

**WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
September 12, 2013**

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 September 12, 2013, at 7:00 p.m.

II. Attendance and Quorum.

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

Joe Heller, Chair	Terry Lenssen, Vice-Chair
Larry Davis, Treasurer	Larry Helm
Dick Yoder	

Also in attendance were:

George Boggs, Executive Director	Alex Hall, NRCS staff
Dawn Bekenyi, Admin. Assistant	Andrew Phay, IT Tech

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.

Dick Yoder moved that the minutes of the August 8, 2013 Board meeting be approved as mailed. Terry Lenssen seconded the motion. The motion passed.

V. Financial Report.

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

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

Larry Helm moved to approve the Financial Report. Terry Lenssen 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:

Aug 2013 – balance				
Voucher (check) numbers	<u>20747</u>	through	<u>20761</u>	and totaling <u>7,876.99</u>
Payroll check numbers:	<u>20762</u>	through	<u>20776</u>	and totaling <u>29,527.48</u>
September 2013				
Voucher (check) numbers	<u>20777</u>	through	<u>20805</u>	and totaling <u>18,996.85</u>
Payroll check numbers:	<u>20806</u>	through	<u>20820</u>	and totaling <u>29,572.57</u>

Moved by Larry Helm. Terry Lenssen seconded the motion. The motion passed.

VI. Action Items.

A. Andrew Phay, Board email.

At the Washington Association of District Employees (WADE) annual training, public disclosure issues and Board members email accounts were discussed. Andrew set up a centrally located email system, so that all Whatcom Conservation District email correspondence for staff and Board members goes through the district's server. He shared with the Board how to use the system. They agreed to use the "company" email address for all Conservation District business to facilitate transparency for the public. Notice of the new addresses will be given to the Washington Association of Conservation Districts (WACD) and Washington State Conservation Commission (WSCC).

George cautioned that the Public Meeting rules still apply to email communications even though the emails go through the district's server. Board members cannot engage in an email "conversation" with three or more members without duly advertising in advance a Public Meeting.

B. Approval of Conservation Plans.

Dairy Nutrient Management Plan (DNMP) Certification –

There was one Dairy Nutrient Management Plan submitted for Board certification. Jackie's Jersey Milk (Bill DeGroot) had a DNMP approved, pending upgrade of the waste storage pond in the facility that they rent. Mr. Curt Lagerwey completed upgrading the waste storage pond to NRCS standards. Chris Clark reviewed the plan for Jackie's Jersey Milk and recommends that the Board certify it.

Larry Helm moved to certify the Dairy Nutrient Management Plan for:

- **Jackie's Jersey Milk (Bill DeGroot).**

Terry Lenssen seconded the motion. The motion passed.

C. Approval of Contracts.

Conservation Reserve Enhancement Program (CREP) Contracts –

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. District resource specialists (Wayne Chaudiere, Frank Corey 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 was a discussion regarding project costs and priorities in the CREP program.

There were eleven CREP maintenance contracts submitted for Board approval.

Larry Helm moved to ratify the CREP maintenance contracts for:

- **Lyle & Tamera Bronkema (12-04-CS:12-26)**
- **Melvin Byers (12-04-CS:13-02)**
- **Stephen Carlton (12-04-CS:13-05)**
- **Rose Anne Featherston (12-04-CS:13-03)**
- **Mark & Angela Ferguson (12-04-CS:13-07)**

- **Forthun Family Trust (Robert Forthun) (12-04-CS:13-06)**
- **Sam & Heather Hinds (12-04-CS:13-08)**
- **Sally Howell (12-04-CS:13-11)**
- **Robert Butterfield & Miriam Freshley (14-04-CS:13-24)**
- **Steven Field & Marlana Adams-Field (14-04-CS:13-21)**
- **Richard Owens & Heather Westman (14-04-CS:13-20).**

Terry Lenssen seconded the motion. The motion passed.

CREP Maintenance Cap Increase –

A copy of the CREP Maintenance Cap Increase Approval Sheet, with 9 projects proposed for an increase, plus a copy of the Maintenance Budget Report matrix showing all active CREP Projects with the 5-year maintenance window, were submitted by staff to the Board for review. There are eight projects on the sheet showing a need for further maintenance requiring an adjustment to the current maintenance cap. There was discussion regarding the matrix and projected future budget increases. George explained that the per acre cap was set in 2004 and adjusted in 2009 by the Washington Conservation Commission with the provision to seek a cap increase for cause. Following Board approval the memo showing new caps was forwarded to the WA Conservation Commission.

Larry Davis moved to approve the Maintenance Budget Increase Approval sheet recommending to the Conservation Commission new maintenance caps for Shetler (263), Uhl (225), Patz (249), Dougherty (299), King (316), Littleton (342), Plagerman (329), and Plagerman (328) CREP projects. Dick Yoder seconded the motion. The motion passed. Larry Helm opposed.

