

**WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
November 13, 2014**

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 November 13, 2014, at 7:00 p.m.

II. Attendance and Quorum.

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

Joe Heller, Chair
Larry Davis, Treasurer
Dick Yoder

Larry Helm, Vice-Chair
Dan Heeringa

Also in attendance were:

George Boggs, Executive Director
Chris Clark, Engineer
Doug Allen, Dept. of Ecology
Andrea Hood, Dept. of Health

Dawn Bekenyi, Admin. Assistant
Shana Joy, WSCC
Krista Kenner, Dept. of Ecology
Jessica Kirkpatrick, Dept. of Ecology

III. Meeting Called to Order.

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

IV. Public Comment (written or in person).

There were no public comments.

V. Approval of Minutes of Previous Meeting.

Dick Yoder moved that the minutes of the October 9, 2014 Board meeting be approved as mailed. Larry Helm seconded the motion. The motion passed.

VI. Financial Report.

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

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

Larry Davis moved to approve the Financial Report. Larry Helm 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:

Oct 2014 - balance

Voucher (check) numbers	<u>21908</u>	through	<u>21945</u>	and totaling	<u>\$42,100.28</u>
Payroll check numbers:	<u>21946</u>	through	<u>21963</u>	and totaling	<u>33,882.79</u>
November 2014					
Voucher (check) numbers	<u>21964</u>	through	<u>21983</u>	and totaling	<u>40,549.45</u>
Payroll check numbers:	<u>21984</u>	through	<u>22000</u>	and totaling	<u>32,634.37</u>

Moved by Larry Davis. Larry Helm seconded the motion. The motion passed.

Over Per Diem Rate –

There is a provision to exceed maximum per diem rates for lodging with prior approval of the governing Board. The Board authorized approval of exceeding the maximum per diem for lodging for those that are attending the WACD Annual meeting at Suncadia.

Larry Helm moved to approve and sign Exceeding Maximum Per Diem Forms for Dan Heeringa, Larry Davis, Larry Helm and George Boggs for lodging expenses at Suncadia to attend the Washington Association of Conservation Districts annual meeting. Larry Davis seconded the motion. The motion passed.

VII. Action Items.

A. Approval of Conservation Plans.

Dairy Nutrient Management Plan (DNMP) Approval –

There was one Dairy Nutrient Management Plan submitted for Board approval. Staff recommended approval as it contained the necessary elements prescribed by the Conservation Commission and the operator had signed it, indicating that it accurately reflects his operation and agrees to its implementation. Larry Helm voiced concerns that he did not get the plan ahead of time to review. Chris Clark was present to answer any questions regarding the plan per prior direction if a plan could not be made available prior to the meeting. Chris explained that the necessary information to complete the plan (soil tests), were not available prior to today. There were no questions regarding the plan itself.

Larry Davis moved to approve the Dairy Nutrient Management Plan for:

- Roger Bajema.

Dan Heeringa seconded the motion. The motion passed. (vote was three for & one against)

Standard Farm Checklist Plan Approval –

Staff completed standard farm checklist plans for two Birch Bay landowners. The Standard Checklist plans fulfilled the requisite elements for that type of plan. Staff recommended Board approval. One landowner submitted a cost-share application as a part of the EPA Birch Bay project pursuant to the previously Board adopted cost-share policy.

Larry Davis moved to approve the Standard Farm Checklist Plan and EPA Birch Bay Cost-share application for 100% of project costs not to exceed \$4,820 for:

- Theresa Murry and Allan Waller.

Dick Yoder seconded the motion. The motion passed.

Dick Yoder moved to approve the Standard Farm Checklist Plan for:

- Deborah Margulies farm.

Larry Davis seconded the motion. The motion passed.

B. Department of Ecology.

Representatives from the Department of Ecology and Department of Health joined the meeting. Introductions were made.

Jessica Kirkpatrick gave the slide presentation regarding the non-dairy livestock inspection program that she gave to the Whatcom County Council in September. Jessica reviewed the

process. The county was broken into sub-basins. They started their work in Bertrand Creek watershed a few years ago. Ecology is using water quality data to find problems in the sub-basin. The inspectors then do outreach to non-dairy livestock owners in the area. Jessica and Chris Luerkens are the two Ecology inspectors for this program. They make personal contact through visits and phone calls. Letters are not used anymore for initial contact. Ecology has started focusing on Kamm Creek Watershed this year.

