



CONSERVATION COMMISSION
MEETING PACKET

SEPTEMBER 2015

**PRELIMINARY BUSINESS MEETING AGENDA
 THURSDAY, SEPTEMBER 17, 2015**

Time	Tab	Item	Lead	Action/Info
8:30 am		Call to Order <ul style="list-style-type: none"> Additions and/or corrections to the agenda <i>(pgs. 1-2)</i> 	Chair O'Keefe	
8:35 am 15 min		Introductions/Tour discussion	All	
8:50 am 30 min		Yakama Nation—Invited		
*****Public Comment will be allowed prior to each action item*****				
9:20 am 5 min	1	Consent Agenda <ul style="list-style-type: none"> Approval of the July 17, 2015 Business Meeting Minutes <i>(pgs. 4-9)</i> 	Chair O'Keefe	Action
9:25 am 20 min	2	Budget <ul style="list-style-type: none"> Financial Update/ Year End Closing <i>(pg. 11-11)</i> Fire Funding 	Debbie Becker	Info
9:45 60 min	3	Policy/Programs <ul style="list-style-type: none"> Legislative/Supplemental Budget Update CREP Stream Miles Drought/Irrigation Efficiencies <i>(pgs. 13-15)</i> Office of Farmland Preservation <i>(pgs. 16-24)</i> 	Ron Shultz Brian Cochrane Jon Culp/Ron Shultz Josh Giuntoli	Info Info Info Info
10:45 am 15 min		BREAK		
*****Public Comment will be allowed prior to each action item*****				
11:00 am 70 min	3	Policy/Programs <ul style="list-style-type: none"> Small Forest Landowners Update Voluntary Stewardship Program <i>(pgs. 25-38)</i> Dairy Briefing of Issues <i>(pgs. 39-98)</i> Chehalis Flood Update 	Carol Cloen, DNR Ron Shultz Ron Shultz Mark Clark	Info Info Info Info

- Strategic Area Related to Policy Ron Shultz **Info**
- WACD Resolutions Remaining Mark Clark/Alan Stromberger **Action**

12:10 pm

LUNCH PROVIDED: Please RSVP to the Conservation Commission

*******Public Comment will be allowed prior to each action item*******

12:45
80 min

- 4 District Operations**
- Elections and Appointments Procedure Manual and Updates to New Cycle (pgs. 100-172) Bill Eller **Action**
 - Good Governance Idea Sharing Ray Ledgerwood **Info**
 - Pierce Conservation District Annexation (pgs. 173-178) Shana Joy **Action**
 - Regional Manager Report (pgs. 179-186) Bill Eller **Info**

*******Public Comment will be allowed prior to each action item*******

2:05 pm
40 min

- 5 Commission Operations**
- GovDelivery Launch Update Laura Johnson **Info**
 - 2016 Proposed Meeting Locations (pg. 187) Ray Ledgerwood **Action**
 - Nominations Committee for Chair and Vice-Chair Mark Clark **Action**
- Adjourn** Chair O'Keefe

Next Meeting:

Will be at the conclusion of the WACD Annual Convention held on Thursday, December 3, 2015.

Location:

Double Tree Hotel
Spokane, Washington

*Please note that the times listed above are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines.

If you are a person with a disability and need special accommodations, please contact the Conservation Commission at 360.407.6200

TAB 1

DRAFT

Washington State Conservation Commission Regular Business Meeting
Vancouver, Washington
July 16, 2015

The Washington State Conservation Commission (Commission/SCC) met in regular session on July 16, 2015, in Vancouver, Washington. SCC Vice-chairman, Lynn Brown called the meeting to order at 8:42 a.m.

COMMISSIONERS PRESENT

Lynn Brown, Vice-Chairman, Central Region
Dean Longrie, West Region
Lynn Brown, Central Region
Daryl Williams, Member
Lynn Bahrych, Member
Jim Kropf, WSU-Puyallup
Perry Beale, Dept. of Agriculture
Kelly Susewind, Department of Ecology (DOE)
Alan Stromberger, President, WA Association of Conservation Districts (WACD)

COMMISSION STAFF PRESENT

Mark Clark, Executive Director
Ray Ledgerwood, District Operations Manager
Ron Shultz, Policy Director
Shana Joy, Puget Sound Regional Manager
Bill Eller, South Central Regional Manager
Lori Gonzalez, Administrative Assistant
Laura Johnson, Communications & Outreach
Brian Cochrane, CREP Coordinator
Stu Trefry, Northwest Regional Manager

PARTNERS AT THE TABLE REPRESENTED AT THIS MEETING

Roylene Rides at the Door, State Conservationist, Natural Resources Conservation Service (NRCS)
Dave Vogel, Executive Director, WACD

GUESTS ATTENDED

Philip Harju, Vice-Chairman Cowlitz Tribe, Claudia, Cowlitz Tribe, Taylor Aalvick, Policy Director, Cowlitz Tribe, Tanna Engdahl, Cowlitz Tribe and WACD Tribal Outreach Task Force member, Sherre Copeland, NRCS, George Boggs, Whatcom CD, Denise Smee, Clark CD, David Rose, NRCS, David Hall, Thurston CD, Nan Loughton, WACD, Mike Nordin, Grays Harbor and Pacific CDs, John Baugher, Clark CD, Mark Craven, Vice President, WACD and Carolyn Kelly, Skagit CD.

CONSENT AGENDA

Motion by Commissioner Longrie to approve the May 21, 2015 Meeting Minutes and June 29, 2015 Special Meeting Minutes. Seconded by Commissioner Beale. Motion Passed.

BUDGET

Director Clark walked Commission members through the line items listed in the [meeting packets](#) for the 2015-2017 budget requests from the Conservation Commission, the Governor's proposed budget, and the final budget that passed.

Mr. Clark noted the Disaster, Recover, and Training. The Legislature is starting to recognize the work the BAER Team has done with the Oso landslide and the Carlton Complex fire; unfortunately, it was an item that was not funded along with budget requests for storm water work, forest health and fire-safe communities, and disaster

assistance. Staff will continue to seek funding and work with our partners to still be able to focus on those specific areas. Efforts to obtain funding will be made in the supplemental budget requests.

Non Shellfish:

Motion by Commissioner Longrie to accept the proposed Capital Funds with the adjustments to the following components:

- **A district needing to adjust within the list pulled on July 1, 2015, must work with their Regional Manager to validate the project.**
- **Current proposed funding only allows a likely priority 1 and a priority 2 project to be funded within the 4 million appropriated.**

Seconded by Commissioner Beale. Motion passed.

Shellfish Funding:

Ron Shultz kicked off the shellfish funding discussion by providing some background. This process was different than the non shellfish money. These projects needed to be entered into the Conservation Practice Data System (CPDS), the projects were pulled and then determined whether that project was relating to shellfish improvement. As any new process, the 2013-2015 fund distribution to districts could be slow and cumbersome. Ron also briefed what the Governor's expectations are for agencies to examine current processes and 'lean' them to become more efficient.

Shellfish Project (internal): The SCC Lean Team (Courtney Woods, Melissa Vander Linden, and Karla Heinitz) presented to the Commission the work they did in streamlining the decision process and handling the capital funding for the shellfish allocations. The team has looked at how the current process is being done and how the shellfish funding distribution process can be improved upon. After walking through the entire process, the processing time was shortened to 90-days.

Mike Nordin, Grays Harbor and Pacific CDS made a suggestion to provide a boiler plate from ESRI or a Google TMZ file, his staff and other district staff could react to those entries quicker.

Motion by Commissioner Longrie to approve the new process presented by the SCC Lean Team and approve the shellfish funding allocations. Commissioner Bahrych seconded. Motion passed.

Irrigation Efficiencies:

Mr. Shultz walked through the memo provided by Jon Culp, SCC Water Resources Program Manager. The 2015-2017 budgets provide funding for the Irrigation Efficiencies activities at the Conservation Commission. The Commission members approved the recommendation of staff to allocate funding to the districts listed. For the biennium, the amount of funding is \$7.2 million.

Motion by Commissioner Bahrych to approve the staff recommendation on the Irrigation Efficiencies Program district budget allocations. Seconded by Commissioner Longrie. Motion passed.

Craig Nelson, Okanogan CD spoke about the criteria for flow meters placed in specific basins. Every year, several folks are turned away that want to conserve water and do the right thing. They turn them away because they are not in the right basin, based on the current criteria. The Okanogan CD is currently working with their Public Utilities

Department on this issue and they have been great to work with. Mr. Nelson encourages the SCC to also develop a working relationship with the PUDs to help with these efforts and increase the program.

Conservation Reserve Enhancement Program (CREP) Funding Allocation:

Brian Cochrane, SCC CREP Coordinator presented to the Commission members his recommendation for CREP technical assistance allocations to be distributed to the conservation districts. The funding from legislature was the same as last year; however, Mr. Cochrane explained it is not enough. Brian described his methodology for distributing the funds one year at a time to better manage the funding and be flexible. He also stated that currently there are 1,105 existing contracts, 147 new contracts, and 75 re-enrollment contracts.

Mike Nordin, Grays Harbor CD, District Manager, is a small CREP user, they'd like to ramp up the program more, however, they are also limited on the staff to do the work. The little money they receive isn't enough to get a lot of the work done. Mike is appreciative for Mr. Cochrane taking a recent trip to the district and toured the area with him looking at project sites.

George Boggs, Whatcom CD, District Manager commented there is not enough money to fulfill this growing program. George discussed his districts growth in contracts received, re-enrollment and needing to inspect the project. For 2015-2017 his CD needs to do 111 inspections. The district has 60 re-enrollment plans coming up this next year. Their program has consistently grown and it takes money to continue. Mr. Boggs encourages WACD to promote the program and help find some funding. Districts have got to get more funding for the next year. Mr. Boggs supported Mr. Cochrane's approach on the distribution method.

Commissioner Bahrych requested that the Commission include the WACD contracts and deliverables in the meeting packet for September.

Motion by Commissioner Longrie to approve staff recommended distribution methodology of CREP TA funds for FY16. Approval of staff authority to address needs and move funding as necessary. Seconded by Commissioner Stromberger. Motion passed.

Budget-Operating- Implementation Funding:

Motion by Commissioner Bahrych to allow the SCC to hire two new FTE's; OFP and a new financial staff person. Seconded by Commissioner Stromberger. Motion passed.

Motion by Commissioner Bahrych to approve the balance from the staff recommendation for FY16. Seconded by Commissioner Longrie. Motion passed.

Carlton Complex Fire Funding Request:

Craig Nelson, Okanogan CD District Manager, Our office does direct technical assistance to over XX landowners. Mr. Nelson needs additional funding to staff FTEs to continue assistance to landowners affected by the Carlton Complex Fire. Currently has 2 FTES working on funding. They were able to receive a grant of \$40K from Ecology to bring a crew to assist landowners, specifically the elderly to fix fences, etc. Mr. Nelson proposed three options of funding they could really use to continue recovery efforts. They are listed in the supplemental meeting materials.

The OCD is the only agency currently putting cost share dollars on the ground to help the community. The Okanogan CD has gained notoriety of their work, unfortunately it is mainly due to the fire, but is a good thing.

Supplemental requests are for emergent unanticipated needs. Mr. Nelson will be talking to Senator Parlette and the Governor's Office, regarding the oversight in the funding from legislature.

Commissioner Brown asked how much funding the district would need at least until the next Commission meeting in September for the district to be able to keep these efforts going. Mr. Nelson said he would be potentially losing two employees and would appreciate funding for at least the next 6 months.

