Resources Committee

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-05

Title: NACD Communications on Adopted Resolutions

Problem:

The NACD policy on actions to be taken after resolutions are adopted at the NACD Annual Meeting lacks sufficient direction. The current policy should be amended to establish a more effective communication feedback loop to sponsoring districts, states, and the Association membership at-large after a resolution has been adopted at the NACD Annual Meeting.

Recommendation:

Amend the existing NACD Policy Development Description (adopted September 2012) as follows:

AFTER THE NACD BOARD MEETING

All policy positions adopted by the NACD Board of Directors will remain in effect until their purposes have been accomplished, or until they are specifically replaced by newer policy, altered or deleted. Tabling or rejecting a resolution containing partial existing policy does not affect the entire existing policy.

((~~F~~) Within 60 days of adjournment of the Annual Meeting, the CEO will assign newly adopted policies requiring action to the appropriate NACD foundation committee, or other appropriate entity, for follow up.

((~~E~~) Within 120 days of policy assignment, each committee, or other appropriate entity, (~~will develop, and~~) with Executive Board approval, will develop and implement strategies – including timelines and communication feedback to at least the sponsoring state(s) – to achieve the action(s) stated in the policy. Adopted policies that state NACD positions on issues will be incorporated into the NACD policy ((positions)) handbook developed by the (~~NACD Legislative Committee in cooperation with the other~~) appropriate NACD foundation committees.

Within 30 days of Executive Board approval of a committee action plan, the Association shall make such plans and policies available to membership by request, or on the members only website if available.

An action register of resolutions will list the resolution; the sponsoring entity; NACD Board action on the resolution; the committee and staff assigned (~~to take~~) to take follow up action; and status of the action. This is used by the Board of Directors for reporting back to their states.

The CEO or responsible foundation committee shall report on the status of adopted policies at the Association's Executive Summer Conference, and Annual Meeting.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-05 (continued)

Submitted by: Whatcom Conservation District

Recommend Do Pass As Amended by the Executive Committee

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-06

Title: Communicating the Work of Conservation Districts with the General Public

Problem:

- 1) Districts have varying abilities to communicate effectively to the public.
- 2) The general public generally does not know what a Conservation District is let alone what it does.
- 3) Generally, districts communicate well with their active cooperators. However, the procedures and skill sets required to communicate effectively with the general public differ.
- 4) Districts have long considered it important that they have control over their own local messaging to the people in their area.
- 5) The variety of platforms of communication can represent overwhelming complexity (i.e. Twitter, Facebook, E mail, websites, cable TV, radio, YouTube, etc...)
- 6) Some communication platform requirements are more expensive than others (i.e. radio, video spots) and individual districts cannot afford to develop these resources.
- 7) There is enough commonality between districts in the work they implement to warrant collaboration between Districts and state level conservation partners (WACC and WACD) in creating effective messaging with the general public.

Recommendation:

Individual conservation districts, WACD, WADE, and WACC will collaborate on communication efforts to create individual yet cohesive messages to engage the general public. Individual Districts will have ultimate control over communication in their own locale using the methods and materials collaboratively developed. The state level communications will be able to effectively focus on broader issues at the state and national level. Because of the ever increasing complexity of communication platforms, all parties will assist in identifying how and when to use a particular platform. The result of this collaborative communication process will be to deliver effective and similar messages as well as receive feedback from the general public.

Submitted by: Whidbey Island Conservation District

Recommend Do Pass by the District Operations & Education Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-07

Title: WACD Consolidation Policy

Problem:

There have been discussions regarding consolidations of conservation districts throughout the State of Washington. Due to political and financial stipulations, there appears to be some pressure for conservation districts to consolidate. This undermines the autonomy provided by law for individual conservation districts to operate as separate legal entities.

Recommendation:

That the WACD membership does hereby adopt and support both in word and in action, the consolidation policy adopted by the WACD Board of Directors, and the Washington State Conservation Commission is to be encouraged to do the same.