Larry Davis asked how often testing was done and if they do water quality testing around storm events. Jessica said that water quality samples are taken every two weeks. If the inspector sees a discharge, she explained how the inspector would approach the landowner on how to fix the discharge. Jessica explained that Ecology only uses enforcement after multiple refusals by the landowner to cooperate. Enforcement starts with a warning letter, then a notice of violation to a specific person, then a penalty if the landowner is uncooperative. Inspectors also respond to reports of pollution.

Jessica shared a slide showing a list of manure-borne pathogens (could be human or livestock source). Fecal coliform is the sub-group of bacteria measured to indicate likely fecal contamination of water. The higher the concentration of fecal coliform bacteria that is measured in water, the greater the likelihood that associated pathogens are present. Jessica reviewed non-dairy livestock related management practices and field conditions that can cause pollution: poorly managed confinement areas, poorly timed manure applications, over grazed pastures and lack of maintenance on fences, improper manure storage, etc. Jessica showed slides that were examples of the conditions causing pollution.

Ecology administers permits to local jurisdictions to regulate runoff as part of the NPDES program (Phase II Municipal Stormwater Permit). Local Phase II permittees include Whatcom County and cities of Bellingham, Ferndale, and Lynden.

Larry Davis asked what happens if the fines don't work to make polluters correct the issue. Jessica explained that EPA has the authority to take criminal action if polluters persist.

Wildlife can also contribute to high fecal counts. Jessica provided an example of raccoons creating water quality issues in a small drainage in lower Dakota Creek (Drayton Harbor watershed). Focused monitoring and field investigation by Whatcom County found three raccoon latrines in the small drainage. The landowner reported presence of 10-12 raccoons that regularly feed on pet food the landowner makes available outdoors.

C. Approval of Conservation Plan.

Farm Plan Approval –

Chris Clark was asked to write a nutrient management plan for Mt. Baker High School's FFA Barn. The school is building a barn near the high school. As part of the permit, Whatcom County required a farm plan be written.

Dick Yoder moved to approve the Nutrient Management Plan for:

- **Mt. Baker High School FFA Barn.**

Larry Davis seconded the motion. The motion passed.

D. Washington State Conservation Commission (WSCC) Cost-share Ranking List.

After the last October meeting, the District received notice that the WSCC staff would make another pull for funding allocation on November 10th. Funding for the type of projects was not limited to those within shellfish growing areas. George reported that staff had additional cooperators who were in the need of cost-share to address significant water quality problems and implement priority salmon habitat restoration objectives. The projects were entered into the WSCC project database. Staff met on November 6 to review the projects and develop a tentative priority list. A new list of proposed WSCC cost-share projects were submitted to the Board for review and approval for submission for funding.

In working through the ranking sheet Chris, Chuck, Corina and George were able to reach consensus on how to answer certain questions that had proven problematic in the last round. Staff continue to grapple with its utility in ranking projects against one another. While we can agree as to whether there is a significant potential for pollution or an actual discharge, we are challenged as to how to value the role of management.

Larry Helm moved to adopt the WSCC Cost-share priority list as presented. Dan Heeringa seconded the motion. The motion passed.

Since the current project ranking form does not fit for salmon habitat projects, George asked Frank Corey and Corina Cheever to develop a basic one. All four salmon habitat projects ranked above the 70th percentile which was the cutoff the board had used for awarding funding for the previous round of shellfish protection projects. The projects remove fish blockage and thereby opening up significant spawning habitat.

George and staff recommend that for this type of project that the reimbursement be at 100%. This was the previous policy of the Board. It should be continued because the primary benefit of these projects is to the community. Such projects have limited benefit to the landowner, but provide considerable public benefit. Therefore, no landowner match would be required.

Larry Helm moved to amend the District's current Cost-share Policy for WSCC Cost-share funding to implementation of non-CREP riparian and habitat projects at 100% of eligible expenses due to the community benefit. Larry Davis seconded the motion. The motion passed.

E. Lawn care Contract.

The lawn care contract with Turftenders, Inc. is up for renewal for another year. The proposed contract amount is the same as this year. Turftenders is doing good work.