Commissioner Longrie stated the commission has several requests of substantial needs from districts. What decisions can the Commission make on requests being made? Do we risk of over spending? The Commission has a budget and needs to remain fiscally responsible. Commissioner Longrie is looking for the risk assessment on spending the funding on these types of emergent needs.

Commissioner Williams would like the commission to re-evaluate this issue at the September meeting and see how we can continue to help existing staff in districts.

Motion by Commissioner Longrie to authorize up to \$150K for the next six months for option 2. Seconded by Commissioner Stromberger. Motion passed.

Mike Nordin, Grays Harbor and Pacific CDs, District Manager, discussed the letter he submitted for additional staff capacity to help run both conservation districts in an efficient manner. Requesting funding to keep staff and continue to assisting the landowner needs. This request is to help them get to the level they want to be at to succeed and helping these natural resource issues, noted Mr. Nordin. Figures would be for short term funding.

Commissioner Williams would also like to re-evaluate this request along with the Carlton Complex at the September meeting.

DISTRICT OPERATIONS

Conservation District Appointed Supervisor Applications:

There were several Appointed Supervisor applications received after the March 31st deadline for the full three year term appointment. The applications received after have been vetted by the appropriate area commission members. The Departments of Ecology and Agriculture reviewed, noting no concerns for the individuals who've applied for the district boards. The appointments made below will be considered 'mid-term' appointments, effective July 16, 2015 to May 19, 2018.

Motion by Commissioner Longrie to appoint David Fenn to the Lewis Conservation District board. Seconded by Commissioner Bahrych. Motion passed.

Motion by Commissioner Longrie to appoint Brad Bailie to the Franklin Conservation District board to serve the remainder of a full three-year term. (2015-2018). Seconded by Commissioner Beale. Motion passed.

Motion by Commissioner Longrie to appoint Terry Besel to the South Douglas district board, Jack Clark to the Benton Conservation district board, and Jon Nishi to the South Yakima district board. Seconded by Commissioner Kropf. Motion passed.

Motion by Commissioner Longrie to appoint Bryan Jones to the Whitman Conservation district board. Seconded by Commissioner Bahrych. Motion passed.

Conservation District Elections & Appointment Procedure Manual:

Bill Eller, SCC Elections Officer presented proposed changes to the manual and new procedure proposed for the upcoming election cycle.

Mr. Eller pointed out a few key new items that will resolve a number of issues, which addresses moving a large number of the forms to online submittal. Districts will need to advertise and use the online forms with this new procedure.

Another new item was to have an Election Feedback Form: a new form for anyone in the public, district staff, and supervisors to use to comment on the CD election process. This form will give folks a pathway to express concerns.

Motion by Commissioner Longrie to direct staff to send proposed procedure manual to CDs for review and comment for the 45-day comment period, per the SCC procedure on policies. After comments collected, final will be presented in September for approval. Seconded by Commissioner Kropf. Motion passed.

Whatcom CD Election:

Mr. Eller walked through the investigative report on the activities surrounding the Whatcom CD election.

Motion by Commissioner Longrie to certify and announce the official winner of the Whatcom Conservation District election. Seconded by Commissioner Beale. Motion passed.

The Thurston Conservation District letter received by Jim Goche was discussed. The Commission has already certified the election. Ron Shultz is currently working with the responses to the numbered items Mr. Goche has listed. Mr. Shultz has talked to Mr. Goche explaining that his intent is to correct the current process. Mr. Shultz commended Mr. Eller for the thorough reports he's provided and investigations he has done.

Dave Vogel, WACD Executive Director, has attended a couple of Thurston's board meetings. He has made a suggestion for the election date to be held on one specific date to lessen any confusion. The system is so fragile. He noted a couple of districts will be bringing this idea to the WACD Area Meetings in the Southwest and Northwest region this coming fall.

David Hall, Thurston CD Chair spoke of a resolution that his board will present on some improvements that can be made with the election process. His board would like to see if the elections process can get on the general election ballot.

Good Governance:

Mr. Ray Ledgerwood, District Operations manager presented on Good Governance. The SCC Regional Managers met with the districts on three different occasions to help the districts on where they were currently at in the Good Governance report. Mr. Ledgerwood reported that forty-five Conservation Districts recommended for Tier 1 Status with eighteen districts completing work on some Good Governance elements with Commission staff. Twenty seven Districts have met or exceeded the threshold on all elements of the Good Governance evaluation.

Good Governance will go through a serious revamp next year. Mr. Ledgerwood will provide a recommendations paper on future Good Governance process for discussion at the December meeting in Spokane.

Mr. Ledgerwood highlighted element 24: 'District Partnering' on how they plan to change the question to: does the district have a negative working relationship with entities and Conservation Commission. Rather than having a list of partners they work with.

COMMISSION OPERATIONS

Commissioner Brown called the meeting to into executive session in accordance with RCW 42.30.110 (1)(i) to discuss personnel matters at 3:27 p.m. for 10 minutes. Executive Session ended at 3:37 p.m.

Motion by Commissioner Bahrych to accept the recommendation of the evaluation committee regarding Executive Director Mark Clark's compensation. Seconded by Commissioner Longrie. Motion passed.

Meeting adjourned at 3:45 p.m.

TAB 2

SCC End of Biennium Expenditures & Account Balances

13-15 Biennium Accounts	EA	Fiscal Year/Biennium Expenditures	Unspent	Returned to Fund	Federal Recoveries	Federal Authority Unused	Carry Forward to 15-17
Operating Budget							
General Fund - SCC Operations, Implementation Grants, Engineering Grants, TSP, Contracts	011	\$ 6,513,753	\$ 4,247	\$ 4,247			
General Fund - SCC Operations, Implementation Grants, Engineering Grants, TSP, Contracts	012	\$ 6,385,190	\$ 810	\$ 810			
Toxics	030	\$ 1,000,000					
Whatcom Ag CRM	050	\$ 50,000					
TSP Federal Match / Spending Authority	020				\$ 571,673	\$ 729,327	
VSP Federal Match / Spending Authority	060					\$ 1,000,000	
VSP Thurston/Chelan	071	\$ 300,000	\$ 49,776	\$ 49,776			
VSP Thurston/Chelan	072	\$ 246,000	\$ 1	\$ 1			
Carlton Complex Fire	1A0	\$ 1,091,297	\$ 73,703	\$ 73,703			
Carlton Complex Fire Federal Match / Spending Authority	080				\$ 414,295	\$ 1,123,705	
Shellfish Federal Match / Spending Authority	P22					\$ 500,000	
Non-Shellfish Federal Match / Spending Authority	P23					\$ 500,000	
Subtotal Operating Budget		\$ 15,586,240	\$ 128,537	\$ 128,537	\$ 985,968	\$ 3,853,032	\$ -
Capital Budget							
Jobs Carry Forward Funding 11-13 funds	K03	\$ 492,542					
CREP Carry Forward Funding 11-13 funds	K04	\$ 773,142					
CREP Funding	S00	\$ 1,984,572	\$ 605,428				\$ 605,428
CREP Funding*	S03	\$ 1,851,786	\$ 379,214				\$ 379,214
Shellfish Funding	S04	\$ 3,282,503	\$ 1,217,497				\$ 1,217,497
Non-Shellfish Funding	S05	\$ 4,467,498	\$ 32,502				\$ 32,502
Subtotal Capital Budget		\$ 12,852,043	\$ 2,234,641	\$ -	\$ -	\$ -	\$ 2,234,641
TOTAL - ALL Budgets - Biennium		\$ 28,438,283	\$ 2,363,178	\$ 128,537	\$ 985,968	\$ 3,853,032	\$ 2,234,641

*small portion is from Non-Shellfish funds

TAB 3



Washington State
Conservation Commission

September 17, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Jon K. Culp

SUBJECT: Water Resources Program Update

Summary: As you well know, this water year has been one of the most interesting ones on record. Water resources became a topic of concern for many of Washington's citizens. We still have not fully grasped the agricultural economic losses sustained in this drought.

Since 2001, the State Conservation Commission (SCC) has managed the Irrigation Efficiency Grant Program (IEGP). During that time, The SCC has participated in funding many projects that have reduced the demand for water in over-allocated tributaries. In your packet, I have provided a list of the water savings contributions of the program by tributary. I'll talk about the future of potential investments during a short presentation.

SCC staff also participated in both the State's Surface Water Advisory Committee and the Executive Water Emergency Committee relating to the drought. These activities began back in February of this year and assisted in the monitoring and declaration of drought throughout the state. Input from districts was a part of our participation in these groups. During my presentation, I will elaborate a bit more on agency and district activities during this drought year and what lies ahead.

I'm looking forward to having a short conversation with you.

Action Requested: None. Information only.

Staff Contact: Jon Culp, Water Resources Manager jculp@scc.wa.gov

Irrigation Efficiency Grant Program (IEGP)

The Irrigation Efficiencies Program provides cost-share funding and technical assistance to private land-owners and water purveyors for installing best management practices (BMPs) such as pivot sprinkler systems, drip irrigation systems, and to pipe or line irrigation ditches. The program has proven to be a most effective and fiscally responsible method for achieving on-the-ground water conservation with results including:

- Increased instream flows in fish critical streams.
- Addressing local priority resource concerns.
- Fostering partnerships with state and federal agencies, environmental and agricultural interests groups, tribes, municipalities, and rural communities in a coordinated effort to conserve natural resources.
- Increased water management efforts at the local level.

Some program parameters include:

- Project must be located in one of the 16 critical basins (Nooksack, Snohomish, Cedar/Sammamish, Duwamish/Green, Nisqually, Chambers/Clover, Quilcene/Snow, Elwah/Dungeness, Walla Walla, Middle Snake, Lower Yakima, Naches, Upper Yakima, Wenatchee, Methow, and Okanogan.
- Project must create instream flow resulting in positive biological gains for an ESA listed salmonid.
- Up to \$400,000 per project not to exceed \$1, 250,000 per applicant
- 85% cost share
- Project hold-downs limit funding not to exceed the equivalent of \$500,000 per cubic foot per second of saved water and \$3,000 per acre served.
- If a proposal is deemed ineligible for program funding, the applicant is eligible for irrigation water management plan/training
- Districts are responsible for correct management monitoring during the first 12 months of system operation.

Since 2001, the IEGP has been funded by the State legislature through the Department of Ecology's Water Resources Program. Ecology passes through most of the funding to the Commission through an interagency agreement to manage the program.

The Irrigation Efficiencies Program was born out of a desire by private landowners and environmental groups to cooperate in a unique effort to restore instream flows.



