

**WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
October 12, 2011**

I. Time and Place of Meeting.

A regular meeting of the Board of Supervisors of the Whatcom Conservation District (WCD) was held at the Ag Service Center, 6975 Hannegan Rd, Lynden, Washington on October 12, 2011, at 7:00 p.m.

II. Attendance and Quorum.

The following Supervisors, being a quorum of the Board, were present:

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|------------|-------------|
| Joe Heller | Larry Davis |
| Ed Stone | Dick Yoder |

Also in attendance were:

| | |
|----------------------------------|-----------------------|
| George Boggs, Executive Director | Alex Hall, NRCS staff |
| Dawn Bekenyi, Admin. Assistant | Dave Unruh, FSA |

III. Meeting Called to Order.

Joe Heller, Chair, called the meeting to order at 7:00 p.m.

IV. Approval of Minutes of Previous Meeting.

Larry Davis moved that the minutes of the September 14, 2011 Board meeting be approved as mailed. Ed Stone seconded the motion. The motion passed.

V. Financial Report.

The financial report was mailed to the Board with their draft minutes from the September meeting.

Dawn Bekenyi, Administrative Assistant, presented the financial report. There were no questions.

Ed Stone moved to approve the Financial Report. Larry Davis seconded the motion. The motion passed. Upon motion made and duly seconded, the Treasurer's Report was approved.

Accounts Payable –

A copy of District invoices and incurred expenses, as listed in the Accounts Payable Report, were reviewed and approved. The Board further authorizes the payment of District expenses incurred subject to their review and approval at the next Board meeting.

The following voucher/warrants are approved for payment:

| | | | | |
|-------------------------|--------------|---------|--------------|-------------------------------|
| Sept 2011 - balance | | | | |
| Voucher (check) numbers | <u>18882</u> | through | <u>18894</u> | and totaling <u>5,514.81</u> |
| Payroll check numbers: | <u>18895</u> | through | <u>18908</u> | and totaling <u>27,487.68</u> |
| October 2011 | | | | |
| Voucher (check) numbers | <u>18909</u> | through | <u>18933</u> | and totaling <u>27,023.48</u> |
| Payroll check numbers: | <u>18934</u> | through | <u>18947</u> | and totaling <u>27,638.22</u> |

Moved by Ed Stone. Larry Davis seconded the motion. The motion passed.

VI. Action Items.

A. Approval of Conservation Plans.

Dairy Nutrient Management Plan (DNMP) Update Approval –

There was one Dairy Nutrient Management Plan Update submitted for Board approval.

Ed Stone moved to approve the Dairy Nutrient Management Plan for Snyder Farms LLC (Jeff & Suzzi Snyder). Larry Davis seconded the motion. The motion passed.

Livestock Farm Plan for Approval –

There was one conservation plan for a small farm operation in the Terrell Creek watershed submitted for Board approval. This also fulfills a requirement of our EPA Birch Bay Project grant.

Dick Yoder moved to certify the Livestock CAO Plan for Randy Arestad & Paul Bailey. Larry Davis seconded the motion. The motion passed.

B. Approval of Contracts.

Conservation Reserve Enhancement Program (CREP) Contracts –

The Conservation Reserve Enhancement Program (CREP) is a joint federal and state program to enhance fish habitat and protect water quality. The U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) is the administrative lead. A District resource specialist (Wayne Chaudiere or Emily Hirsch) works with a landowner to develop a conservation plan that includes practices meeting the landowner's needs. It is reviewed for technical sufficiency by the Natural Resources Conservation Service representative (Alex Hall) and George Boggs. The landowner signs the plan and it is passed on to FSA. The FSA County Oversight Committee (COC) approves all CREP plans. The current District policy is that once FSA approves the Federal Contract and CREP plan, then the CREP maintenance contract is brought to the Board for its approval. Absent unusual circumstances, the Board approves the standard-language maintenance agreement prescribed by the State Conservation Commission.

There were seven CREP maintenance contracts submitted for Board approval.

Ed Stone moved to ratify the CREP maintenance contracts for:

- 1. Charles & Mona Cooper (01-04-CS:11-26)**
- 2. Melvin (Mike) & Pat Reitan (01-04-CS:11-11)**
- 3. David & Kimberly Sauter (01-04-CS:11-27)**
- 4. Steve Swinger (01-04-CS:11-08)**
- 5. Chuck Shull & Susanne Shull (10-04-CS:11-07)**
- 6. Whatcom Land Trust – Rutsatz Rd (10-04-CS:11-28)**
- 7. Kevin Wolter (10-04-CS:11-22)**

Larry Davis seconded the motion. The motion passed.