Larry Helm moved to renew the lawn care contract with Turftenders for \$2,520, plus applicable taxes (\$228.27) per month. Dick Yoder seconded the motion. The motion passed.

F. Agreement with Okanogan CD.

The Inter-local Agreement with Okanogan CD expired. Through the inter-local agreement Conservation Districts can share staff. This agreement will remain in effect until superseded.

Dick Yoder moved to approve Whatcom Conservation District enter into and sign an Inter-local Agreement with Okanogan Conservation District. Larry Helm seconded the motion. The motion passed.

G. Annual Budget.

Dawn gave a copy of the draft annual District budget to the Board at the last meeting and sent in their Board packets for review. It is based on the projected revenues including funds available if all intended grant funds are utilized during the proposed time period and historical expenditures.

Larry Helm moved to approve the 2014-2015 (FY2015) Budget as presented. Larry Davis seconded the motion. The motion passed.

H. Election Resolution.

Larry Helm's (elected) and Larry Davis's (appointed) terms are expiring. The election date was set and the Board selected Dawn as Election Supervisor. The particulars for the 2015 Whatcom Conservation District Supervisor Election were discussed, including time to be held, deadlines for candidate forms and absentee ballot requests. The official posting for all election information is the District's website. However, advertising will be done in the Bellingham Herald as well.

Larry Davis moved to adopt and sign Resolution RS-14-1 Whatcom Conservation District Supervisors Election Resolution as follows:

- **Election to be held at the District office, 6975 Hannegan Road, Lynden, WA**
- **On Tuesday, March 10, 2015**
- **Polls will be open from 9:00 am to 6:00 pm**
- **Board selected Dawn Bekenyi as Election Supervisor**
- **Additionally, the District will have a mail-in election with ballot distribution by request.**
- **Candidate filing deadline is January 30, 2015 at 4:00 pm.**
- **The last day to request an absentee ballot is February 9, 2015 at 4:00 pm.**

Dan Heeringa seconded the motion. The motion passed. (Larry Helm abstained from the vote.)

I. Interns.

Aneka Sweeney (WCD staff) submitted a proposal to the Board to hire two interns to assist with social surveys and reports for the completion of the Birch Bay EPA project. Aneka is working with Gene Meyers, Professor of Conservation Psychology at WWU, to quantify the success of the Birch Bay EPA grant and analyze the impact of the outreach methodology. Dr. Meyers has recruited a graduate student in Environmental Education, with an undergraduate degree in psychology, to work through methods and tools for follow up Social Marketing analysis. In addition, this student will generate methods and tools to assess the visibility and success of the applied outreach methods to inform additional efforts in similar watersheds. WCD will also hire an assistant undergraduate student to administer the survey methods, enter data, and start analysis of results. Each quarter is 11 weeks and each of these interns will commit 15 hours a week to this project.

Larry Helm moved to authorize the hiring of two interns to complete social marketing surveys and reports through the Birch Bay EPA project as budgeted. Dick Yoder seconded the motion. The motion passed.

J. Proposal for Advanced Manure Application Project.

George discussed the proposal for Advance Manure Management application. As a result of the Portage Bay shellfish harvest area closure and the letter from Lummi requesting greater transparency and accountability for those who apply manure, the Governor directed WSDA to develop a legislative proposal. The proposed legislation directs WSDA to develop a "real time reporting system" by 2017. There is technology that could greatly facilitate producers being able to do this. NRCS cost share could be available to producers who engage in advanced nutrient management practice. There is a chicken-egg problem however; without the existence of such a system NRCS won't provide cost-share for this practice. Without cost-share, custom applicators and larger operations won't invest in the technology. A practical concern is that what is available won't work. To better assist the producers in meeting the requirement for real time record keeping and to overcome the barrier of not having the technology on the ground for folks to examine its utility and cost, staff recommend that the District seek funding for a pilot project. Further, that upon securing funding they identify and contract with a qualified company to supply the equipment/software and a qualified producer or applicator to install and operate the system.

Dick Yoder moved to authorize staff to develop a Request for Qualifications (RFQ) and pursue funding for equipment and software to conduct an Advance Nutrient Management pilot project, and the participation of a producer/applicator to install, utilize and report on the practicality/utility of the system. Larry Davis seconded the motion. The motion passed.