Submitted by: Skagit Conservation District

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-08

Title: Utilizing Category 3 Funds to Pool Cost Share Dollars for Providing Financial Assistance to Numerous Cooperators When Completing the Same Practice

Problem:

Under Category 3 funding, conservation districts do not have the ability to pool dollars for multiple cooperators to share when implementing management practices such as cover crops and pasture and hayland reseeding.

Recommendation:

WACD shall support the use of Category 3 funding from the Conservation Commission for conservation districts to pool the money and utilize the dollars for multiple cooperators to share when implementing practices. The conservation districts need the ability to request and receive funding to provide cost share to multiple cooperators for implementing a single practice.

For example, 10 cooperators want to plant cover crops for the numerous reasons that the practice benefits soil health and protects water quality. The funds would be used to give all cooperators a percentage of cost shares as defined in the districts' current policy for planting a cover crop. The funds would be divided by the acres planted with cover crops, not by the number of producers enrolled.

Submitted by: Lewis County Conservation District

Recommend Do Pass as Amended by the District Operations & Education Committee.

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-11

Title: Recommendations Addressing Ecology Letters to Producers

Problem:

The spring of 2013, Department of Ecology (DOE) staff traveled throughout the lower part of Whitman Conservation District and 7 additional Districts evaluating livestock operations that were in close proximity to water ways. Also, the staff marked GPS coordinates on a map indicating the location of each operation. The DOE staff selected four producers from each District to send generic letters informing the recipient. The letters did not inform the producer of vital information; for example: the date the visit took place, what the conditions were at the time of the site visit or what was seen. The process created concerns and questions amongst the livestock producers regarding how they should proceed.

Recommendation/Concerns:

The Whitman Conservation District requests the support of the Conservation Commission and WACD in addressing the following recommendations:

1. The WACD and the WSCC should work with the Washington Department of Ecology to develop a process to include detailed field assessment documentation with the notification letters sent to landowners and operator/tenant. The Department of Ecology will contact the landowner and operator/tenant within 3 weeks of any assessment that will result in a non-compliance letter to set up a time to view the site with the landowner. Department of Ecology will provide an inspection form on the day of the visit to the landowner and operator/tenant. The conservation district's copy of the letter should only include notation that the field assessment documentation has been attached to the letter sent to the landowner.
2. Resolve issues that have arisen from sending four letters in each watershed area where observations were made, letters not necessarily sent to land owners that had the most serious pollution issues.
3. Recognition of the technical support and conservation practices that have already been completed or are being planned on the ranch or farm.
4. To support coordinated resource management or other locally led processes.
5. Abandon the 2013 letter procedure, restart in 2014 utilizing recommendations from the process as outlined in #2 above.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-11 (continued)

Submitted by: Whitman Conservation District and Palouse Conservation District

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION AMENDED ON FLOOR AND PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-12

Title: Request That WSCC Reallocate Category 1 Funding to Districts in Multiple District Counties That Are Efficient and Practicing Administrative Efficiencies

Problem:

Conservation districts were established using stakeholder developed boundaries with an emphasis on grassroots implementation of conservation practices. The boundaries established at the time indicated the stakeholder's belief that there were different resource concerns within each boundary.

Districts that are located in counties with more than one conservation district within its boundaries have had damaging reductions by the Commission in FY14 funding allocations. Category 1 funding for those districts was cut by as much as 75%, depending on the number of districts in the county. While the Commission maintains they will not force districts to consolidate, this reduction of funds indicates an inclination to do just that. There are districts that share staff and office space which is the efficiency the Commission has indicated they desire, but the funding cuts are a disincentive to administrative efficiencies. The resource needs remain the same with or without Category 1 funding for these districts. What is lost is the ability of the districts to act on those concerns.

In addition, most districts use Commission funding to leverage other funding sources by using the Category 1 allocation to pay staff. Without adequate funding for staff under Category 1, the ability to successfully apply for and implement other funding sources is lost.