Washington State
Conservation Commission

Irrigation Efficiencies Program

Projects to date as of September 2015

Water Savings managed as instream flows in the Trust Water Rights Program

Project	Water savings:	
	Acre feet	Cubic feet / sec.
Alpowa Creek in Asotin County	9.2	.1114
Beaver Creek in Okanogan County	195.21	1.13
Big Creek in Kittitas County	169.65	1.3
Caribou Creek in Kittitas County	267.49	1.971
Coleman Creek in Kittitas County	595.19	1.6
Cook Creek in Kittitas County	106.24	.7172
Dungeness River in Clallam County	3072.12	10
Lmuma Creek in Kittitas County	90.39	.25
Manastash Creek in Kittitas County	800.81	2.24
Methow River	1144.53	4.18
Mill Creek in Walla Walla County	376.2	1.5
Mud Creek in Walla Walla County	257.85	.724
Sorenson Creek in Kittitas County	9.29	.23
Taneum Creek in Kittitas County	410.55	3.81
Teanaway River in Kittitas County	60.79	.249
Touchet River in Walla Walla and Columbia Counties	3085.35	5.9337
Tucannon River in Columbia County	890.28	11.039
Un-named Stream in Kittitas County	371	1.4
Walla Walla River in Walla Walla County	2083	9.5
Wenatchee River in Chelan County	586.8	3.27
Wilson Creek in Kittitas County	595.65	2.43
Yakima River	774.21	2.37
TOTALS	15951.81	65.9643

WASHINGTON STATE CONSERVATION COMMISSION OFFICE OF FARMLAND PRESERVATION NEWSLETTER

SEPTEMBER 2015

[HTTP://OFP.SCC.WA.GOV/](http://ofp.scc.wa.gov/)

VOLUME 9, ISSUE 8

Washington State NASS 2014 Landowner Survey Results

In the next five years, Washington farmland landlords expect to transfer 884,214 acres to different owners, according to the results of the 2014 [Tenure, Ownership, and Transition of Agricultural Land \(TOTAL\)](#) survey released August 31 by the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS). Of these, 309,962 acres are expected to be sold to non-relatives, 94,029 are expected to be sold to relatives, and 407,254 are expected to be put in trust.

NASS conducted the survey in cooperation with the USDA's Economic Research Service to get a better insight into who owns U.S. farmland. TOTAL was the first time NASS surveyed farmland landlords since 1999. The survey results provide analysis of rented farmlands by acreage, as well as by landlords, which include individuals, as well as ownership arrangements such as partnerships, corporations, trusts, and other types of ownership.

According to TOTAL findings, there are 5,667,806 acres of farmland rented out by landlords in Washington from 23,380 farmland landlords in Washington. Of these, 3,069 were farmers, while 20,311 are non-farming landlords.

Cropland made up 84 percent of all Washington farmland rented or 4,760,957 acres, while 13 percent were pasture acres rented. The rest of the rented farmland in Washington were acres used for forests and other land uses.

Nationally, producers rented and farmed 353.8 million acres of farmland. Of these acres, 80 percent are owned by non-farming landlords. "More families are creating trust ownerships to make sure land remains in their family for farming or as an investment," said Joseph T. Reilly, USDA National Agricultural Statistics Service administrator.

Only 21 million acres of land are expected to be sold to a non-relative, while 26 million acres are expected to be sold to a relative or given as a gift, according to survey results. This means only a small percentage of farmland will be available for new entrants into the farming sector.



Grant Funding for WA State's Heritage Barns Available

The Washington State Department of Archaeology & Historic Preservation (DAHP) recently announced that applications to request funding through the Heritage Barn Rehabilitation Grant Program are available. .

Rehabilitation grants are awarded through a competitive application process. Criteria for funding include, but are not limited to, the historical significance of the barn, urgency of needed repairs, and provision for long-term preservation. Priority is given to barns that remain in agricultural use.

Historic agricultural structures listed in the Heritage Barn Register, the Washington Heritage Register, or the National Register of Historic Places, are eligible to receive grant funds. To be eligible for listing in the Heritage Barn Register, barns must be over 50 years old and retain a significant degree of historic integrity. All nomination/application materials related to the Heritage Barn Register and the Heritage Barn Rehabilitation Grant Program can be downloaded from [DAHP's website](#).

Barn owners with questions about the program are encouraged to contact Chris Moore at (206) 624-9449 or via email at cmoore@preservewa.org. **Grant applications are due October 21st 2015, with grant awards slated to be announced in early 2016.**



Happy Home Barn, Douglas Co. **Before**



Happy Home Barn, Douglas Co. **After**

Stay in contact and sign up for the OFP-Newsletter!

Email frequency is once a month

September 17, 2015 WSCC Meeting Packet **Sign up on the web at: <http://ofp.scc.wa.gov>**

16 of 187

Attention Food System Councils

The Gillings School of Global Public Health at UNC Chapel Hill is inviting Food Councils and other like food system groups to participate in the Food Council Self-Assessment study. The Council members, coordinators, and leaders are all invited to participate. Your time and effort will help inform best practices for food councils across the US, Tribal Nations, and Canada.



What do they mean by “food council?” Different interests working in a defined community have come together over the years with the intent of improving one or more facets of their food system (e.g. food insecurity, local food production and distribution, access to healthy food). These groups go by different names, including food councils or food policy councils. They are interested in hearing from groups whose members - organizations as well as individuals from the community - have pursued food system improvements, in part, by engaging in the public policy making process.

The assessment is anonymous and should take about 15 minutes to complete. If 8 or more members of your council complete assessments, they are happy to provide a feedback report summarizing the findings for your council to your council coordinator. This report can help your council identify strengths and areas for improvement. An example feedback report is attached to this email.

To thank you for your time, you will have the opportunity to receive \$5 at the end of the assessment if you are one of the first 500 people to participate. Please contact Larissa Calancie by email at lcalancie@unc.edu if you have any questions.

Click [HERE](#) if you would like to start the assessment.

Farmland in Clark County: County considers comp plan update

Public weighs in at county land-use forum

By Katie Gillespie, Columbian County Government Reporter - Published: August 31, 2015

A forum addressing Clark County’s Comprehensive Growth Management Plan update drew more than 80 people to the Vancouver Community Library on Monday.

Speakers at the packed forum, which was hosted by the Clark County Food System Council, addressed possible agricultural and economic impacts of the growth plan.

One of the speakers, Mike Bomar, president of the Columbia River Economic Development Council, said there has been a more diverse group of opinions voiced in response to the plan update than he’s seen in 10 years of being involved in comprehensive planning.

This year’s growth plan has come under scrutiny by a variety of local land-use advocacy groups and politicians, particularly after Clark County Councilor David Madore unveiled Alternative 4 to the plan earlier this year.

Alternative 1, which makes no changes to current zoning, and Alternative 3, which would bring new land into some of Clark County’s small cities, would make the smallest environmental impacts and allow for the creation of about 7,000 new lots, according to the environmental report.

Alternatives 2 and 4 would lead to changes among Clark County’s rural, agriculture and forest lands, allowing property owners to subdivide their property into smaller lots than allowed under current zoning laws. Those alternatives allow for the creation of about 8,200 new lots and 12,400 new lots, respectively.



April Joy Farm, Clark County (www.apriljoyfarm.com)



Arwana Farm, Clark County

Read the [full story here](#)

Find a Cultivating Success class near you

Washington State University Extension's Cultivating Success course series makes it easier to start and maintain a successful farm business. The two core courses in the series are offered regularly in counties across the state and can be taken in any order. Sustainable Small Farming and Ranching features farmer speakers from a variety of agricultural operations and students create a whole farm plan. During Agriculture Entrepreneurship and Business Planning, students hear from lawyers, accountants, bankers, and others and complete a business plan.



New this year in Snohomish and Spokane counties: Advancing Your Farm Plan- Managing Risk. If you have already taken our core courses OR use some type of business, marketing, or whole farm plan to guide your operation, this course will help you take that plan to the next level. Visit <http://ext100.wsu.edu/snohomish/advancing-your-farm-plan/> for more information.

The courses usually take place one evening a week and last 8 to 12 weeks. Tuition cost ranges from \$150 to \$275, but some scholarships are available. The courses can be taken for Continuing Education Units.

Register Now To Secure Your Seat!

The following locations will be offering classes that start as early as September. Get in contact now to register! For more details about the Cultivating Success Program visit <http://cultivatingsuccess.wsu.edu/> or contact Hannah Cavendish-Palmer at hacp@wsu.edu.

Jefferson and Clallam Counties- contact Kellie Henwood at kellie.henwood@wsu.edu

Kitsap County- contact Laura Ryser at laura.ryser@wsu.edu

Mason County- contact Mary Dimatteo at mary.dimatteo@wsu.edu

Pierce County- contact Brian Bodah at bbodah@wsu.edu

Skagit County- contact Kate Selting at kate.selting@wsu.edu

Snohomish and Spokane Counties- contact Kate Halstead at khalstead@wsu.edu

Whatcom County- contact Chris Elder at christopher.elder@wsu.edu

New Report: Economic Trends and Resources for Blueberry production

Washington State is the leading producer of organic blueberries in the U.S. In this publication, prospective and current growers will find recent data on acreage, production, and value to help them assess entry into, or expansion of, organic blueberry production.

Washington State is the leading producer of organic blueberries in the United States, and recent data on acreage, production, and value are presented in this report to help growers assess entry into, or expansion of, organic blueberry production.



From 2009 to 2012, organic blueberry acreage in Washington increased 130%, while production tripled. Nearly 75% of the acreage in the state is east of the Cascade Range. Washington organic blueberry producers reported a farmgate value of \$23 million for the 2012 crop, up from \$7 million for the 2009 crop. Recent average organic yields were lower than those reported by USDA-NASS for all blueberries in the state, which is partially due to the high proportion of young plantings. However, average organic blueberry market prices exceeded those reported by NASS for all blueberries. A large increase in supply of both conventional and organic blueberries is expected within the next few years because a significant portion of planted acres are not yet fully bearing and still more acreage is being planted. This could lead to a supply-demand imbalance that might depress prices.

Read the full report by going to: <https://research.wsulibs.wsu.edu:8443/xmlui/handle/2376/5276?show=full>

Follow the federal Young Farmer Success Act of 2015

[Young Farmer Success Act \(H.R. 2590\)](#)

This bill introduced in June 2015, amends title IV (Student Assistance) of the Higher Education Act of 1965 to include a full-time job as an employee or manager of a qualified farm or ranch within the definition of "public service job" for purposes of the public service employee loan forgiveness program.

Under the Young Farmer Success Act of 2015, a farmer would see the balance of his or her student loans forgiven after making 10 years of income-based student loan payments, freeing capital for farmers to acquire land and equipment. A "qualified farm or ranch" earns, from the sale of agricultural products, gross revenue of at least \$35,000 in 2015, adjusted annually for inflation in subsequent years. The bill has been referred to the House Committee on Education and the Workforce where it awaits a hearing.



WUSATA 2016 FundMatch Program Accepting Applications

Agribusinesses can now begin the process to become a 2016 Western United States Agricultural Trade Association (WUSATA) FundMatch participant. Made possible through the USDA's Foreign Agricultural Service (FAS) Market Access Program (MAP), FundMatch supports small U.S. food and agricultural exporters as they reach worldwide consumers with 50% reimbursement on international promotional expenses.

Andy Anderson, WUSATA Executive Director, said: "Global economies are hungry for innovative, safe and quality products- all that the U.S. offers and more. With funding through the USDA-FAS MAP, our companies gain a competitive edge to meet this demand essentially by doubling their marketing dollars, and as a result, see positive growth on a local level."

FundMatch (formerly known as the Branded Program) can offset a wide range of costs geared toward overseas customers including advertising, international trade show exhibition and travel, in-store promotions and more.

Interested companies can begin the application process [online](#) or contact WUSATA at (360) 639-3373 for more information.

Foster Farms fined for discharge of untreated wastewater

The Washington Department of Ecology recently announced that Foster Farms in Kelso, WA faces a \$44,000 penalty for releasing untreated chicken processing wastewater from its processing facility on June 6, 2015, to the Three Rivers Regional Wastewater Treatment Plant, and not reporting it in a timely manner. Foster Farms intends to pay the penalty.



