

**WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
September 9, 2009**

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 9, 2009, at 7:00 p.m.

II. Attendance and Quorum.

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

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

Also in attendance were:

| | |
|--------------------------------|-----------------------|
| George Boggs, District Manager | Alex Hall, NRCS staff |
| Dawn Bekenyi, Admin. Assistant | |

III. Meeting Called to Order.

Dick Yoder, Chair, called the meeting to order at 7:00 p.m.

IV. Approval of Minutes of Previous Meeting.

Joe Heller moved that the minutes of the August 12, 2009 Board meeting be approved as mailed. Larry Davis seconded the motion. The motion passed.

V. Financial Report.

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

Dawn Bekenyi, Administrative Assistant, asked if there were any questions regarding the Financial Report. There were no questions.

Joe Heller 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:

| | | | | | |
|-------------------------|--------------|---------|--------------|--------------|------------------|
| Aug 2009 - balance | | | | | |
| Voucher (check) numbers | <u>1711</u> | through | <u>17134</u> | and totaling | <u>27,416.20</u> |
| Payroll check numbers: | <u>17135</u> | through | <u>17148</u> | and totaling | <u>26,893.72</u> |
| September 2009 | | | | | |
| Voucher (check) numbers | <u>17149</u> | through | <u>17162</u> | and totaling | <u>26,963.07</u> |
| Payroll check numbers: | <u>17163</u> | through | <u>17175</u> | and totaling | <u>25,560.90</u> |

Voucher (check) number 17176 and totaling 13,000.00
Moved by Joe Heller. Larry Davis seconded the motion. The motion passed.

VI. Action Items.

A. Approval of Contracts.

CREP Contracts –

The U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) is the administrative lead on the Conservation Reserve Enhancement Program (CREP) joint program. The FSA County Committee approves all CREP plans. The current policy is that once FSA approves the Federal Contract and CREP plan the contract is then brought to the Board for its approval. The Board approved the Conservation Commission prescribed standard-language contract.

There were five projects submitted for Board approval.

Ed Stone moved to ratify the CREP contracts for Reed Braden & Ellen Lebitz (08-04-CR:09-11), Kevin & Tracy Farmer (08-04-CR:09-07), Ken & Cary Lane (08-04-CR:09-12), Patrick & Julie Kramme (08-04-CR:09-09) and Allan & Grace Vermeer (08-40-CR:09-13). Larry Davis seconded the motion. The motion passed.

B. Approval and Certification of Conservation Plans.

Livestock Nutrient Management Plan (LNMP) Approval –

There were three Livestock Nutrient Management Plans submitted for Board approval.

Larry Davis moved to approve the Livestock Nutrient Management Plans for VeenHuizen Farm (updated plan), Percy Hoekema (updated plan) and Loren Hoekema (new plan). Ed Stone seconded the motion. The motion passed.

Livestock Nutrient Management Plan Certification –

There were three LNMPs submitted for Board certification. Nichole Embertson submitted the certification checklists for Board review and approval.

Ed Stone moved to certify the Livestock Nutrient Management Plans for VeenHuizen Farm, Percy Hoekema and Loren Hoekema. Larry Davis seconded the motion. The motion passed.

George reviewed the Livestock Nutrient Management Plan certification process. The Washington State Department of Agriculture inspects dairies at least every two years.

Livestock Cost-share Application Amendment –

Kevin Engelsma was approved by the Washington State Conservation Commission (WSCC) for cost-share funding. The WSCC set a deadline of January 15, 2010 to complete all cost-share practices. Due to fall and winter weather constraints Mr. Engelsma was concerned about completing the project by the deadline. He also needs a manure transfer (hose and reel). Mr. Engelsma requested an amendment/modification to his application agreement to remove the sand lane constructed practices and replace with a manure transfer (hose and reel).