K. Staff Awards.

Nicole was given the President's Award at the Washington State Dairy Federation meeting.

The Whatcom Conservation District was recognized by the Washington State Conservation Commission as the NW Area Conservation District of the Year.

Larry Helm moved to purchase District logo jackets as awards for staff for around \$100 per jacket. Dick Yoder seconded the motion. The motion passed.

VIII. Other Business.

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

Alex was ill and did not attend the meeting, but submitted a written report.

Environmental Quality Incentives Program (EQIP) – The program application deadline for FY2015 EQIP is November 21, 2014. Staff is preparing to send out deferral letters to non-funded FY2014 applicants.

Technical Service Providers (TSP) – NRCS is not authorized to enter into any new agreements at this time.

B. Supervisor Reports.

Joe Heller –

Joe completed the open government training. Larry Davis and Larry Helm have also completed the training.

Joe attended the Audit Exit Conference with Larry Davis, George and Dawn. The audit was clean. No management issues or letters.

Larry Davis –

Washington Association of Conservation Districts (WACD) Annual Meeting – Larry is on the Tribal Outreach Task Force and is a Washington Conservation Society Officer. He will attend the related meetings at the WACD annual meeting in Suncadia, Cle Elum.

National Association of Conservation Districts (NACD) Policy Review Committee – Larry is on the NACD Policy Review Committee. The Board and Larry expressed their frustration on services received for the dues paid. Larry D recommended that the District not pay NACD dues this year, but that he would pay friends dues of \$50 for the year.

Larry Helm moved that the District pay Larry Davis's friends dues to NACD for 2015. Dick Yoder seconded the motion. The motion passed. (vote was three for and one against.)

Firewise – Larry asked about the District buying a chipper that could be rented out to help with fuel removal for Firewise. George was concerned about the liability of that type of machinery. Larry Helm said that they get a lot of wear and tear when used. All thought that it was not such a good idea at this time.

Larry Helm –

Whatcom County Ag Advisory Committee – Larry attended the Ag Advisory Committee meeting. The public election initiative to form the new Watershed Improvement Districts (WIDs) passed. It was reported that they are working on forming a joint overview Board for the newly developed WID's.

Larry asked about the District's involvement in the WIDs. George reviewed that the representatives from the Ag District Coalition (ADC) had attended the Board meeting on January 9, 2014, and spoke with the Board about the concept of forming legal units and a Joint Authority to speak for farmers in their area on water related issues. These units could be formed under the Irrigation Districts enabling statute. At that time, the Board moved to endorse the concept of

forming a single entity which could represent farmers' collective interests relative to water quality and quantity.

In addition, George reminded him that the Washington State Conservation Commission received funding from the state legislature to develop WIDs in Whatcom County. Since the Commission could not contract directly with the ADC, it provided funds to the District as a pass through administrator. On August 14, 2014, the Board approved the pass-through grant of those funds to the Ag District Coalition (ADC) and signed a contract with them.

Dick Yoder –

Building Remodel – Dick asked about the status of the building remodel. George explained that the architects brought in a mechanical engineer to look at the heating and an electrician to look at the wiring. They are currently quantifying costs and getting options on how to proceed. Dick voiced a concern about how to pay for a remodel at this point.

C. George Boggs, Executive Director.

Plant Sale – A budget for the 2015 plant sale was provided to the Board for review and approval.

Larry Helm moved to approve the 2015 plant sale budget and proceed. Larry Davis seconded the motion. The motion passed.

Cultural Resources – Governor Inslee passed Executive Order 0505 requiring any projects that utilize state funds go through the Cultural Resource Assessment process. The Washington State Conservation Commission is working on a draft process for non-CREP projects. CREP has a process in place through the federal agencies. Since Whatcom has dealt with the issue extensively through the CREP process and, along with our federal partners, has developed a streamlined process, we took the lead in drafting a process for other state funds. A draft copy will be provided for the December meeting.

Manure Planner Certification – As a consequence of the shellfish bed downgrades in Whatcom County, Governor Inslee has asked the Department of Ag to draft legislation requiring certification of all who draft manure application plans and those that apply manure to 20 acres or more.

Regional Conservation Partnership Program (RCPP) – George reported that it will be mid-December before funding for projects is announced.