"Environmental responsibility is important to all of us at Foster Farms. During the installation of new wastewater treatment equipment at our Kelso, Washington, facility, an unplanned discharge occurred. While employees worked to correct the treatment issue on site immediately, the company regrets that notification was inadvertently delayed to the Three Rivers Regional Wastewater Treatment Plant. Foster Farms has an excellent record of permit compliance and self-reporting. The company is reinforcing notification procedures throughout facility operations. We have also taken steps to prevent future wastewater issues. Foster Farms intends to pay the penalty," Foster Farms said in a statement.

Foster Farms is an American Humane Association certified [American Humane producer](#).

In Short

Farm Service Agency Direct Farm Ownership Loan Program

Through the FSA [direct farm ownership program](#), eligible farmers and ranchers can borrow up to \$300,000 to buy farmland, construct or repair buildings, pay closing costs, or promote soil and water conservation. New farmers and ranchers, military veterans, and underserved farmers and ranchers are encouraged to apply. Contact your [local FSA office](#) to apply. **Applications must be approved by Sept 30, 2015, to take advantage of the funding available this fiscal year.**

Grant: Small Business Innovation Research Program - Phase I

Small businesses and small proprietorships are eligible to submit applications for up to \$100,000 for a Phase I project. Proposed Phase I projects should prove the scientific or technical feasibility of the approach or concept. Projects dealing with agriculturally related manufacturing and alternative and renewable energy technologies are encouraged.

Applications are due Oct. 8, 2015.

Details: <https://goo.gl/SJhW10>

Local Foods, Local Places Technical Assistance

[Local Foods, Local Places](#) will provide direct technical support to selected communities. A team of experts will help community members develop action plans that use local foods to support healthy families and communities and to drive downtown and neighborhood revitalization. EPA, USDA, CDC, DOT, ARC, and DRA are investing \$800,000 in this round of the program.

Application deadline is Sept 15, 2015.

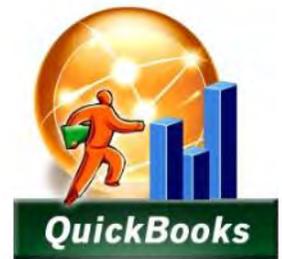
Details: <http://goo.gl/5mKRyD>

Online Course Helps Farmers Set Up QuickBooks

Cornell University's Beginning Farmers Project recently announced a new online course intended to assist farmers in setting up and having a basic understanding of QuickBooks, an accounting software program.

This course is an introduction to QuickBooks, designed to provide an overview of the QuickBooks Pro software application. It will cover the basic features, such as sales tax, inventory, invoicing, adjustments, and year-end procedures. Each student will gain hands-on experience reproducing the exercises presented by the instructor. **PLEASE NOTE:** QuickBooks software is not included in this course and will need to be purchased separately if you want to use it long-term on your farm.

This course is appropriate for people at all levels of farm experience who seek to get started using QuickBooks for their farm business record-keeping. Some understanding of elementary bookkeeping and accounting principles are helpful, and some previous exposure to QuickBooks will make the acquisition of skills much easier. If you are actively using QuickBooks and would like to improve your use of the software, this course may be too basic for you. Read through the [syllabus](#) to make sure the topics covered will be useful. **Course begins October 5 and runs through November 9.** Details and links to other Cornell University Beginning Farmers courses here: <http://www.nebeginningfarmers.org/online-courses/all-courses/>



Farmigo Looking for WA State Farmers, Producers and Artisans

Farmigo -- an online farmers market that connects consumers directly to the best local farmers and producers -- is **coming to the Seattle-Tacoma region in October**. Farmigo's mission is to empower people to create a better way to eat, by creating farm-to-neighborhood access to fresh food, benefiting local farmers and bypassing supermarkets.

The fast growing company is already working with more than 150 producers in New York, New Jersey and Northern California, and they are currently looking to partner with local farmers and producers in the Seattle-Tacoma region in anticipation of their launch.

Farmigo delivers farm-fresh food directly to convenient community pick-up locations in consumers' neighborhood such as a school, a workplace, a small business or a private home.

To learn more and apply to become a Farmigo producer, please visit: www.farmigo.com/producer.



Funding Available for Local Urban/Rural Food Projects

USDA's Rural Development's Business & Industry (B&I) Program loan guarantees can be used to establish and facilitate entities that process, distribute, aggregate, store, and/or market locally or regionally produced agricultural food products to support community development and farm and ranch income.

The term "locally or regionally produced agricultural food product" means any agricultural food product that is raised, produced, and distributed in the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product, or in the State in which the product is produced.

The businesses eligible under the locally or regionally produced agricultural food products initiative may be located in urban areas as well as rural areas. Funding priority will be given to the financing of projects that provide a benefit to underserved communities. An underserved community is defined as a community (including an urban or rural community and an Indian tribal community) that has limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer to consumer direct markets AND has a high rate of hunger or food insecurity or a high poverty rate as determined by the Secretary. An eligible project does not have to be physically located in an underserved community, but its activities must provide a benefit to an underserved community. Washington State has had limited interest in use of the program for local food projects and USDA would like to change that.

For more information, please contact

Greg York for **Western Washington** at 360-704-7729 or email: gregory.york@wa.usda.

Roni Baer for **Eastern Washington** 509-454-5743, Ext. 134. or email: veronica.baer@wa.usda.gov



Molly Fallon, Farm Manager at SpringRain Farm & Orchard, sells her company wares at the Port Angeles Farmers Market in Clallam County. Regionally produced agricultural product are sold less than 400 miles from the origin of the product. USDA Photo by Carlotta Donisi.

Latino Farmer Series Highlight Succession Planning

The Center for Latino Farmers, in partnership with WA State Conservation Commission (WSCC) & WA State Dept of Ag (WSDA) hosted a 20- hour educational series on "Farm Sustainability & Farm Succession Planning" for Hispanic/Latino beginning farmer & ranchers. These took place in Yakima and again in Wenatchee.

The topics covered: water rights, irrigation districts, renewable energy, energy efficiency, specialty crops and farm succession planning, etc. After the estate planning session, a survey was taken to determine the percentage of producers who had a last will & testament, health care directive, power of attorney, and 98% did not have any legal documentation securing their long term assets.

This reinforces the importance of the Center in helping Latino producers with farm support and long term sustainability. "More workshops are needed!" they said.

"I was very happy to attend the estate planning series, & learned along with my brothers the importance of a living will and the right-to-farm preservation protection that assure that our land will continue for the next generation of farmers," said Ernesto Villa. Kudos to the Villas!



Villa family

King CD Restores Land that was "Too Wet to Farm"

King Conservation District (KCD) recently completed the second in a series of three major projects this summer that will bring more than 160 acres of farmland back into full production as part of the new KCD Agricultural Drainage Program. Before and after photos of project are available on the [King Conservation District Agricultural Drainage Program](#) page.

The projects are being implemented through a partnership between KCD and the King County Agricultural Drainage Assistance Program, with funding from the King County Flood Control District.

In a survey this spring, more than 50 landowners expressed interest in participating in the agricultural drainage program. They reported an estimated 635 acres impacted by poor drainage, so clearly there's much more work to be done to contribute to the goal of expanding agricultural production in King County.

August 2015 WA State Cropland Cash Rent and Land Values Report.



Pear orchard, Yakima Valley

USDA NASS recently released cash rent rates in Washington. According to the 2015 Cropland Cash Rent report for Washington, all cropland rental expense is \$208 per acre for 2015, up \$3.00 per acre from the previous year and up 18% from 2011. Irrigated cropland is estimated at \$345 per acre, up \$5.00 per acre from 2014 and up 28% from 2011. Non-irrigated cropland rental expense is \$75.00 per acre, up \$1.00 per acre from last year and up 13.5% from 2011.

On the land value side, cropland, which includes irrigated and non-irrigated cropland is up 2.7% from 2014 and 36% from 2011. Irrigated cropland is \$7,850 an acre, up 2.3% from 2014 and up 53% from 2011 (\$5,130). Non irrigated cropland is up 4.1% from 2014 to \$1,280 an acre, and up 18.5% from 2011..

Pasture ground remained consistent, up 1.2% from 2014 and 1.2% from 2011.

'A quiet crisis': The rise of acidic soil in Washington

By [Sylvia Kantor](#) - *WSU College of Agricultural, Human, and Natural Resource Sciences*

DAYTON, Wash. – Gary Wegner first noticed the problem in 1991, when a field on his family's farm west of Spokane produced one-fourth the usual amount of wheat. Lab tests revealed a surprising result: the soil had become acidic.

Wheat farmers are now seeing this problem across the inland Pacific Northwest. The culprit, as far as anyone can tell, is the abundant use of synthetic nitrogen to increase crop yields, a practice that has otherwise revolutionized production over the past half century.

"We're riding the edge of a crisis," says Paul Carter, an agronomist and the director of Washington State University Extension in Columbia County. "We can pretty well nail it down to the addition of nitrogen to our soils for crops. In 1940 or 1950, nitrogen was applied at five pounds per acre. Now, in some areas, we're up to 100 or more pounds per acre."

Read the full story at [Crosscut.com](#).



Winter wheat affected by acidic soil. Photo: Carol McFarland/WSU.

In Short

<p>Job Opening: Coupeville Farm to School Garden Coordinator</p> <p>Coupeville Farm to School is looking for a School Garden Coordinator to lead a NEW school-based garden program on Whidbey Island in Washington State. We are a not-for-profit organization working with Coupeville School District to support learning in the schools, inspire creativity, and promote the health of our community's students.</p> <p>Application Deadline: September 11th, 2015.</p> <p>Details (PDF): http://goo.gl/Ycqifs</p>	<p>Job Opening: Evergreen State College has two Farmer Positions Open</p> <p>For complete details and to learn how to apply for this position visit: http://www.evergreen.edu/employment/staffjobs.htm</p> <p>There are two overtime-eligible positions available at the Organic Farm on the Olympia Campus of The Evergreen State College. All requested application materials must be submitted by the deadline in order to be considered.</p>	<p>Videos on Winter High-Tunnel Growing Available</p> <p>University of Illinois Extension, in partnership with Lincoln Land Community College, conducted high tunnel vegetable production research during the winter of 2014 and produced a series of videos on the topics of building beds, planting, growing, pest management, and harvesting.</p> <p>The videos are available on YouTube.</p> <p>Learn more and watch the videos by going to: http://goo.gl/ys7rOX</p>
<p>Western SARE Farmer/Rancher Grants</p> <p>Producers typically use their grants to conduct on-site experiments that can improve their operations and the environment, and that can be shared with other producers. Projects may also focus on marketing and organic production. Up to \$20,000 per proposal is allowed for a single producer and up to \$25,000 for three or more producers. Any producer in the Western Region may apply. Details here</p> <p>Applications are due by December 2</p>	<p>Beginning-Farmer Resource Guide Available</p> <p>The Leopold Center recently released A Resource Guide for Beginning Farmers, a new publication that compiles existing training resources on everything from soil and composting to small farm equipment and whole-farm planning, including information on food safety and seed saving. The 48-page guide is divided into three parts: production practices, post-harvest handling, and business planning and basic farm finances. Details here</p>	<p>Guide Helps Farmers Develop Sales Agreements</p> <p>Farm Commons has released Building Strong, Legally Enforceable Sales Agreements for Production Services, available free online. This resource takes farmers through the process of developing a sales contract for production services and provides a model contract. This guide is helpful for farmers pursuing sales arrangements that fall outside the traditional producer-buyer relationship.</p> <p>Details here</p>
<p>Farmers Market Manager Survey Identifies Trends</p> <p>A survey of farmers market managers by USDA Agricultural Marketing Service identified a number of trends amongst the nation's more than 8,400 farmers markets. Markets reported that consumer demand remains robust, and many markets are looking to expand the number and product diversity of vendors. Markets are also strengthening community engagement in numerous ways.</p> <p>Read more: http://goo.gl/q2zLfq</p>	<p>Info on WA drought designations and assistance programs</p> <p>The disaster designations and what they mean for drought relief can be confusing.</p> <p>Maps for counties eligible for the Livestock Forage Program, Emergency Hay-ing and Grazing of CRP and Emergency Loans have been posted on the USDA Farm Service Agency (WA) website at www.fsa.usda.gov/wa</p> <p>A link to a drought brochure with information about USDA resources can also be found on the site.</p>	<p>September declared Food Literacy Month in Washington State</p> <p>Governor Jay Inslee recently declared September Food Literacy Month in Washington state.</p> <p>The objective is to promote food education, inspire food choices that are good for the planet, encourage parental involvement, and motivate community-wide support.</p> <p>Read the proclamation here (PDF): http://goo.gl/DXmcBa</p>

