

WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
October 8, 2008

I. Time and Place of Meeting.

A regular meeting of the Board of Supervisor of the Whatcom Conservation District was held at the Ag Service Center, 6975 Hannegan Rd, Lynden, Washington on October 8, 2008, at 6:30 p.m.

II. Attendance and Quorum.

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

<input checked="" type="checkbox"/>	Dick Yoder	<input checked="" type="checkbox"/>	Ed Stone
<input checked="" type="checkbox"/>	Sabina Gouran	<input checked="" type="checkbox"/>	Joe Heller
<input checked="" type="checkbox"/>	Terry Lenssen		

Also in attendance were:

<input checked="" type="checkbox"/>	George Boggs, District Manager	<input checked="" type="checkbox"/>	Alex Hall, NRCS
<input checked="" type="checkbox"/>	Dawn Bekenyi, Admin. Assistant		Robert Barker, Associate Supervisor
	John Thompson, Whatcom County		Paul Pittman, Whatcom County

III. Meeting Called to Order.

Dick Yoder as Chairman of the meeting called it to order at 6:30 p.m.

IV. Whatcom County Public Works.

George invited Paul Pittman and John Thompson from Whatcom County Public Works to give a presentation on the feasibility/need for gravel mining in the Lower Nooksack River in answer to the Board's questions. In 2004 the Sediment Management Feasibility Analysis was identified in the Comprehensive Flood Hazard Management Plan as a plan component. The hypothesis was that removal of gravel from the channel would provide a public benefit by reducing flooding. Whatcom County needs to consider regulatory requirements, management goals and cost/benefit analysis of projects.

The first step was to meet with the regulatory agencies to identify regulatory needs and concerns. The outcome of those meetings was that the best available science must demonstrate a widespread aggradation leading to flood damages. Alternatives must be considered and gravel removal must be justified as the preferred alternative. Finally, comprehensive impacts must be assessed and monitored before, during and after removals.

The second step was to assemble scientists to analyze sediment transport and deposition in the lower Nooksack River. Whatcom County hired Kerr-Wood-Leidal, a Pacific Northwest firm with experience working on gravel removal in the Fraser and Vedder Rivers. Kerr-Wood-Leidal completed a background report and sediment analysis using existing assessments and baseline study using ortho-photography, cross-section survey and LiDAR. There were data gaps. The cost to date for the study is \$500,000.

The conclusion reached by the scientists was that the existing data does not confirm widespread aggradation. There is not enough change observable in data sets, too much uncertainty. The sediment is not a big enough change to say it is a widespread problem. The changes may be in one gravel bar, but not others. The changes are also small enough that you can not see them on a year to year basis.

It was suggested to repeat the baseline study in approximately 10 to 15 years and a sediment budget could be conducted.

The next step would be to resurvey and assessment in 2016 or 2021. That study would determine if and where sediment deposition is occurring and at what rate.

Need to address the County's management goals; does the hydraulic analysis demonstrate a reduction in flooding and for what events? What is the cost/benefit for gravel removal? There are also ecological considerations. What are the environmental impacts and alternatives analysis?

The study has already cost \$500,000 and could cost several million dollars for a small amount of gravel removal.

John Thompson and Paul discussed the structure of the Nooksack River. The data from the 1960's show the river bed at the same depth as it was in the 1990's in the Everson area.

John explained that most gravel removal activities are detrimental to fish habitat. There are three listed species of fish in Whatcom County. Gravel miners would have to mitigate for their impacts because of gravel removal adding to the cost of extraction.

There has been historic removal of gravel from the Nooksack River. In the 1980's there was limited gravel removal because the gravel bars have wood debris and is not desirable for construction. The gravel from bars is not up to engineering standards for quality. In the 1990's the gravel was not marketable and not competitive. Changes in federal regulations the 1990's make it necessary to involve the Army Corps of Engineers in any gravel removal from the river.

There was discussion regarding the impacts gravel bar removal would have on other areas of the river. Removal of blockages, including gravel bars, could cause bank erosions and impact bridges both up and down river of the change. Paul explained that Whatcom County has a watershed model that would predict the impacts on the river that can occur with levy heights or gravel bars are changed.