Temporary Use Permit from Washington Department of Fish & Wildlife (WDFW) for Lake Terrell Wildlife Area (Lake Terrell Fish Passage Project) –

The District received funding from the National Fish and Wildlife Foundation (NFWF) for the Lake Terrell Fish Passage Project. The WDFW is requiring a Temporary Use Permit to allow us to work on the fish passage dam during construction. George reported that an engineer from Wilson Engineering was hired to review the project to ensure that the project would not jeopardize the physical integrity of the structure. A clause was negotiated into the Temporary Use Permit that WDFW will indemnify the Whatcom Conservation District should a failure result from the intentional or negligent acts of its employees. There was discussion regarding the position of the pipe for water level in the dam.

Larry Davis moved to authorize the Chair to sign the Temporary Use Permit agreement with the Washington Department of Fish and Wildlife (WDFW) for Lake Terrell Wildlife Area

in order to work on the Lake Terrell Fish Passage Project. Dick Yoder seconded the motion. The motion passed.

District Cooperative Agreement –

Several dairy farms have agreed to participate in the (Application Risk Management) ARM research project. District Cooperator agreements were drafted outlining the expectations for the District and landowner/participant under the ARM project. George reviewed the confidentiality of the research data and clauses in the agreement. The District will remove the testing equipment at the termination of the agreement when the project ends and fill in the holes at our expense. The farmer agrees to maintain their field in a way that will not destroy the project or testing equipment. There is one agreement ready at this time to be signed. Two others are near completion.

Ed Stone moved to enter into a District Cooperative Agreement for the ARM research project with Van Dyk-S Holsteins (Landon Van Dyk) and authorize the Executive Director to sign, on behalf of the District, the other two cooperative agreements substantially following the same format. Larry Davis seconded the motion. The motion passed.

EPA Birch Bay Project –

Under the EPA Birch Bay Project, Nooksack Salmon Enhancement Association (NSEA) was written in as a partner to do the riparian restoration and water quality monitoring components of the project.

Ed Stone move to enter into an agreement with the Nooksack Salmon Enhancement Association (NSEA) for \$40,000 for riparian restoration and \$10,000 for water quality monitoring components in the EPA Birch Bay Project effective October 1, 2011. Larry Davis seconded the motion. The motion passed.

VII. Other Business.

A. Dave Unruh, County Executive Director, Farm Services Agency (FSA).

Conservation Reserve Enhancement Program (CREP) – Dave reported that the Farm Service Agency is busy with all the CREP contracts. Through the process of the approving projects, the County Committee (CoC) decided that it needed a policy to address fencing needs for the CREP program using a cost effectiveness approach. To date fencing has been covered in a case-by-case basis. Dave explained that the new fencing policy is based on the kind/size of animal being fenced out of the eligible buffer area. He expressed that while there is now a formula to calculate eligible fencing length, the Conservation District/landowner may submit a request for variance to the County Committee if additional fencing is required with environmental justification.

County Committee Meetings – Dave reported that the County Committee is limited to four in-person meetings per year due to budget constraints.

B. Alex Hall, Natural Resources Conservation Service (NRCS).

Environmental Quality Incentive Program (EQIP) – Staff can resume making payments for EQIP projects. Payments were on hold due to the end of the fiscal year. Alex reported that EQIP is in a holding pattern. He anticipates a cut-off sometime in December.

Civil Rights Review – The Civil Rights Review was completed. Alex shared some handouts and an outreach guide regarding civil rights. He pointed out that there are guidelines from USDA regarding recruitment of Board members to promote diversity.

West Area Appraisal by the State Office – Alex reported that the state office will be doing an appraisal of the west area offices the week of October 24. There will be two teams doing the review. They are going review technical, program and administrative activities doing records reviews and field visits. The review teams will start in the Lynden office.

VIII. Executive Session

8:00 pm. Joe Heller, District Chair, made the announcement that the public meeting was breaking so that the Whatcom Conservation District Board could go into Executive Session for 30 minutes to discuss the tort claim filed against the District.

8:30 pm. Joe Heller made the announcement that the Executive Session had expired and that the Board would resume the Executive Session for 15 minutes.

8:45 pm. Joe Heller adjourned the Executive Session and resumed the public meeting.

Dick Yoder directed the Executive Director to write a letter to the Washington State Conservation Commission to ask that the Washington Attorney General's office defend the Whatcom Conservation District and landowner named in the tort claim and continue to follow-up with our insurance company regarding the matter. Larry Davis seconded the motion. The motion passed.