WASHINGTON STATE CONSERVATION COMMISSION

Mark Your Calendars

<p>Tilth Farm Walk Series: Sept 14 - Clark County - Accessing Land as Beginning Vegetable Farmers</p> <p>Hear from beginning vegetable farmers on their journey to accessing land, building a farm business, and developing outlets for direct market sales.</p> <p>Flyer (PDF): http://goo.gl/RCUSOR</p> <p>Register :</p> <p>Online: bit.ly/FW2015Quackenbush</p> <p>Over-the-phone: (206) 632-7506</p>	<p>CLE: Easements in Washington - November 20 - Seattle</p> <p>Easements and easement terms continue to become increasingly complex as they mirror legal and technical changes in our society. What was a simple temporary construction easement 30 years ago now has ramifications ranging from future development rights to tort claims.</p> <p>View Agenda, Faculty, and Pricing or Register Now</p>	<p>CLE: Planning the Future of the Farm - September 24 - Seattle</p> <p>Co-sponsored by Washington State Conservation Commission and the WSBA Real Property, Probate and Trust Section.</p> <p>WSBA Conference Center at the WSBA Offices - 1325 Fourth Avenue, Suite 600 - Seattle, WA 98101</p> <p>(with live webcast option) Approved for 6 general CLE credits - \$275 Tuition</p> <p>See the flyer for full details! LINK</p>
<p>2015-2016 WA Fair Dates</p> <p>Come participate and enjoy one of the many local fairs happening across Washington this summer. Fairs are a great place to see the next generation of farmers, and maybe pick up some tips!</p> <p>For a full list of dates and locations, please go to:</p> <p>http://www.wastatefairs.com/index_files/Fair_Dates.htm</p>	<p>From Seed to Market: Profitable Small-Scale Vegetable Farming - Mt. Vernon - September 9</p> <p>Participants will hear from Andy Ross, owner and operator of Skagit Flats Farm who will share the ins-and-outs of operating a successful small-scale vegetable farm, from planting seed through selling to markets. Lunch included!</p> <p>Register now! Click here: http://bit.ly/SeedtoMarket or call 206-632-7506.</p>	<p>Business of Making Hard Cider November 6, 2015 - Burlington WA</p> <p>The Northwest Agriculture Business Center, WSU - Northwest Washington Research & Extension Center, and the Northwest Cider Association will present a one-day cider making business development workshop for new or existing operations.</p> <p>Details here:</p> <p>http://goo.gl/BHn9HP</p>
<p>Monitoring Rangeland Health Workshop - Sept 30th Cheney WA</p> <p>This comprehensive training experience covers ecological principles with hands-on activities. Both dryland and irrigated pastures will be evaluated.</p> <p>Workshop co-sponsored by Pacific Northwest Center for Holistic Management and Washington State University</p> <p>Registration and more available at: http://pnchm.org/</p>	<p>WA Food Coalition 2015 Annual Conference: Yakima - Sept 30 - Oct 2</p> <p>Each year, the Washington Food Coalition hosts its annual conference, an event that brings together folks fighting hunger from all over Washington State. Attendees will have the opportunity to develop new relationships and projects through collaboration, share information about tools and resources, hear about new and innovative programs and services, and network.</p> <p>Registration details here</p>	<p>Whidbey Bread and Whole Grain Workshop, October 16 & 17</p> <p>The 2015 Whidbey Bread and Whole Grain workshop is dedicated to helping the home baker learn from professional bakers how to bake (truly!) delicious and nourishing whole grain artisan bread, pasta, croissants, and pastries in the home kitchen. The day and a half workshop will take you from field, to milling and into the kitchen on the use of whole grains. See more information and register online here.</p>

“OUR MISSION IS TO PROMOTE THE VITALITY OF FARMING, FARMERS, AND RANCHERS BY ENSURING THAT WE WILL CONTINUE TO HAVE PRODUCTIVE AGRICULTURAL LANDS IN WASHINGTON STATE. WE WILL ACHIEVE THIS THROUGH POLICY RECOMMENDATIONS TO THE GOVERNOR, THE LEGISLATURE, THE OFFICE OF FARMLAND PRESERVATION AND OTHERS AND BY ENLISTING PUBLIC SUPPORT. PROGRAMS WILL BE VOLUNTARY, RECOGNIZE LOCAL PRIORITIES, AND PROVIDE FOR ECONOMIC INCENTIVES.”



Washington State Conservation Commission

September 9, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Update on the Voluntary Stewardship Program

Summary: Implementation of VSP is beginning with informational meeting for opt-in counties. These meetings provide information on county responsibilities as they start the program. Funding will begin moving to the counties as they indicate they are ready to receive it.

Action Requested: None. Information Only.

Staff Contacts: Ron Shultz, WSCC Policy Director

Description:

Commission staff continue with the implementation of the Voluntary Stewardship Program. An informational meeting for conservation districts in eastern Washington was held on July 29 in Spokane. All conservation districts attending the SCC policy meeting on August 12 were briefed on VSP and the program's implementation. And an informational webinar for all county commissioners and county staff was held on August 21. Individual meetings with county officials and staff have been held with Kittitas, Mason, Lincoln, and Whitman counties. Other meetings with county officials are being scheduled.

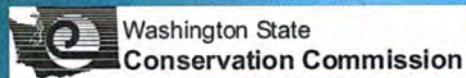
The VSP Technical Panel is empanelled with director's designees from WSDA, WSCC, and WDFW. We are waiting for the designee from Ecology. According to the VSP statute, the Technical Panel consists of the director's or their designees from these four agencies. The Technical Panel is to review the local VSP work plans as the county work groups complete them.

All contracts for funds will be sent to VSP counties by the end of September. This will trigger a 60 day clock for the counties to accept the funds. Two counties – Franklin and Adams – are questioning whether they want to continue in the VSP. These counties opted-in to the program but now are questioning whether they want to implement it. They do have the option to not accept the funds for implementation when we present the funding contract to the county. The consequence is they would be determined to be out of the VSP and must, within 18 months, review and if necessary revise their critical areas ordinance as it relates to agriculture.

Voluntary Stewardship Program

WSCC Regular Meeting – Sunnyside WA
September 17, 2015

Ron Shultz, WSCC Policy Director

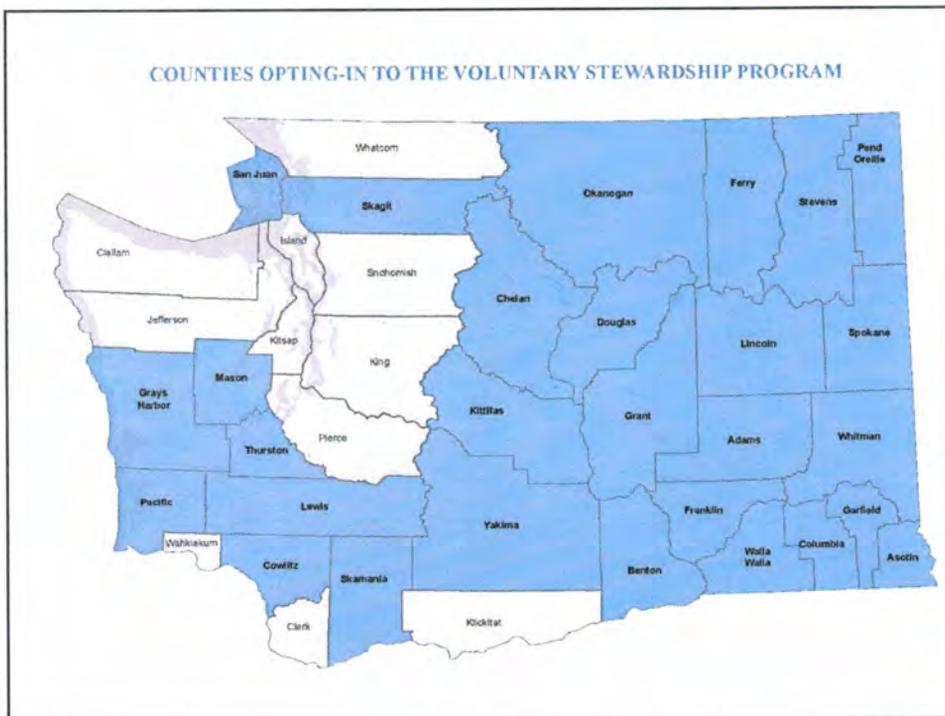


VSP Overview

- 2006 – State Supreme Court Case *Swinomish v. Skagit Co.* – Agriculture not exempt from critical areas requirements of GMA
- 2006 – Initiative 933 addressing taking of agricultural lands due to regulations. Fails by 60%.
- 2007 - Legislature charged the Ruckelshaus Center to examine the conflict between protecting agricultural land and protecting critical areas in local ordinances adopted under the GMA.
- 2010 – Agreement is reached and legislation introduced in 2011 – ESHB 1886
- No new state funding was provided - SCC implemented within existing funds – sought federal funding
- Under the VSP statute, counties are not obligated to implement VSP until funding is provided

VSP Overview

- The voluntary stewardship program is created at the Conservation Commission.
- The program is an alternative approach for counties to protect critical areas on agricultural lands.
- Counties are given two options:
 - Opt-in to the voluntary stewardship program, or
 - Continue under existing law in GMA to protect critical areas on agricultural lands.
- Counties had 6 months from the effective date to select if they wanted to opt-in to the program.
- By the opt-in date of January 21, 2012 – 28 of 39 counties opted-in.



Opting-in

- Counties were required to adopt an ordinance or resolution opting-in to the program.
- Before adopting the resolution, the county must:
 - Confer with tribes, environmental and agricultural interests; and
 - Provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.
- The ordinance or resolution must:
 - Elect to have the county participate in the program;
 - Identify the watersheds that will participate in the program; and
 - Nominate watersheds for consideration by the Commission as state priority watersheds.

Relationship to GMA

- ▶ Legislation will add new sections to RCW 36.70A, the GMA statute.
- ▶ If the participating watershed is achieving the benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations as they apply to agricultural activities in the county.
- ▶ If the participating watershed is NOT achieving the benchmarks and goals for protection, then the county must review and if necessary revise development regulations in the area consistent with the GMA.