Recommendation:

The Washington State Conservation Commission re-instate full Category 1 funding to Tier 1 districts in multiple district counties that are practicing administrative efficiencies and do not rely entirely on Commission funding for their operations – are leveraging other funding sources with their Commission funds.

Presented by: Central Klickitat Conservation District & Eastern Klickitat Conservation District

Recommend Do Pass by the District Operations & Education Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-13

Title: Request that WACD and WSCC include Resolution no. 08-003 in their discussions with Department of Ecology

Problem:

Resolution number 08-003, which calls for Department of Ecology to allow temporary water withdrawals for the purpose of irrigating riparian plantings to aid in establishment, is on file as being passed. It is unclear what has been done to fulfill the request of the resolution. With the new leadership in Ecology, and WSCC and WACD making efforts to improve relationships with Department of Ecology, now is a good time to follow-up on this request. Currently Ecology is pushing for wider buffers on streams; it makes sense to allow limited irrigation of the plants to ensure success of the investment in buffer development. The ongoing dynamics of buffer width discussion provides the best opportunity to follow up on this resolution.

Recommendation:

WACD and the Commission use the current discussions with Ecology to allow temporary water withdrawals for riparian planting irrigation.

Submitted by: Central Klickitat Conservation District

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-14

Title: Equitable restitution of grazing utilization between Washington Department of Fish and Wildlife big game species and private landowners' livestock.

Problem:

Currently there is no process where private landowners whose property is grazed by big game (deer and elk) by the state of Washington to have their forage losses offset by utilization of adjacent or near-by lands for restitution for the affected landowner(s).

The presence of big game on private lands is not an issue to most private landowners, what is of issue is the reduction of forage. When forage amounts are reduced, the economic viability of the landowner is limited. The limitation is a calculable reduction in animal unit months (AUM's) on any private pasture unit affected by big game grazing. Maintaining the correct AUM's capacity is important in the management of any pasture to ensure its viability not only for livestock but in many cases for wildlife.

In many cases where big game have unrestricted use of the forage on private lands, the majority of the forage can be removed well before "turn-out" by private landowners.

Use by big game can also negatively affect rangeland by stunting growth, limit natural reseeded processes by early season use. Data is also showing that livestock grazed areas are preferred by big game species thus representing opportunity between State and private landowners for increasing the overall forage production / utilization at a watershed scale. This is best represented by the RCO's policy change in regard to Critical Habitat acquisition and the ability to graze those lands by livestock.

Recommendation:

That WACD solicit interested Districts where rangeland impacts from Big Game is of concern and begin a fact-finding process. From the fact-finding process, develop recommendations that will identify the next step(s), (i.e. resolutions, position paper, task force, legislative action, etc.). The end goal will be to assist landowners in maintaining grazing utilization without losses.

Submitted by: North Yakima Conservation District

Recommend Do Pass as Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-15

Title: Conservation Budget Development and Allocation Process Improvements

Problem:

WACD and WSCC have recognized the need to revise a budget development process in support of putting conservation work on-the-ground. The current budget development and allocation process does not clearly reflect linkages between the steps in the process to enable the WSCC to employ an efficient, predictable and clearly communicated allocation process. There is a need to improve the budget development and allocation process to allow for proper linkage throughout the process. However, flexibility is still needed for adjustments to respond to legislative appropriations, and should be considered in the process.

Recommendation:

WACD and WSCC shall establish a budget development process that has a clear linkage between:

- The initial budget development request from the WSCC to the districts;
- The combined district budget requests into a draft budget proposal;
- WSCC budget submittal to OFM; and,
- The WSCC allocation process to the districts.

The budget development process shall direct the allocation process. The budget development process shall be consistent with the WACD and WSCC budget strategy.