Larry Helm was concerned with an estimated 30% cost overrun on the maintenance cap for some projects as identified on the Maintenance Budget Report matrix. He would like to have CREP technicians come to discuss projects and the maintenance caps and projected overruns.

Washington State University (WSU) Energy Audit Contract –

WSU has offered the District a contract to assist them with field work on Energy Audits. The contract is for \$7,000 and would be used to train Chris Clark to do field assessments to complete 2-5 energy audits. This is approximately 80 hours of Chris' time. Terry Lenssen asked what the farmer cost would be to participate in this Energy Audit program through WSU. Dawn did not know at the time, but has found out that it is \$1,000 which is an estimated 25% of the total audit costs. Participants cannot use NRCS EQIP funding to defray the cost of completing an audit.

Dick Yoder moved to approve the WSU Energy Audit contract for \$7,000 for the District to provide Dairy Farm Energy Audit Field Support. Larry Davis seconded the motion. The motion passed.

USDA NRCS Building Lease –

The most current USDA building lease with the District expired on August 31, 2013. There was a provision that was exercised by NRCS for September to continue on a month-by-month basis. At the beginning of September, Amy Smith informed the District that she was given delegation from GSA to extend the lease for an additional year at the current rate. This will allow her to work on requesting lease proposals and negotiating a new lease by this time next year. George informed the board that it appears that NRCS will be contemplating a significant reduction in space for the USDA agencies.

Terry Lenssen moved to approve the one-year extension of Supplemental Lease Agreement #6 with USDA NRCS at the current rate of \$5,225 per month. Larry Helm seconded the motion. The motion passed.

WACD Resolution –

Larry Davis drafted a resolution titled “NACD Communications on Adopted Resolutions.” 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. The Board reviewed and approved to take to the WACD NW Area meeting. The resolution will be emailed to all area Conservation Districts prior to the October 7, 2013 NW Area meeting.

Larry Helm moved to approve resolution titled “NACD Communications on Adopted Resolutions” and take to the WACD NW Area meeting in Jefferson County. Dick Yoder seconded the motion. The motion passed.

D. Litigation.

Shuksan Golf Course v. Whatcom Conservation District and Randy Van Beek –

George reported that the case went to trial that lasted three weeks. George shared a few key points brought out during the instructions to the jury. Are there obstructions on VanBeek’s property? Yes, these consisted of beaver dams. Were the obstructions from natural causes? Yes. The jury determined that the remeander did not create an obstruction. They reasoned the flooding would have showed up soon after its construction. In fact the flooding did not begin to manifest itself until four or five years later. Beaver activity and Reeds Canary Grass infestations are natural occurrences. The jury came back with a verdict for the defendants (i.e., Whatcom CD and Randy Van Beek). There is 30-day period to file an appeal.

Verizon –

George gave some background on the case for those Supervisors that were not aware of the issue and he updated the Board on progress with the litigation.

VII. Other Business.

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

Alex reported on the EQIP cost-share contracting that the local field office has completed this funding cycle. There are a total of 28 contracts for over \$2.3 million. He gave the program initiative breakdowns.

Pacific Salmon Habitat Improvement Partnership (PSHIP) 42% – Staff have obligated 7 contracts totaling a little over \$1 million. They anticipate another PSHIP sign up next year.

Energy 7% – Staff obligated 9 contracts for \$73,212. There is one contract to implement an energy audit.

Northwest Water Quality Initiative (NWQI) 24% – Two contracts were submitted for approval totaling \$57,000. The main focus of these applications is the decommissioning and renovation of waste storage facilities to bring the waste handling systems up to current NRCS standards. The obligation deadline is August 30, 2013.

General Environmental Quality Incentive Program (EQIP) 27% – Four dairies and one small farm received contracts for a total of \$639,494.

High Tunnel, Shellfish & Organic Initiatives 2% – Five contracts totaling \$57,000 were awarded.

Implementation of EQIP contracts – There are 142 practices to be installed this year. There is a short construction window left. NRCS is sending out reminder letters to producers. Chris Clark and Bill Bensen are assisting with the implementation workload. Frank has also been a big help with the riparian habitat projects.

NRCS Staff – Kathy Kilcoyne is retiring. There will be a function on Saturday, September 28, 2013, at Larrabee State Park.

B. Supervisor Reports.

Larry Davis –

WACD – Larry will make three visits in September as an Area Director to other Conservation Districts; King, Clallam, San Juan Island. While in Clallam County he will visit the Makah Nation at Neah Bay. Larry has been nominated for the WACD Tribal Outreach Task Force.

WACD Officers and Directors meeting – 2014 is the final year of a multi-year contract with Suncadia. Options for the WACD annual meeting place are being investigated. George suggested that they check into Whatcom County. The Silver Reef has added a convention center.