Opt-Out or “Fails Out”

RCW 36.70A.735(2)

A participating watershed is subject to this section if:

- (a) The work plan is not approved by the director as provided in RCW 36.70A.725;
- (b) The work plan's goals and benchmarks for protection have not been met as provided in RCW 36.70A.720;
- (c) The commission has determined under RCW 36.70A.740 that the county, department, commission, or departments of agriculture, ecology, or fish and wildlife have not received adequate funding to implement a program in the watershed; or
- (d) The commission has determined under RCW 36.70A.740 that the watershed has not received adequate funding to implement the program.

Opt-Out or “Fails Out”

- Within 18 months of one of the events in sub (2), a county must:
- Develop, adopt, and implement a watershed work plan approved by Commerce that meets specified critical areas and agricultural requirements. Commerce must consult with other state agencies before approving or disapproving the plan and its decision is subject to appeal before the Growth Management Hearings Board (Board); or
- Adopt qualifying development regulations previously adopted under the GMA by another jurisdiction for the purpose of protecting critical areas in areas used for agricultural activities. The "secondary" adoption of these regulations is subject to appeal before the Board; or

Opt-Out or “Fails Out”

- Adopt development regulations certified by Commerce as protective of critical areas in areas used for agricultural activities. The Commerce's certification decision is subject to appeal before the Board; or
- Review and, if necessary, revise its development regulations to protect critical areas as they relate to agricultural activities.
- Commerce rule on these options – WAC 365-191

Opt-in County Responsibilities

- Within 60 days of funds being available to a county to implement the program, the county must designate an entity to administer funds.
- County may designate itself, a tribe, or another entity to coordinate the watershed group.
- Within 60 days of funds being available to a county, the county must designate a watershed group
- The county must confer with tribes and stakeholders before designating the watershed group.

Designation of Watershed Group

- The watershed group must include a broad representation of key watershed stakeholders and, at a minimum, representatives of agricultural and environmental groups, and tribes that agree to participate.
- County should encourage existing lead entities, watershed planning units, or other integrating organizations to serve as the watershed group.

Designation of Watershed Group

- The designated watershed group must develop a work plan to protect critical areas while maintaining the viability of agriculture in the watershed.
- Work plan must be approved within 2 years 9 months of receipt of funds.
- The work plan must:
 - Identify critical areas and ag activities
 - Identify outreach plan to contact landowners
 - Identify entity to provide landowner assistance
 - Identify measurable programmatic and implementation goals and benchmarks

Work Plan Elements

- In developing and implementing the work plan, the watershed group must:
 - a) Review and incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans;
 - b) Seek input from tribes, agencies, and stakeholders;
 - c) Develop goals for participation by agricultural operators necessary to meet the protection and enhancement benchmarks of the work plan;
 - d) Ensure outreach and technical assistance is provided to agricultural operators in the watershed;
 - e) Create measurable benchmarks that, within 10 years after receipt of funding, are designed to result in the protection and enhancement of critical areas functions and values through voluntary, incentive-based measures;
 - f) Designate the entity that will provide technical assistance;

Work Plan Elements

- g) Work with the entity providing technical assistance to ensure individual stewardship plans contribute to the goals and benchmarks of the work plan;
- h) Incorporate into the work plan existing development regulations relied upon to achieve the goals and benchmarks for protection;
- i) Establish baseline monitoring for: (i) participation and implementation of the voluntary stewardship plans and projects; (ii) stewardship activities; and (iii) the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed;
- j) Conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and the Commission within 60 days after the end of each biennium;
- k) Assist state agencies in their monitoring programs; and
- l) Satisfy any other reporting requirements of the program.

Work Plan Approval

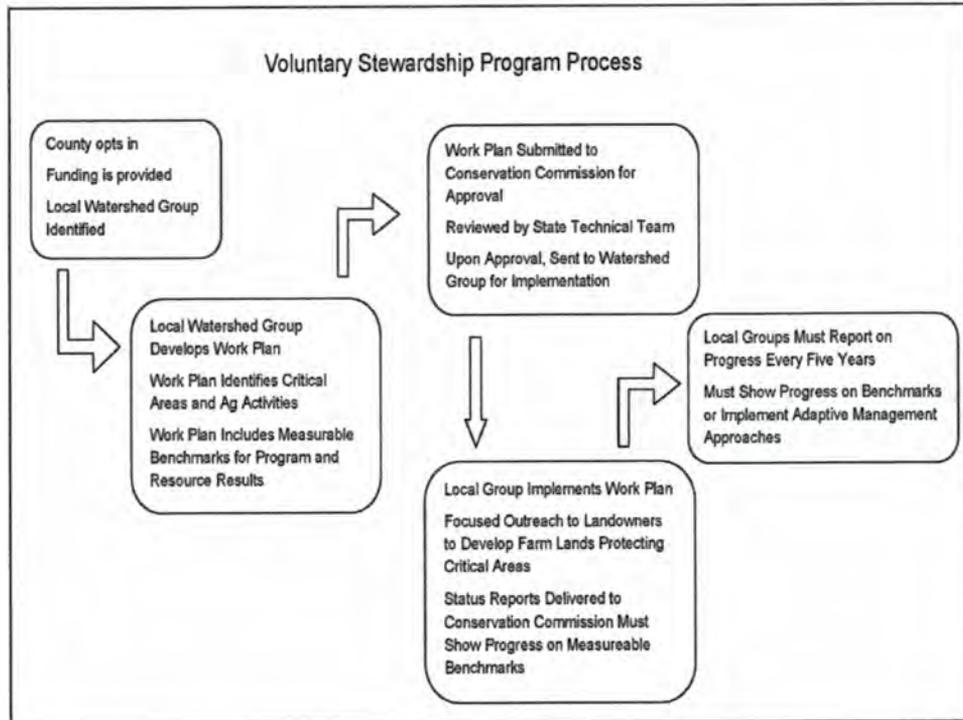
- Once a county has completed a work plan, it is submitted to Commission Director for approval.
- Director submits the plan to a technical panel who has 45 days to review and make recommendation to the director.
- If no, director to work with the local work group and Statewide Advisory Panel for revisions.
- Once final approval, must implement.
- Every 5 years, local work group must report on progress to the Conservation Commission
- If not making progress, must correct or be kick back into "traditional GMA approach".

Technical Panel

"Technical panel" means the directors or director designees of the following agencies:

WDFW	WSDA
Ecology	WSCC

- The technical panel is to review the work plan and assess whether the plan, in conjunction with other plans and regulations, will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.
- If the technical panel determines the plan will accomplish its goals, the SCC director must approve the plan.
- If the technical panel determines the plan will not accomplish its goals, the SCC director must advise the watershed group the reasons for the disapproval.



Statewide Advisory Committee

- ▶ Director required to appoint and, in certain circumstances, consult with a statewide advisory committee.
- ▶ Consisting of two persons representing :
 - county government
 - agricultural organizations
 - environmental organizations
- ▶ The commission, in conjunction with the governor's office, shall also invite participation by two representatives of tribal governments.

Implementation

- Thurston and Chelan counties were funded in 2013-15 biennium and “initial implementers”
- Both have convened their work groups and are working to complete their work plans.
- It took the two counties about 6 months to identify the method they wanted to implement the program (county staff vs other staff) and convene the work group.
- It took time for both counties to hold initial informational meetings and approach local stakeholder groups for participation.
- Both counties will require about 6 months to complete their work plans.

Implementation

- 2015-17 Operating budget included \$7.6 million for development of VSP work plans.
- Includes funding for 1.5 FTE at the SCC
- Includes funding for agency participation
- Funding for each opt-in county is calculated at:
 - \$150,000 in year 1
 - \$120,000 in year 2
- Funding is required to go to the counties
- Contracts will be developed for each county with deliverables

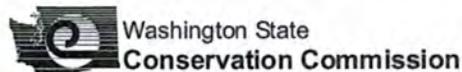
Implementation

- Meetings with county staff and county commissioners.
- Briefings for conservation districts.
- Identification of individuals for the technical panel.
- Implementation meeting between technical panel, statewide advisory group, and Thurston and Chelan counties for implementation briefing and lessons learned.
- Developing templates for work products.
- Update webpage

VSP Overview

Questions?

Ron Shultz, Policy Director
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RCW 36.70A.720 — Work plan

In developing and implementing the work plan, the watershed group must:

EXISTING INFORMATION AND RESOURCE CONDITION

(a) Review and incorporate applicable

- water quality data and plans,
- watershed management data and plans,
- farmland protection data and plans, and
- species recovery data and plans;

(h) Incorporate into the work plan existing development regulations relied upon to achieve the goals and benchmarks for protection;

(e) Create measurable benchmarks that, within ten years after the receipt of funding, are designed to result in

(i) the protection of critical area functions and values and

(ii) the enhancement of critical area functions and values through voluntary, incentive-based measures;

PARTICIPATION AND LANDOWNER OUTREACH

(b) Seek input from tribes, agencies, and stakeholders;

(d) Ensure outreach and technical assistance is provided to agricultural operators in the watershed;

(f) Designate the entity or entities that will provide technical assistance;

(g) Work with the entity providing technical assistance to ensure that individual stewardship plans contribute to the goals and benchmarks of the work plan;

(c) Goals for participation by agricultural operators conducting commercial and noncommercial agricultural activities in the watershed necessary to meet the protection and enhancement benchmarks of the work plan;

MONITORING AND REPORTING

- (i) Establish baseline monitoring for:
 - (i) Participation activities and implementation of the voluntary stewardship plans and projects;
 - (ii) stewardship activities; and
 - (iii) the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed;

- (j) Conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and to the commission within sixty days after the end of each biennium;

- (k) Assist state agencies in their monitoring programs; and

- (l) Satisfy any other reporting requirements of the program.



Washington State Conservation Commission

September 8, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, Policy Director

SUBJECT: Briefing on Several Dairy Issues

Summary: This year there have been several policy activities relating to dairies. These include a new low interest loan program for dairy equipment in the WSCC budget, a budget proviso relating to dairy operator training, progress on certification of conservation district dairy planners, a federal district court decision in the Yakima case, NRCS practice standard updates, and Ecology's updating of the CAFO permit. This memo summarizes these activities.

Staff Contacts: Ron Shultz, WSCC Policy Director
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Description:

Dairy Nutrient Management in Statute

Authority for implementation of the state's Dairy Nutrient Management Act (DNMA) is divided between four entities: WSDA, Ecology, WSCC, and conservation districts. Each entity implements a distinct portion of the DNMA, with general program implementation authority residing at WSDA. When the DNMA was first created in 1998, the program resided at Ecology. In 2003 the all duties and functions of Ecology related to the DNMA were transferred to WSDA. This transfer was controversial at the time and occasionally remains an issue of contention, and is sometimes a factor when program changes are proposed.

The attached table highlights the key provisions of the DNMA with respect to the authorities and responsibilities of the agencies.

The Commission was responsible to develop the original elements of a dairy nutrient management plan. The elements have not been updated. In 2014, Commission staff initiated an effort to review and revise the elements. This effort was put on hold pending the work of Ecology on revising the CAFO permit to cover more dairies.

Budget Proviso Relating to a Low Interest Loan Program for Dairy Nutrient Demonstration Projects

Funding was provided in the WSCC capital budget for the 2015-17 biennium for a dairy nutrient demonstration projects. The funding, one-time amount of \$5,000,000 from the state building construction account, is provided solely for low interest loans for two or more dairy nutrient management demonstration projects, with at least one located west of the Cascades and one east of the Cascades.