Whatcom County is watching problem areas in the river. Paul discussed flooding and channel migration. Due to the high costs of continuously repairing the same levies along the river, Whatcom County is looking into alternatives. Paul mentioned that \$500,000 projects can be washed out in the next flood. One option is to provide a corridor for natural river migration. John explained that Whatcom County is learning from the failures, what worked and what didn't. Where it makes sense to repair and maintain the river levy continue to do so. Where it is not cost-effective, maybe the best course of action is to let the river meander.

Nooksack River sediment and flooding maintenance is a long process. There is a lot of work left to do and it will take a lot of money to get answers before a work plan can be completed.

V. Approval of Whatcom County Riparian Revegetation Contract.

In August a sub-recipient agreement between Whatcom County Flood Control Zone District and Whatcom Conservation District was signed for \$15,000 effective until October 31, 2008. Now that the master agreement has been signed by Whatcom County and the granting agency (WDOE), the contract was modified for the balance of funding and extending the deadline for the contract for the life of the grant was submitted for approval and signature.

Ed Stone moved to approve and sign the Whatcom County Riparian Revegetation Contract for \$248,000 effective until March 31, 2012. Sabina Gouran seconded the motion. The motion passed.

VI. Financial Report.

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

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

Sabina Gouran 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:

Sept 2008 - balance					
Voucher (check) numbers	<u>16289</u>	through	<u>16305</u>	and totaling	<u>37,398.19</u>
Payroll check numbers:	<u>16306</u>	through	<u>16317</u>	and totaling	<u>23,611.09</u>
October 2008					
Voucher (check) numbers	<u>16318</u>	through	<u>16327</u>	and totaling	<u>7,991.15</u>
Payroll check numbers:	<u>16328</u>	through	<u>16338</u>	and totaling	<u>21,920.11</u>

moved by Sabina Gouran. Terry Lenssen seconded the motion. The motion passed.

VII. Action Items.

A. Approval of Contracts.

CREP Contracts –

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

There were two projects submitted for Board approval, one is an assumption of the White CREP project and the other one is a new project.

Sabina Gouran moved to ratify the CREP contracts for Dale Vander Giessen (formerly White - 08-04-CR:08-23), and Ron & Roberta Uhl (08-04-CR:08-16). Ed Stone seconded the motion. The motion passed.

Department of Transportation (DOT) State Route 9 Drainage Contracts –

The next DOT contracts for work to correct State Route 9 drainage issues are ready for approval. The Board authorized the chair to sign the master contract with the Department of Transportation and the sub-contracts with landowners.

Ed Stone moved to approve and authorize the Chair or other authorized signatory to sign the master Department of Transportation contract and sub-contracts for cost-share with Rhody Dairy (Jay & Debbie DeJong) for \$24,698.00, James & Maureen Skillman for \$3,477.00 and John Van Middendorp for \$15,538.00. Sabina Gouran seconded the motion. The motion passed.

Department of Transportation catch basin project –

The Department of Transportation (DOT) is doing work on the Guide Meridian. The drainage system being installed could impact Leroy Plagerman's property. Mr. Plagerman would like the DOT to put in a catch basin for drainage while they are working in the area. He will pay for it.

Unfortunately, the DOT will not contract directly with a landowner. Mr. Plagerman would like the District to contract with the DOT to install the catch basin and pass the funds through to the DOT. After some discussion the Board agreed to act as a pass through agency with the guarantee that the Whatcom Conservation District has no legal or financial obligations to either the landowner or the DOT regarding the project.

Ed Stone authorized the District to enter into a contract with the Department of Ecology and Mr. Leroy Plagerman as a pass through agency to install a catch basin not to exceed \$1,800 with the guarantee that the Whatcom Conservation District has no legal or financial obligations to either party regarding the project. Terry Lenssen seconded the motion. The motion passed.

Nehalem Marine -

This work is part of the (National Fish & Wildlife Foundation (NFWF) grant previously awarded to the District to put a flood gate on Schneider Creek. A contract with Nehalem Marine for installation of a flood gate on Schneider Creek for \$37,200 plus potential \$2,500 for materials and labor was approved by the Board at the July 9, 2008 Board meeting. Nehalem Marine is the "sole source" for this floodgate. Tom Slocum, cluster engineer settled upon this design. The contract is ready for signature. The contractor will begin work the weekend of October 11th.

Terry Lenssen moved to authorize Dick Yoder to sign the contract with Nehalem Marine for installation of a flood gate on Schneider Creek for \$37,200 plus potential \$2,500 for materials and labor. Sabina Gouran seconded the motion. The motion passed.