IX. Other Business (cont.)

A. Supervisor Reports.

Larry Davis –

Washington Association of Conservation Districts (WACD) – Larry will seek the Northwest Area Director position at the NW Area annual meeting.

Larry inquired about the information regarding sponsorships for the WACD Annual Meeting. George explained that our county does not have any vendors with products of state-wide interest. So, the success in pursuing these is questionable. Further, staff are fully consumed with meeting grant expectations. If the Board wanted staff to pursue this, something else would not get done.

B. George Boggs, Executive Director.

Legislative Initiative – There was discussion regarding Conservation Districts. WACD suggested that District send follow-up letter to legislators and try to meet with them before the upcoming legislative session. Larry and Dick will try to meet with Representative Kristine Lytton.

Northwest Area Meeting – George presented a resolution to bring to the NW Area meeting. The resolution is titled, "Providing Technical Assistance as an Effective Alternative in the Regulatory Setting."

Ed Stone moved to approve and present "Providing Technical Assistance as an Effective Alternative in the Regulatory Setting" resolution at the NW Area meeting. Larry Davis seconded the motion. The motion passed.

Salmon Staff Team – There could be resources for the District to participate on the Salmon Staff Team. George said that he would find out more and keep the Board posted.

Small Farm Planning – The District is currently short-handed on small farm planning with Chuck Timblin working on dairies to help with the backlog of work. Rachel Vasak has produced 6 referrals for small farm planning assistance in Terrell Creek. George asked the Board about the potential to contracting for small farm planning assistance. Planning at a formative level could be done by a livestock operator after some training and continued oversight. With consent of the Board he will attend the next Cattlemen's meeting to discuss the concept there.

Washington Association of Conservation Districts (WACD) Annual Meeting – Larry and Joe will attend the annual meeting.

National Association of Conservation Districts (NACD) – The National Association of Conservation Districts (NACD) annual meeting is scheduled for January in Las Vegas, NV.

George would like to attend since several national committees that he is on will be presenting information there. The Board authorized George to attend the NACD annual meeting in Las Vegas, NV.

Groundwater Committee – George reported on the groundwater committee meeting in Abbotsford, BC. There was discussion regarding adopting a bylaw which would require environmental farm planning and requiring nutrient management for berry, and poultry producers in British Columbia (BC).

Western Washington University Class Presentation – George spoke with a class at Western Washington University regarding the Birch Bay project and voluntary, incentive based, collaborative, local approach to planning rather than top down regulations.

Farm, Ranch, and Rural Communities (FRRCC) – Draft proposals from the Partnerships, Resources and Science subcommittees are out for review. Partnerships and a collaborative approach are common themes being discussed. Elements of the final document are to be completed at the next meeting (Oct. 26th & 27th) in D.C.

X. Record of Board Actions.

11-74 Larry Davis moved that the minutes of the September 14, 2011 Board meeting be approved as mailed. Ed Stone seconded the motion. The motion passed.

11-75 Ed Stone moved to approve the Financial Report. Larry Davis seconded the motion. The motion passed. Upon motion made and duly seconded, the Treasurer's Report was approved.

11-76

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11-78 Dick Yoder moved to certify the Livestock CAO Plan for Randy Arestad & Paul Bailey. Larry Davis seconded the motion. The motion passed.

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Larry Davis seconded the motion. The motion passed.

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in order to work on the Lake Terrell Fish Passage Project. Dick Yoder seconded the motion. The motion passed.

- 11-81 Ed Stone moved to enter into a District Cooperative Agreement for the ARM research project with Van Dyk-S Holsteins (Landon Van Dyk) and authorize the Executive Director to sign, on behalf of the District, the other two cooperative agreements substantially following the same format. Larry Davis seconded the motion. The motion passed.
- 11-82 Ed Stone move to enter into an agreement with the Nooksack Salmon Enhancement Association (NSEA) for \$40,000 for riparian restoration and \$10,000 for water quality monitoring components in the EPA Birch Bay Project effective October 1, 2011. Larry Davis seconded the motion. The motion passed.
- 11-83 Dick Yoder directed the Executive Director to write a letter to the Washington State Conservation Commission to ask that the Washington Attorney General's office defend the Whatcom Conservation District and landowner named in the tort claim and continue to follow-up with our insurance company regarding the matter. Larry Davis seconded the motion. The motion passed.

XI. Adjournment.

There being no further business before the meeting, Ed Stone moved to adjourn the meeting at 9:40 p.m. Larry Davis seconded the motion. The motion passed.

The meeting, on motion duly made, seconded and carried, adjourned at 9:40 p.m.

Dated: November 30, 2011

Approved: _____

Dawn Bekenyi, Administrative Assistant