Rates and Charges – George is focusing on setting up a rate and charge proposal to support District funding. He is working toward a June 2015 public hearing.

IX. Record of Board Actions.

14-86 Dick Yoder moved that the minutes of the October 9, 2014 Board meeting be approved as mailed. Larry Helm seconded the motion. The motion passed.

14-87 Larry Davis moved to approve the Financial Report. Larry Helm seconded the motion. The motion passed. Upon motion made and duly seconded, the Treasurer's Report was approved.

14-88

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Payroll check numbers: 21984 through 22000 and totaling 32,634.37
Moved by Larry Davis. Larry Helm seconded the motion. The motion passed.

- 14-89 Larry Helm moved to approve and sign Exceeding Maximum Per Diem Forms for Dan Heeringa, Larry Davis, Larry Helm and George Boggs for lodging expenses at Suncadia to attend the Washington Association of Conservation Districts annual meeting. Larry Davis seconded the motion. The motion passed.
- 14-90 Larry Davis moved to approve the Dairy Nutrient Management Plan for:
- Roger Bajema.
- Dan Heeringa seconded the motion. The motion passed. (vote was three for & one against)
- 14-91 Larry Davis moved to approve the Standard Farm Checklist Plan and EPA Birch Bay Cost-share application for 100% of project costs not to exceed \$4,820 for:
- Theresa Murry and Allan Waller.
- Dick Yoder seconded the motion. The motion passed.
- 14-92 Dick Yoder moved to approve the Standard Farm Checklist Plan for:
- Deborah Margulies farm.
- Larry Davis seconded the motion. The motion passed.
- 14-93 Dick Yoder moved to approve the Nutrient Management Plan for:
- Mt. Baker High School FFA Barn.
- Larry Davis seconded the motion. The motion passed.
- 14-94 Larry Helm moved to adopt the WSCC Cost-share priority list as presented. Dan Heeringa seconded the motion. The motion passed.
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- 14-96 Larry Helm moved to renew the lawn care contract with Turftenders for \$2,520, plus applicable taxes (\$228.27) per month. Dick Yoder seconded the motion. The motion passed.
- 14-97 Dick Yoder moved to approve Whatcom Conservation District enter into and sign an Inter-local Agreement with Okanogan Conservation District. Larry Helm seconded the motion. The motion passed.
- 14-98 Larry Helm moved to approve the 2014-2015 (FY2015) Budget as presented. Larry Davis seconded the motion. The motion passed.
- 14-99 Larry Davis moved to adopt and sign Resolution RS-14-1 Whatcom Conservation District Supervisors Election Resolution as follows:
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 - Board selected Dawn Bekenyi as Election Supervisor
 - Additionally, the District will have a mail-in election with ballot distribution by request.
 - Candidate filing deadline is January 30, 2015 at 4:00 pm.
 - The last day to request an absentee ballot is February 9, 2015 at 4:00 pm.

Dan Heeringa seconded the motion. The motion passed. (Larry Helm abstained from the vote.)

14-100 Larry Helm moved to authorize the hiring of two interns to complete social marketing surveys and reports through the Birch Bay EPA project as budgeted. Dick Yoder seconded the motion. The motion passed.

14-101 Dick Yoder moved to authorize staff to develop a Request for Qualifications (RFQ) and pursue funding for equipment and software to conduct an Advance Nutrient Management pilot project, and the participation of a producer/applicator to install, utilize and report on the practicality/utility of the system. Larry Davis seconded the motion. The motion passed.

14-102 Larry Helm moved to purchase District logo jackets as awards for staff for around \$100 per jacket. Dick Yoder seconded the motion. The motion passed.

14-103 Larry Helm moved that the District pay Larry Davis's friends dues to NACD for 2015. Dick Yoder seconded the motion. The motion passed. (vote was three for and one against.)

14-104 Larry Helm moved to approve the 2015 plant sale budget and proceed. Larry Davis seconded the motion. The motion passed.

X. Adjournment.

There being no further business before the meeting, Larry Davis moved to adjourn the meeting at 10:15 p.m. Dick Yoder seconded the motion. The motion passed.

The meeting, on motion duly made, seconded and carried, adjourned at 10:15 p.m.

Dated: January 15, 2015

Dawn Bekenyi, Administrative Assistant

Approved: _____