Submitted by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution 2013-16

Title: Conservation Budget Development Strategy

Problem:

Funding is appropriated by the State of Washington on a biennial basis for work by conservation districts, through the State Conservation Commission (WSCC). This appropriation includes an Operating and a Capital budget, and includes funding for the state's 45 conservation districts and for WSCC in its role in support of conservation districts. This state appropriation is fundamental to sustaining the basic infrastructure that allows conservation districts to respond to citizen demand for services, to leverage other sources of funding, and to maintain the level of technical assistance, financial assistance and human resources required to help citizens fulfill their role as stewards of natural resources.

Recent years' budget development and appropriation processes have demonstrated the vulnerability of our current budget submittals and source(s) of funding with respect to changing economic conditions and competition for state funds. For the short-term (next two biennia), there is a need to improve the budget development strategy to allow for needed and reasonable growth in both operating and capital budgets, and to clarify the distinction between operating and capital budgets.

Conservation districts and WSCC need to establish a budget development process that, in addition to identifying the actual citizen demand for services, constructs a state budget request that accurately reflects the amount of work that conservation districts are capable of accomplishing during a biennium towards meeting that demand. The process should also reflect a realistic funding objective in terms of legislative support and competing legislative initiatives. Budget submittals are vulnerable to loss of funding or lack of growth due to lack of specifics and lack of prioritization, and due to a lack of consultation with legislative supporters about realistic budget outcomes, despite strong support within the Legislature for conservation districts. Budget proposals should be prepared, packaged and presented in a manner that works to forge partnerships among conservation districts and legislative supporters for particular groups of technical assistance services and projects.

Recommendation:

WACD and WSCC will:

1. Clearly articulate what is needed from the operating budget. The process should include a level of district funding to operate an efficient and effective conservation district program, should reflect consideration of reasonable potential for growth within the operating budget, and should reflect the commitment by the state in funding the infrastructure needed to support conservation districts' role in assisting landowners as stewards of natural resources.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-16 (continued)

2. Clearly articulate what is needed from the capital budget. Define those projects and activities that qualify for capital budget funding, and form the basis for a capital budget request. Establish a process that asks the districts to identify the natural resource funding pools, amounts, and priorities in each district's budget request. The process will further include combining district requests into similar pools. The combined pools will be the basis for the WSCC capital budget proposal. The combined pools will be prioritized by WACD and the WSCC based on the natural resource priorities identified by the districts. This process should be clearly communicated to conservation districts prior to the WSCC budget request to the districts.
3. Districts should recognize that not all projects may be funded by the Legislature, and that some process may be needed to prioritize within and among the funding pools. A competitive process for ranking projects within each combined pool will be established prior to the WSCC's budget request to the districts. The criteria for the competitive process will be clearly communicated to conservation districts prior to the WSCC budget request to the districts.
4. WACD and the WSCC shall consult with the Legislature, OFM and the Governor's Office, prior to the WSCC's budget submittal to OFM, to inform them about the budget strategy and to seek input on the reasonableness of the budget request. WACD and WSCC shall seek to retain, as part of this process, strategies to maintain flexibility in funding sources and options in response to final funding decisions by the Legislature.
5. WACD and the WSCC will establish this process prior to the next biennium (2015-16).

Submitted by: WACD Legislative Committee, September 12, 2013

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-17

Title: Consolidation and Budget Issue Separation

Problem:

District Governance and structure are currently linked with the budget in the minds of some decision makers. This manifests itself mainly in the discussion surrounding consolidation of districts. This tends to misrepresent the founding principles of locally led conservation and a district's own governance and sovereignty. While district efficiency efforts are linked to the budget, governance should be a separate issue. This is a current issue related to a 2013 budget proviso, but should be a standing position of WACD and WSCC.

Recommendation:

WACD and WSCC will communicate to the Legislature and other decision makers:

- The locally-led basis for the foundational governance structure of districts, and
- That while district efficiency efforts are linked to the budget, governance should be a separate issue.