There was discussion regarding the January 15, 2010 deadline. This timeline was problematic for another farmer as well. George was not sure if the WSCC would allow the amendment or drop Mr. Engelsma down on the list. The producer was informed of this possibility.

Joe Heller moved to approve the livestock cost-share application amendment for Kevin Engelsma (Meadow Park Dairy) – manure transfer \$25,000 and submit the amendment along with a cover letter explaining the request to the WA Conservation Commission for approval. Larry Davis seconded the motion. The motion passed.

C. Approval of Other Contracts.

Department of Ecology (DOE) Water Meter Cost-share –

There was one water meter contract submitted for approval for DOE cost-share. Roger DeBruin is in the process of getting a change in use permit for his water right, as a condition he needs to install a water meter.

Joe Heller moved to approve the DOE water meter cost-share contract for Roger DeBruin. Larry Davis seconded the motion. The motion passed.

VII. Other Business.

A. Copy Charges Policy.

George explained to the Board that he had been reviewing the Public Records Act on public disclosure issues as they relate to the District and farm plans. He noticed that the District did not have a fee policy for making copies under public disclosure. RCW 42.56.10 provides, subject to some limitations, that an agency may seek reimbursement for actual costs as set by the agency for copies of public records. George explained that it would be burdensome to calculate the actual costs of staff time each time that copies were requested. A flat fee of \$.15 per page can be charged. He recommended that the Board adopt Resolution 2009-3 setting a \$.15 per page copy fee.

Ed asked if there was a concern that prompted this issue. George explained that the issue of confidentiality was brought up at the end of the Ag Advisory Committee meeting in July. Landowners wanted to know who could get copies of their farm plans. George explained that legislation was passed to make parts of farm plans exempt from public disclosure. The legislation is not all inclusive.

Whatcom County informed George that they would like copies of the small farm plans that have been created by District staff. George sent an inquiry regarding who and what to disclose to the Washington State Conservation Commission to forward on to the Attorney General's (AG) office. The Washington State Department of Agriculture (WSDA) received a determination from the Attorney General's office that the exemption from the Public Records Act does not apply to them, since agencies work together. George needs direction from the Commission on how to proceed. He would interpret the law to read that we would not disclose farm plans without a landowner's permission.

George informed the Board that the USDA Natural Resources Conservation Services (NRCS) doesn't want any disclosure of Technical Service Provider (TSP) projects without seeking landowner approval to look at NRCS files. The federal agencies have a strict no disclosure policy on their program information.

Larry Davis explained that only legislators can request an Attorney General's opinion. He suggested we ask Rep. Kelli Linville to seek an opinion about what is public and what is to be disclosed for farm plans. Dick Yoder cautioned that opening up the matter to the Legislature may make the matter bigger than it is already.

Larry Davis moved to adopt Resolution 2009-3 Policy for Charges for Copying Records setting a copy fee of \$.15 per page. Joe Heller seconded the motion. The motion passed.

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

Environmental Quality Incentive Program (EQIP) –

The 2010 EQIP sign-up period has ended. There are 26 new applicants, plus 10 deferrals from last year. The workload for these new applicants will be done this winter which is a longer time than last year. Alex reviewed how the ranking process works and how deferrals relate to the list of ranked projects.

Wildlife Habitat Incentive Program (WHIP) –

Three contracts were completed for \$185,000. They are looking for new projects. Alex reported that the State Conservationist, Roylene Rides at the Door, wants project proposals submitted so that the state can show a need and ask for additional funds.

Conservation Stewardship Program (CSP) –

Alex explained the new CSP. The old program awarded a producer on past conservation practices. The new Conservation Stewardship Program will set a base level and producers will get payment for new conservation practices completed. The new program is nation-wide, not based on watershed. The CSP sign-up period ends on September 30, 2009.

There is a questionnaire that will take approximately 2 hours. There is a ranking tool, staff field verify, then producers pick enhancements to implement. The producer will get five contracts that provide payments per acre. The estimated payments will be \$12-22⁰⁰ per acre on crop lands.