WACD is asking if they should continue to provide support to the state Envirothon. The Whatcom Conservation District Board supports an education program.

WACD Annual Meeting – WACD has requested Dawn's service during their Annual Meeting in December at Suncadia. Larry reported that they will cover registration, meals and travel, but not salary. The Board agreed to send Dawn, with the caveat that she be given the opportunity to attend sessions pertinent to her professional development.

Larry Helm moved to send Dawn Bekenyi to WACD to assist at the Annual Meeting in Suncadia in December. Terry Lenssen seconded the motion. The motion passed.

Larry asked Dawn to check and see if our WACD dues have been paid for the year.

Larry Helm –

Larry Helm attended the WA Conservation Commission strategy meeting in Yakima with Joe Heller. He reported on it.

Larry Helm is also on the Legislative Policy Committee. They are proposing a state-wide \$10 per parcel assessment to fund Conservation Districts among others.

Joe Heller –

Joe attended the WA Conservation Commission (WSCC) strategy meeting in Yakima with Larry Helm. He will be attending the WSCC Board meeting in September. Allocation for Livestock funding will be discussed at this meeting. A Supplemental Budget Request for FY14-15 is due to OFM October 1.

C. George Boggs, Executive Director.

Environmental Protection Agency (EPA) Meeting – George reported that Nichole Embertson, Chris Clark and George attended a meeting with EPA where Nichole shared some preliminary results from her ARM study. The trials show about 20% greater grass yields by following the ARM guidance Nichole had developed.

590 Specification – A 590 Nutrient Management Practice is being developed for Washington State. Department of Ecology and EPA are asking NRCS eliminate all winter applications and impose much greater application setbacks for fertilizer. His letter to Washington State NRCS suggested that an economic analysis needs to be done in conjunction with the revisions before they can be adopted. He also asked that they provide the science supporting the suggest changes. If there is no consensus reached on a state 590 specification, then the standard will revert to the national 590 specification.

Department of Ecology – The District has received 8 referrals from the Department of Ecology. George and Chuck Timblin attempted to each out to everyone on the list. As of the date of this meeting, few accepted the offer.

Whatcom Clean Water meeting – George attended the public meeting in Lynden. There were about a half a dozen people in attendance that were not associated with a State and Local agency. There was discussion at that meeting regarding DNA testing and water quality. Jay Gordon, WSDF, observed based on the Samish experience that DNA testing is like a “flood light” not a “spot light”. While it could confirm the presence of sources, it couldn’t reveal how much each contributed.

Audit Notice – The District received a copy of their Audit Notice from the Washington State Auditor’s Office. The audit review was without findings.

Long Range Plan – It is time to look at the District’s Long Range Plan of Work. George suggested that a retreat that includes staff should be scheduled for November. He thought the meeting would take approximately 6 hours.

Employee Leave – George explained that Chris Clark has significant annual leave accrued and was seeking to cash some out. The Board discussed the merits, suggested that he take some leave and wanted him to maintain 160 hours.

Larry Helm moved to authorize cashing out annual leave for Chris Clark for all but, 160 hours (one month) of annual leave. Terry Lenssen seconded the motion. The motion passed.

Cost-share Prioritization –The draft prioritization criteria was discussed in detail. A few changes were made to add points for applicants that previously have not had cost-share and those that have been given a regulatory referral. The former #6 under “Comprehensiveness of Solution” livestock exclusion was eliminated, as having been addressed in #5 cooperator will develop and implement a farm plan. Applicant enrolling in CREP was eliminated.

Larry Helm moved to approve the Cost-share Prioritization Criteria as amended. Terry Lenssen seconded the motion. The motion passed.

VIII. Record of Board Actions.

12-67 Dick Yoder moved that the minutes of the August 8, 2013 Board meeting be approved as mailed. Terry Lenssen seconded the motion. The motion passed.

12-68 Larry Helm moved to approve the Financial Report. Terry Lenssen seconded the motion. The motion passed. Upon motion made and duly seconded, the Treasurer’s Report was approved.

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12-70 Larry Helm moved to certify the Dairy Nutrient Management Plan for:

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12-77 Larry Helm moved to authorize cashing out annual leave for Chris Clark for all but, 160 hours (one month) of annual leave. Terry Lenssen seconded the motion. The motion passed.

12-78 Larry Helm moved to approve the Cost-share Prioritization Criteria as amended. Terry Lenssen seconded the motion. The motion passed.

IX. Adjournment.

There being no further business before the meeting, Larry Helm moved to adjourn the meeting at 9:45 p.m. Terry Lenssen seconded the motion. The motion passed.

The meeting, on motion duly made, seconded and carried, adjourned at 9:45 p.m.

Dated: October 22, 2013

Approved: _____

Dawn Bekenyi, Administrative Assistant