WACD and WSCC should align their existing policies on district consolidation, and should incorporate those aligned existing policies into this communication.

Presented by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-18

Title: Long-Term Conservation Funding Opportunities

Problem:

In 2012, the WACD and WSCC recognized the need to evaluate and develop opportunities to secure long-term, stable funding for conservation districts and the Conservation Commission in its role in support of conservation districts. Recent state budgets have illustrated the long-term need to find suitable and reliable sources of funding to support conservation. There is a need to develop and implement a campaign for long-term conservation funding to supplement basic state infrastructure support.

Recent work by the WACD Past Presidents Task Force (PPTF) and conservation district supervisors and employees under the 2013 “20/21 series” of meetings held by Commission staff has identified a number of potential candidate sources of funding for conservation. Each potential source requires thorough evaluation and consideration related to feasibility, reliability and stability prior to launching the funding campaign.

WACD and the WSCC will need to help build the required unity across conservation districts with regard to any funding source(s) (together with their associated natural resource priorities) selected for the funding campaign. Also, considerable work will be required to develop and maintain the new partnerships required to help secure selected funding option(s). Additional work is needed to prepare most promising candidate funding options for inclusion in a campaign that can be developed and implemented over the course of future biennial state budgets.

Recommendation:

WACD and WSCC will collaborate to evaluate the proposed long-term funding sources and to develop a campaign to secure needed conservation funding. This evaluation will include those long-term funding options identified by the WACD PPTF in 2012 and in the 2013 20/21 process.

WACD and WSCC will employ appropriate WACD committee(s) and task force(s), member conservation districts (including interested conservation district supervisors and employees) and other interested parties and partners to thoroughly analyze and consider the funding options.

The WACD and the WSCC will express their joint support for the proposed funding campaign prior to its enactment.

The WACD and WSCC will report on progress at the 2014 WACD annual meeting.

Submitted by: WACD Legislative Committee, September 12, 2013.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-18 (continued)

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-19

Title: State Conservation Commission Agency Partnership Agreements to Expand Existing Sources of Funding for Conservation

Problem:

Conservation funding is a top priority. WACD's Past Presidents Task Force recommended in 2012 that opportunities be explored to increase state and federal funds in existing state agency programs going to conservation districts through the State Conservation Commission to put conservation on the ground. The task force recognized that an effective mechanism is lacking to help state agencies accomplish their conservation goals through collaboration with the State Conservation Commission and conservation districts, and recommended that this be accomplished through interagency cooperative agreements.

Recommendation:

WACD will request that WSCC develop expanded agency partnership agreements, to explore increasing funding to conservation districts via expansion or re-direction of existing state and federal funding sources, making conservation districts and WSCC the "go-to" organization for getting conservation on-the-ground, and establishing a WSCC/agency contract system that provides the ability for any state agency to accomplish conservation goals through WSCC and conservation districts.

Submitted by: WACD Legislative Committee, September 12, 2013.

Recommend Do Pass by the Legislative Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-20

Title: Harmonizing Local and State Natural Resource Priorities (*with special consideration to connection to budget development process*)

Problem:

During this year's Conservation Commission's budget allocation process, there has been debate about how best to reconcile the locally-led conservation district process with state natural resource priorities. There is a need for clarity on questions about how state resource priorities are developed (with or without district input), how state priorities are shared with conservation districts, when information on state priorities is shared with districts as part of the budget development cycle, and about the role of Commission overall and Commission member agencies in this process.

The time to consider how local conservation district budget proposals can best address state natural resource priorities is early in the budget development process, rather than after funding is appropriated by the Legislature. First, conservation districts should make some contribution towards identifying state resource priorities, by providing local resource data and other relevant information. Second, conservation districts should be made aware of the natural resource priorities identified by state natural resource agencies in advance of their development of budget proposals for the Conservation Commission. Commission member agencies have a special obligation to provide data and other information with respect to their natural resource priorities that can be shared with conservation districts. The Commission should play a vital role in facilitating the exchange of such information.