It's unclear at this time whether the WSCC has the statutory authority to administer a low interest loan program. It's also unknown what the demand will be for these projects. The funded was added by Senator Jim Honeyford from the Yakima area and is likely in response to the many projects needed in the Yakima Valley. There's also interest in Snohomish County for digester demonstration projects. This funding could be used for those as well.

Budget Proviso Relating to Dairy Operator Training

The 2015-17 Operating Budget includes funding and a proviso in the WSDA budget for a nutrient management training program for farmers. The \$565,000 from the state toxics control account is to support the program that will include training in agronomic application of dairy nutrients. The budget proviso also directs WSDA to:

- Develop an accreditation process to track completion of training by individuals who apply manure;
- Offer to willing farms to review agronomic application of dairy nutrients, as defined in RCW 90.64.010, used in crop production, including when, where, and how much manure to apply to meet crop nutrient requirements and to protect waters of the state;
- May be used to increase inspection activities in watersheds, including those areas with impaired surface or ground water impairment.
- The department in consultation with interested stakeholders shall identify gaps in the manure management program, including existing rules and statutory language, and report on a strategy to address those gaps.

This is to be a two-year pilot and WSDA is to report to the governor and the legislature by December 31, 2015, June 30, 2016, and on June 30, 2017, on the level of participation and results of the program.

In developing the curriculum for agronomic education and certification programs, the department will provide opportunity for input from interested parties including: Washington State University, state conservation commission, department of ecology, conservation district staff, representatives from agricultural, livestock, and crop organizations, environmental organizations, tribal government representatives, and certified crop advisers.

Technical and Professional Development Workgroup

The TPDW is nearing completion of the Dairy Nutrient Management Planner certification program. This new program, funded by the WSCC, will verify expertise in dairy nutrient planning and provide continuing education and mentorship opportunities. The goal is to advance the skills of conservation district staff in this area. With this program we will have a database of conservation district staff who are certified in the area of dairy nutrient planning. The final Dairy Nutrient Management Planner certification program will be completed in late 2015.

Cow Palace Decision

In February 2013, the Community Association for Restoration of the Environment (CARE) and the Center for Food Safety brought suit in federal district court in eastern Washington against Cow Palace Dairy. In their suit CARE alleged Cow Palace violated the federal Resource Conservation and Recovery Act (RCRA) in that the management of the dairy by Cow Palace constituted open dumping of solid waste and caused an imminent and substantial danger to the public health and environment because when the manure is improperly managed and stored, as well as over-applied to agricultural fields, it is discarded and consequently contributes to high levels of nitrates in underground drinking water.¹

The issues of particular interest before the court included:

1. Whether animal waste, when over-applied onto soil and leaked into groundwater, is a “solid waste” under RCRA;
2. Whether the Dairy’s manure management, storage, and application practices constitute “open dumping” under RCRA;
3. Whether the Dairy’s manure management, storage, and application practices may cause or contribute to an imminent and substantial endangerment to public health and the environment.

The court conducted a highly fact specific analysis on competing summary judgment motions. The court found based on “the uncontroverted facts” the land application, storage, and management of manure at Cow Palace Dairy violated RCRA’s substantial and imminent endangerment and open dumping provisions, and the defendants in the case are all responsible parties under RCRA. The court reserved appropriate remedies (which could include civil penalties) and additional issues (including whether Cow Palace contaminated surface water) for trial. The case was settled in May 2015.

The Court found defendant’s depositions showed Cow Palace was inappropriately applying manure inconsistent with their dairy nutrient management plan:

¹ CARE v. Cow Palace LLC, 13-cv-030160TOR (E.D. Wash. Jan 14, 2015) at p.3

Accordingly, because Plaintiffs [CARE] have demonstrated that no reasonable trier of fact, upon reviewing the record here, could dispute that Defendants' [Cow Palace] excessive application of manure onto agricultural fields, untethered to the DNMP or the fertilization needs of the crops; and storage and composting of manure in ways that result in dangerous accumulations of nitrate in the environment, transformed its manure, an otherwise beneficial and useful product, into a discarded material and thus a RCRA solid waste.²

Based on this the court concluded:

- RCRA outlaws “open dumping” as a disposal method for solid waste.
- RCRA prohibits a person from causing or contributing to an imminent and substantial endangerment to human health or the environment.
- While RCRA does not apply to agricultural wastes that are returned to the soil as fertilizers or soil conditioners, defendants here excessively over-applied manure to their fields. These over-applications were made without regard to the fertilizer requirements of their crops, or their DNMP. Manure applied so far in excess was solid waste under RCRA.
- Cow Palace failed to take into account both concentrations of nitrate in its own manure as well as residual manure and nitrate in the soil prior to applying large amounts of manure to fields.
- Manure leaked from Cow Palace lagoons was not a “natural, expected consequence” of an intended use, but rather a consequence of poor design and construction of the lagoons. This converts what could be a beneficial product (stored manure) into a solid waste, because the waste was “knowingly abandoned to the underlying soil”.
- Such leaking led to dangerous accumulations of nitrates in the deep soil that will eventually reach the underlying aquifer.
- The manure deposited in an unlined composting area was knowingly abandoned and accumulating in dangerous quantities, and thus was also solid waste.

Court found manure contaminated the environment:

- Data indicated downgradient wells exhibited high nitrate levels, while upgradient wells did not.
- Nitrate levels in downgradient residential wells exceeded the maximum contaminant level established by EPA.
- CARE presented evidence groundwater recharge was occurring relatively rapidly in the area.
- The Court found the standard for liability under RCRA was actions that “may” endanger public health, welfare, or the environment and the nitrate contamination in downgradient wells was sufficient to demonstrate the dairy’s operations presented an imminent and substantial endangerment to the public who consumed the water.

² CARE at p.96

Lagoon Storage:

1. CARE argued beneficial manure stored in several lagoons is transformed into “solid waste” under RCRA when it leaks into the soil and accumulates in the environment, losing all beneficial fertilization and commodity purposes.
2. Cow Palace maintained the lagoons were constructed, maintained, and operated to NRCS standards, which allow for permeability, and serve as temporary storage until the manure can be applied as useful fertilizer.
3. The Cow Palace court noted previous federal court of appeals cases where the courts indicated there could be circumstances in which a material that accumulates in the environment, long after it had served its intended purpose, could meet RCRA’s statutory definition of “solid waste”.
4. In this circumstance, the Cow Palace court found the manure leading from the Cow Palace lagoons is not a natural, expected consequence of the manure’s use or intended use but rather a consequence of the poorly designed temporary storage features of the lagoons.
5. “The consequence of such permeable storage techniques converts what would otherwise be a beneficial product (the stored manure) into a solid waste (the discarded, leaching constituents of manure) under RCRA because the manure is knowingly abandoned to the underlying soil.”
6. The court also found Cow Palace “possess limited documentation to evidence that [their] lagoons were actually constructed to meet NRCS standards.”
7. “Even assuming the lagoons were constructed pursuant to NRCS standards, these standards specifically allow for permeability and, thus, the lagoons are designed to leak.”
8. “Thus, this manure is discarded and properly characterized as a solid waste under RCRA.”

Additional findings:

- The case involved 3 distinct legal entities, but all three are either past or present owners of the land in question and all exerted some measure of control over the manure management. Accordingly they are all responsible parties under RCRA.
- The court found CARE had standing to pursue the case.

After the court’s decision on the summary judgment motions, the parties agreed to a settlement agreement. The terms of the agreement included the following:

1. For the duration of the consent decree, EPA is allowed to inspect the dairy facility, including any application fields owned, leased or controlled by Cow Palace.
2. Inspection includes all documents relating to the Cow Palace Dairy Nutrient Management Plan.
3. Cow Palace agreed to double line all lagoons with GCL liners and a 40 mil synthetic liner, consistent with a schedule where some lagoons would be completed by the end of 2015, and others by the end of 2016 or 2017.
4. Cow Palace agreed to fund the installation of a grid of 14 new monitoring wells and the parties will agree on all new well locations.
5. They will continue the operation and maintenance of a centrifuge manure separator at the dairy.
6. Cow Palace agreed to inspect all underground conveyance systems. Results of the inspections will be supplied to CARE.
7. Concrete aprons along all water troughs within all cow pens at the dairy, constructed to generally applicable industry standards.
8. Cow Palace is to implement a protocol of regularly inspecting for and re-grading all low-lying or wet spots within all the cow pens at the dairy.
9. Cow Palace will implement an Aerated Pile Pilot Project in the manure compost area.
10. All applications of liquid and solid manure to agricultural fields are to be based on the agreed to nutrient management budget. All future manure application rates are to be based on residual soil nitrate and phosphorus levels, ensuring manure is applied in agronomic quantities and rates as defined in the budget.
11. Cow Palace is to take soil tests in all manure application fields. The agreement includes specific numeric application rates for each year.

Ecology Update of the CAFO Permit

Ecology administers the current confined animal feeding operation (CAFO) permit. An update of the permit is needed. In August, Ecology released a draft proposed CAFO permit for stakeholder review and comment. This isn't the proposed permit, which will come later. Ecology's intent in releasing a draft proposal is to allow stakeholders the opportunity to see what Ecology is thinking and where they are heading in a revised CAFO permit. This permit update is intended to make the permit more proactive, expands the farms covered, and adds environmental protections.

CAFO permit required when:

- Confine animals for more than 45 days
- Confinement area has no forage or crop residue
- Discharges contaminate to surface or ground water

Permit sets operating requirements to protect waters of the state

What Ecology learned in early outreach:

- Diversity of operations potentially covered and variable needs
- Cattle feeding operations handle a lot of dry manure
- Dairies handle a lot of wet manure
- Animal operations growing in our state
- Industry landscape for dairies is changing, impact by global markets
- Smaller facilities have a difficult time adopting to change

Three areas of interest in the draft proposed permit:

- More proactive than reactive
- Replace or eliminate the nutrient management plan
- Address groundwater

Permit development schedule

- Spring 2015 - listening sessions
- Late spring/early summer 2015 - develop preliminary draft CAFO permit
- Summer 2015 - informal public comment on preliminary draft
- Summer/winter 2015 - Develop formal draft permit for formal comment
- Spring 2016 - issue formal final permit

Preliminary draft is an extra opportunity for:

- Public engagement
- Presenting ECY current thinking
- Gauging direction permit is taking

The preliminary draft is not Ecology's final decision about what will be in the final permit.

Ecology is adding extra step to get input on significant proposed changes

Major Highlights:

1. Who is covered
2. Groundwater
3. Manure pollution prevention plan
4. Lagoons
5. Land application of manure
6. Soil nitrate benchmarks
7. Manure export

Who is covered?

- CAFOs that have an actual surface or groundwater discharge must get permit coverage
- In general a CAFO is a facility that:
 - Confines animals for 45 days or more during a 12 month period
 - Confinement areas are not pasture or cropland
 - Must have a discharge – examples: runoff from a building or facility, lagoon seepage, etc.

Administration changes

Current: Expired permit required NMP submittal, review, and approval

Proposed: Remove this requirement by specifying requirements in a permit. There would be a checklist against which NMP is measured. Proposal is to include the checklist into the permit itself. Will be in a new manure pollution prevention plan (MPPP).