VIII. Approval of Minutes of Previous Meeting.

Ed Stone moved that the minutes of the September 10, 2008 Board meeting be approved as mailed. Sabina Gouran seconded the motion. The motion passed.

IX. Action Items (continued).

A. WACD Dues.

The Washington Association of Conservation District (WACD) dues notice was received in the amount of \$3,800. There was discussion regarding WACD making decisions without contacting Districts that are directly affected by legislative actions. It was decided that the Board would approve payment of the annual dues and hand deliver the payment to the WACD Convention to make a point requesting that WACD seek input on topics that directly affect our District.

Sabina Gouran moved to approve payment of the Washington Association of Conservation District annual dues in the amount of \$3,800. Joe Heller seconded the motion. The motion passed.

B. New Employee.

The Board approved the hire of Nichole Embertson (formerly Marcillac).

Terry Lenssen moved to hire Nichole Embertson at Band C2 Level 7. Ed Stone seconded the motion. The motion passed.

X. Other Business.

A. Association Meetings

NW Area Meeting.

Dick and Terry said that they would attend the NW Area meeting in Mt. Vernon. There was discussion regarding topics for potential resolutions to bring to the NW Area meeting. It was decided to have George draft two resolutions. One is to allow expenses to get power to an area

to implement a BMP under state cost-share. The other resolution is to use livestock to for site prep on CREP projects.

WACD Convention.

Joe, Dick and Terry are planning to attend the WACD Convention in December.

B. Alex Hall, NRCS.

EQIP - Alex reported that the NRCS's contracting software is now open and they can make payments. However they are not able to make any contract modifications until mid-November.

They don't know how much EQIP funds are available for 2009. Staff are negotiating the contracts. The NW team has gotten a lot of practices completed and are meeting their goals.

C. George Boggs.

WACD Budget.

Due to concerns with budget constraints at the State level, the Board reviewed the budget request for the 2009-10 biennium to see where things could be tightened if needed.

XI. Record of Board Actions.

08-81 Ed Stone moved to approve and sign the Whatcom County Riparian Revegetation Contract for \$248,000 effective until March 31, 2012. Sabina Gouran seconded the motion. The motion passed.

08-82 Sabina Gouran 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.

08-83

The following voucher/warrants are approved for payment:

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moved by Sabina Gouran. Terry Lenssen seconded the motion. The motion passed.

08-84 Sabina Gouran moved to ratify the CREP contracts for Dale Vander Giessen (formerly White - 08-04-CR:08-23), and Ron & Roberta Uhl (08-04-CR:08-16). Ed Stone seconded the motion. The motion passed.

08-85 Ed Stone moved to approve and authorize the Chair or other authorized signatory to sign the master Department of Transportation contract and sub-contracts for cost-share with Rhody Dairy (Jay & Debbie DeJong) for \$24,698.00, James & Maureen Skillman for \$3,477.00 and John Van Middendorp for \$15,538.00. Sabina Gouran seconded the motion. The motion passed.

08-86 Ed Stone authorized the District to enter into a contract with the Department of Ecology and Mr. Leroy Plagerman as a pass through agency to install a catch basin not to exceed \$1,800 with the guarantee that the Whatcom Conservation District has no legal or financial obligations to either party regarding the project. Terry Lenssen seconded the motion. The motion passed.

- 08-87 Terry Lenssen moved to authorize Dick Yoder to sign the contract with Nehalem Marine for installation of a flood gate on Schneider Creek for \$37,200 plus potential \$2,500 for materials and labor. Sabina Gouran seconded the motion. The motion passed.**
- 08-88 Ed Stone moved that the minutes of the September 10, 2008 Board meeting be approved as mailed. Sabina Gouran seconded the motion. The motion passed.**
- 08-89 Sabina Gouran moved to approve payment of the Washington Association of Conservation District annual dues in the amount of \$3,800. Joe Heller seconded the motion. The motion passed.**
- 08-90 Terry Lenssen moved to hire Nichole Embertson at Band C2 Level 7. Ed Stone seconded the motion. The motion passed.**

XII. Adjournment.

There being no further business before the meeting, Terry Lenssen moved to adjourn the meeting at 9:15 p.m. Joe Heller seconded the motion. The motion passed.

The meeting on motion duly made, seconded and carried, adjourned at 9:15 p.m.

Dated: December 8, 2008

Dawn Bekenyi, Administrative Assistant

Approved: _____