There is a need to identify to WSCC member agencies the mutual benefits of sharing information on natural resource priorities and of collaboration among WSCC member agencies and conservation districts in achieving their natural resource protection and management goals, such as those identified under the Governor's Results Washington Initiative.

Recommendation:

WACD will request that the WSCC and WSCC member agencies enter into an agreement no later than December 2014, to implement the requirements of RCW 89.08.070(8) with respect to identifying and sharing information about natural resource priorities. The requirements of this section are:

Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-20 (continued)

This agreement will include the following:

- WSCC member state agencies will identify and share data and other information on their agencies' natural resource priorities through WSCC to conservation districts.
- WSCC (including its member state agencies) will distribute data and other information on state priorities to conservation districts **in advance of** the biennial budget development process, beginning in 2015-2017 budget cycle.
- WACD and WSCC will encourage and support conservation districts' input to the state resource identification and prioritization process, including watershed plans, monitoring data, implementation of practices, etc.

WACD will request that WSCC member agencies consider and provide agency feedback to this request to WACD and the WSCC during the regularly scheduled January, 2014 WSCC meeting.

Submitted by: WACD Natural Resources Committee, September 16, 2013

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-21

Title: Collaborative Agency Program Agreements for Natural Resources Management: EPA 319 Non-Point Source Pollution Plan for the State of Washington

Problem:

EPA 319 funds for non-point pollution in the State of Washington are received by the Washington Department of Ecology (DOE) and are distributed by DOE as directed by an EPA-approved NPS management plan developed by DOE. No conservation district or State Conservation Commission (WSCC) input is sought or received by DOE in the development of this NPS plan, in particular as it relates to agriculture and forestry. Conservation districts and WSCC can provide valuable input to the development of the NPS plan and can help target NPS 319 funds to be applied in the field related to agriculture and NPS water quality.

Recommendation:

WACD will request that WSCC and DOE implement an interagency agreement that allows WSCC and conservation districts to prepare and submit to DOE input to the agricultural and forestry component of the state NPS management plan for inclusion in the state plan submitted to EPA for approval under the 319 NPS program.

WACD will request that conservation districts secure their county governments' support for this request.

This resolution replaces WACD Resolution No. 11-05.

Submitted by: WACD Natural Resources Committee, September 16, 2013.

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-22

Title: Collaborative Agency Program Agreements for Natural Resources Management: Irrigation Efficiencies Grant Program as a model for interagency program agreement for natural resources management

Problem:

Washington State's 45 conservation districts and the State Conservation Commission (WSCC) are dedicated to working with private landowners and working lands managers to conserve water. One of the most effective tools for accomplishing this is the Irrigation Efficiencies Grants Program (IEGP). Under this program, private landowners and operators partner with local conservation districts on voluntary projects that increase the efficiency of on-farm water application and conveyance delivery systems. Water saved is converted to beneficial in-stream or out-of-stream uses.

The IEGP began in 2001 as a legislative appropriation to the Department of Ecology (DOE) directing the agency to "provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies..." within 16 drought critical basins. WSCC administers IEGP through an interagency partnership with DOE (capital budget appropriation pass-through).

This grant program is an example of the type of interagency cooperation and agreement that is needed to meet agencies' mutual goals, to effectively employ natural resource agency expertise, and to apply proper roles in the management of natural resources related to agriculture. Other natural resource and environmental program areas do not employ similar model agreements, but should. In the case of IEGP, the program is limited to the 16 drought critical basins, but this model should be expanded to address statewide opportunities to improve irrigation efficiency.

Recommendation:

WACD will request WSCC and DOE to confirm this collaborative model approach for water use efficiencies program area for agriculture, and to expand efforts through the IEPG or other collaborative irrigation program to include other statewide opportunities to improve irrigation efficiency.