Alex pointed out that Whatcom County producers have done a lot of environmental improvements and may not have much to “improve.” This may become a question of eligibility.

Alex suggested that the Board could review the program on the national NRCS website.

C. Supervisor Reports.

Ed Stone –

Ed reported that he met with Mary Beth Teigrob, County Council candidate. She was concerned about the public perception of farm plans and Whatcom County’s perceived change of rules.

George advised that this provides a teachable moment to explain farm plans. There is confusion regarding 4-H and FFA participants and County regulations. District staff is working with County staff to clear up the application of Conservation on Agricultural Land (CPAL) on 4-H and FFA participants. A pledge program may work for these individuals.

There appears to be public misconception of the county proposed down zone and CPAL. People are linking the two when they are not linked. There was Board discussion regarding the down zone and development rights.

D. George Boggs, District Manager.

Gravel Mining –

George called Rep. Kelli Linville’s office and was not able to get a response prior to his taking some leave. He will try to contact her again.

Livestock Report –

Staff completed the livestock report requested by the Commission. It took 3 ½ days to complete a list. We now have a firm baseline of the workload. To complete the high priority activities, it would take 4,800 hours and would take 3 full-time people. We currently have funding for one and half people to work on the livestock program. This list does not include lower priority referrals. That would require more hours. Staff is working on how to manage workload and capture reporting needs.

Shuksan Golf Course –

George reported that they are working on a new beaver deceiver design to install on the Robson CREP project on Ten Mile Creek in hopes of lowering the water that is impacting the Shuksan

Golf Course. Ed reported that his beaver deceiver did not work. The beaver seem to have used the metal to reinforce their structure. He hopes that this new design will work better.

NW Area Meeting –

The Washington Association of Conservation Districts NW Area meeting is scheduled for October 15, 2009 in Snohomish, WA. George asked the Board if they had any resolutions to present. They would like him to follow up on the resolutions passed last year on using animals for site prep on CREP projects and providing cost-share for electricity for pumps.

George thanked the Board for offering comments about the Supervisor election process. He will draft a resolution regarding elections.

Meetings –

George is on the state Outdoor Recreation Committee. The State can acquire CREP easements.

George was asked to give a presentation in King County regarding Drainage issues. He will share the Drainage Improvement District Manual with them.

The Georgia Basin/Puget Sound International Airshed Committee will meet in Fairhaven at the Chrysalis in September.

WSU and the Washington State Dairy Federation are going to do energy audits. They are looking to replace old diesel engines with new or electric engines and rebuild pumps. California is using EQIP funds to do the same thing.

Long Range Plan –

The current Long Range Plan was passed out to the Board for review. George stated that there are some areas that are not currently in the Long Range Plan that the Board may wish to add: Energy Conservation, Forestry, and Air Quality. The Board decided that they would like to have a retreat again to have a dedicated time to work on the Long Range Plan. George will invite stakeholder partners to attend and provide comment.

VIII. Record of Board Actions.

09-79 Joe Heller moved that the minutes of the August 12, 2009 Board meeting be approved as mailed. Larry Davis seconded the motion. The motion passed.

09-80 Joe Heller 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.

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09-86 Joe Heller moved to approve the DOE water meter cost-share contract for Roger DeBruin. Larry Davis seconded the motion. The motion passed.

09-87 Larry Davis moved to adopt Resolution 2009-3 Policy for Charges for Copying Records setting a copy fee of \$.15 per page. Joe Heller seconded the motion. The motion passed.

IX. Adjournment.

There being no further business before the meeting, Larry Davis moved to adjourn the meeting at 9:07 p.m. Joe Heller seconded the motion. The motion passed.

The meeting, on motion duly made, seconded and carried, adjourned at 9:07 p.m.

Dated: October 22, 2009

Dawn Bekenyi, Administrative Assistant

Approved: _____