In addition, WACD will encourage agencies to employ a similar interagency program model in the areas of water quality, air quality, and other areas of mutual natural resources interest.

This resolution replaces WACD Resolution No. 10-29.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-22 (continued)

Submitted by: WACD Natural Resources Committee, September 16, 2013.

Recommend Do Pass by the Natural Resources Policy Committee.

RESOLUTION PASSED.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-23

Title: Mandating Specific Practice Implementation as a Condition for Landowner Participation in Incentive-Based Conservation Programs

Background/Problem:

During the past two years, several organizations and agencies at the national and state level have pressed for changes in conservation practices implementation. This pressure is based on a perception by these entities that existing incentive-based programs and services delivered to landowners and land managers by conservation districts and partners are not effective in putting conservation on the ground, and in achieving desired results to protect natural resources. These entities propose that participants in incentive-based conservation programs be required to implement a certain mandated practice, such as a riparian buffer, as a condition of their having access to any program financial assistance.

Conservation districts, with our seventy-five years of experience in dealing with private landowners and working lands managers, are very concerned about the impact on participation likely to result from such an infusion of regulatory requirements into the collaborative planning process under incentive-based programs. Conservation districts enjoy a unique degree of trust and cooperation with landowners and working lands managers, because we offer a robust set of methods to help program participants address a wide spectrum of natural resources concerns for the lands they manage. Conservation districts recognize that a balanced approach to natural resource protection and management is necessary, and appreciate the importance of both regulatory and incentive-based programs in helping to foster durable stewardship behaviors that meet and exceed compliance objectives. Conservation districts further recognize that, for incentive-based programs, increasing landowner participation is vital to our making progress in improving the quality of natural resources.

Conservation districts believe, however, that mandating specific practice implementation as a condition of participation would severely inhibit participation by landowners and working lands managers in conservation financial assistance programs, and would threaten the effectiveness and future availability of financial assistance programs for Washington citizens. Such a loss of participation would catastrophically hamper progress in addressing natural resources concerns, and would seriously impair the application of incentive-based programs as part of this balanced system. This would leave only regulatory programs to address natural resources management and protection.

Conservation districts recognize that the conservation partnership must work collaboratively with many other entities concerned with natural resources protection, and identify and pursue shared goals with respect to water quality, improved habitat, and maintaining a viable working lands economy and landscape.



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2013-23 continued

Recommendation:

WACD supports a balanced system approach to natural resources management that leverages the benefits of both incentive-based and regulatory programs.

WACD recognizes the need to continually evaluate and improve the effectiveness of incentive-based conservation programs, and to increase participation by landowners and working lands managers in such programs.

WACD opposes the requirement of any specific mandated practice as a condition of participant access to incentive-based program financial assistance. For example, WACD opposes requiring a cooperator to first install a riparian buffer practice as a condition of access to financial assistance for other conservation practices deemed to be needed under a conservation plan.

WACD requests that WSCC and NRCS neither endorse nor accept a requirement for mandatory riparian buffers as a condition of participant access to conservation practice financial assistance.

WACD requests that WSCC and NRCS continue their support for landowner choice and flexibility, and for incentive-based programs that make available to landowners and working lands managers a full suite of practices that can be applied to address natural resources concerns brought to their attention.

WACD requests that WSCC, NRCS and other agencies utilize guidance by WACD/conservation districts to outline our collective pathway forward to achieve improved natural resource protection and management goals through incentive-based programs and services. Such a pathway forward should, at a minimum, identify shared natural resource concerns and goals, support outcomes set for natural resources issues, achieve high levels of landowner participation, promote landowner responsibility, engage in expanded outreach to potential participants and partners, and better target programs and services to achieve measurable improvement in natural resources at the watershed and landscape scale.

Submitted by: WACD Natural Resources Policy Committee, December 3, 2013

Recommend Do Pass As Amended by the Natural Resources Policy Committee.

RESOLUTION PASSED AS AMENDED.