Groundwater

Protections include:

- MPPP
- Lagoons
- Land applications of manure
- Manure/soil nutrient testing and benchmarks

NOT proposing groundwater monitoring – ECY considers this a reactive tool rather than a pro-active tool. Want to stop nitrates before they get into groundwater. Propose to do this through soil benchmarks, a matrix approach, and adaptive management by the producer.

Manure Pollution Prevention Plan (MPPP)

- Includes mandatory components that the permittee must address
- How those areas are addressed is left up to the permittee allowing site specific flexibility
- Only requires those parts of the plan that are applicable to the permit
- Not intended to replace other permits under the DNM Act or the NRCS plans (certified comprehensive nutrient management plan). Elements of these plans can be pulled into the new MPPP
- Will be structured to allow for site specific flexibility for the producer

Components of the MPPP

- See list in the PPT
- Many of them come from the federal CAFO requirements
- Components line up with the dairy plans

Lagoons

- Science and current practice documentation point to a discharge to ground from lagoons, with requires a permit.
- Not looking to require retrofit of lagoons
- NRCS engineering manual shows estimates of some seepage per acre per day based on various assumptions.

- ECY does believe there is a discharge from lagoons therefore a permit would be required.
- Not proposing retrofit of lagoons to install a geomembrane liners
- Information gathering to document:
 - Lagoon construction
 - Environmental conditions (ie groundwater, soils, etc)
- Better determine what the impacts to groundwater from lagoons are. May be greater impact to groundwater in certain areas.
- Will provide a timeline for each producer for lagoon construction based on the information the producer already has on the lagoon. Less information, more time needed.

Land Application of Manure

- Requirements for when, where and how much manure may be applied.
- No manure application to:
 - Frozen, snow covered, or saturated soil
 - Dormant crops
 - Bare fields

Soil Benchmarks

- An adaptive management tool that triggers taking action
- Using benchmarks encourages managing towards a goal (eg lower nitrates) versus a number.
- It is not a violation to exceed a benchmark
 - Is a violation to not take the action(s) required by exceeding a benchmark
- Takes both environmental conditions and environmental variability into account.
- ECY wants the landowner to take more control/responsibility for the management of their land.
- Management responses based on a “point” system in what they call a “matrix approach”. See the proposed permit for an example of what the matrix and point system looks like.

Ecology is looking for additional stakeholder comment and input on this topic.

Manure Export

- Manure export occurs when the producer is no longer in control.
- Current permit doesn't define this issue well
- Proposing to require recording the parcel number where manure will be used. Even if producer is apply to a field of another at that other party's request.
- Proposing that on-farm manure composting and sale by 3rd party is not part of export.

Ecology is accepting comments on the draft proposed CAFO permit until Sept 18th



Dairy Technical Advisory Committee

Final report and recommendations:
Minimum elements of dairy nutrient
management plans in Washington State

December 2, 1998

Recommendations

Minimum elements of dairy nutrient management plans

Minimum elements

The TAC recommends the elements listed below be adopted as required minimums for all dairy nutrient management plans developed in Washington State.

- All plans must be approved using the "Checklist for Conservation District Approval of a Dairy Nutrient Management Plan" as attached to this report. The approval checklist forms the minimum elements test all plans must pass to be approved by a conservation district. The checklist not only assists district boards in approving plans, but also helps planners and producers in developing workable, meaningful plans.
- All plans developed after November 1, 1998 must follow the same general format or arrangement of topics as shown below. Plans developed before this date may be approved if they pass all of the checklist tests. Older plans requiring revision or updating should be reformatted to fit the format below.

Certification form

Approval checklist

Section 1: Introduction

- Purpose of the plan
- Summary of operations
 - Maximum herd size allowed in the plan
 - Summary of the land base to be used for application of manure and wastewater (acres, locations and methods of application)
 - Application summary
 - Storage management summary

Section 2: Production

- Manure and waste water
- Nutrients

Section 3: Collection and treatment

- Potential sources of contamination
- Planned treatment

Section 4: Storage and transfer

Section 5: Nutrient use

- Application area description
- Crop nutrient requirements
- Testing requirements
- Application site management

Section 6: Specifications

- Management
- Vegetative
- Structures

Section 7: Operation and maintenance of structures and practices

- Nutrient management
- Irrigation water management
- Nutrient testing

Section 8: Appendices

- Manure application agreements
- NRCS planning tools
- Potassium concerns
- Recordkeeping
- Maps
- Field records

- Each plan must contain a summary of the key factors in the dairy operation that were significant in the development of the plan, including, but not limited to: herd size; existing facilities; land base; and crops.
- Each plan should clearly specify the parameters of the operation that cannot be exceeded without invalidating the plan.
- Plans should be developed using the planning methods, standards, specifications, and practices contained in the Field Office Technical Guide and Agricultural Waste Management Field Handbook, both USDA Natural Resources Conservation Service publications.
- Storage requirements for each dairy operation should be determined individually. A minimum storage period applicable to all dairies is specifically not recommended by the TAC. Agronomic principles applied on a site-specific basis form the foundation of meaningful, effective plans.
- Specific record keeping and testing requirements should be included in all dairy nutrient management plans.

Other recommendations

- The use of SWAPA (soil, water, air, plants and animals) as a planning paradigm should be a choice made by the dairy operator. In addition, SWAPA without the wildlife component should be a choice. Documentation of the choice need not be made in the plan but should be included in the cooperators file field notes.
- Risk of pollution should be reduced by designing excess capacity into storage facilities.
- When new structures are to be tied, or connected, to older structures, the NRCS should provide guidance to dairy planners on a case-by-case basis, evaluating existing structures for groundwater risk, safety, health, and function. The group also agreed this is an issue the TAT's should help coordinate within their regions. The NRCS National Engineering Manual contains policies to assist in evaluating existing structures. Where older structures are found to be safe and functional, they can be used in the dairy nutrient management system. Structures that are unsound, unsafe, or not fully functioning will need to be repaired or replaced.
- All dairy plans in conservation district cooperators files should be reviewed for conformance with the approval checklist. Districts are encouraged to initiate an in-house review of these

files, but the responsibility for having a plan that meets the requirements of the Act lies with the dairy producers. Districts should assist their cooperators in meeting the requirements of the Act.

- The Act calls for the formation of four Regional Technical Assistance Teams (RTATs). The TAC recommends two RTATs be formed to serve west of the Cascade Mountains, and two RTATs be formed to serve east of the Cascades. Westside RTATs should meet jointly whenever possible, and the same goes for eastside RTATs. The Washington Department of Ecology should be invited to participate in the RTATs. Coordination of the RTATs could be provided by Field Operations Managers (Conservation Commission), by WSU/Cooperative Extension Service staff, or by a coordinating team with representatives of the USDA Natural Resources Conservation Service, Washington Conservation Commission, Washington Department of Ecology, and Washington State University/Cooperative Extension Service. Tasks for the RTATs could include: reviewing requests to use new technologies; reviewing dairy plans; customizing plan elements and formats to fit regional conditions; coordinating dairy planning needs on a regional basis; and reviewing new Best Management Practices.
- A quality assurance process is recommended. It should focus on the actual planning process and not on the effectiveness of implemented BMPs. A quality assurance process is a desirable way to check the consistency and quality of dairy nutrient management plans. The process should center around peer review of plans. Site visits to the dairies should be part of the process.
- Outreach and training are needed. The approval and certification process is new to dairy operators. The plan format is new. Mandatory inspections are new. If our ultimate goal is to protect water quality, we need to reach out to all participants. The outreach audience includes dairy owners and operators, conservation district staff and supervisors, NRCS staff, Ecology staff, outside consultants and engineering firms, and other interested parties. Outreach mechanisms should include mailings to dairies and conservation districts, expansion of the Dairy TAC Shack web site (<http://www.conserver.org/dairy/>), and public meetings and workshops. The TAC recommends tasking the two RTATs with developing training outlines. Immediate training for districts is required on using the approval checklist consistently from district to district.

Miscellaneous discussion

Clean water is the real product of good plans and practices

The TAC believes the primary goal of dairy nutrient management is clean water. The statement recommended by the TAC for inclusion in each plan is:

"The fundamental purposes of dairy nutrient management plans are to: prevent contaminated waste water discharge to streams, drainage ditches, or other surface waters from the dairy; prevent migration of contaminants from the dairy facility to the underlying aquifer; agronomically recycle the dairy nutrients produced through soil and crops to the fullest extent; and meet the requirements of The Dairy Nutrient Management Act of 1998, The Clean Water Act, and comply with Federal, State and local laws regarding water quality standards."

Recommendations founded on technical, not political, merits

The TAC concluded very early in their work that their recommendations should be based solely on the technical issues involved in effective management of dairy nutrients. The TAC felt

Dairy Nutrient Management Plans -- Summary of Agency Statutory Authorities in Title 90.64 RCW

WSDA	WSCC	Conservation Districts	Ecology
<p>Pursuant to RCW 90.64.023, WSDA has the following duties:</p> <p>(1) By October 1, 1998, the department shall initiate an inspection program of all dairy farms in the state.</p> <p>Pursuant to RCW 90.64.030, WSDA has the following duties:</p> <p>Statutory section gives authority to WSDA to conduct an inspection program to investigate discharges of pollution at dairies.</p> <p>Pursuant to RCW 90.64.050, WSDA has the following duties:</p> <p style="padding-left: 40px;">(a) Identify existing or potential water quality problems resulting from dairy farms through implementation of the inspection program in RCW 90.64.023;</p> <p style="padding-left: 40px;">(b) Inspect a dairy farm upon the request of a dairy producer;</p> <p style="padding-left: 40px;">(c) Receive, process, and verify complaints concerning discharge of pollutants from all dairy farms;</p> <p style="padding-left: 40px;">(d) Determine if a dairy-related water quality problem requires immediate</p>	<p>Pursuant to RCW 90.64.026, the WSCC has the following duties:</p> <p>(2) By November 1, 1998, the conservation commission, in conjunction with the advisory and oversight committee established under section 8 of this act shall develop a document clearly describing the elements that a dairy nutrient management plan must contain to gain local conservation district approval.</p> <p>(3) In developing the elements that an approved dairy nutrient management plan must contain, the commission may authorize the use of other methods and technologies than those developed by the natural resources conservation service when such alternatives have been evaluated by the advisory and oversight committee.</p> <p>(9) A certification form shall be developed by the conservation commission for use statewide and shall provide for a signature by both a conservation district representative and a dairy producer.</p> <p>Pursuant to RCW 90.64.080, the WSCC has the following duties:</p> <p style="padding-left: 40px;">(a) Provide assistance as may be appropriate to the conservation districts in the discharge of their responsibilities as management agencies</p>	<p>Pursuant to RCW 90.64.026, the conservation districts have the following duties:</p> <p>(5) Such plans shall be submitted for approval to the local conservation district where the dairy farm is located, and shall be approved by conservation districts no later than by July 1, 2002.</p> <p>Pursuant to RCW 90.64.070, conservation districts have the following duties:</p> <p style="padding-left: 40px;">(a) Provide technical assistance to the department in identifying and correcting existing water quality problems resulting from dairy farms through implementation of the inspection program in RCW 90.64.023;</p> <p style="padding-left: 40px;">(b) Immediately refer complaints received from the public regarding discharge of pollutants to the department;</p> <p style="padding-left: 40px;">(c) Encourage communication and cooperation between the conservation district personnel and local department personnel;</p> <p style="padding-left: 40px;">(d) Provide technical assistance to dairy producers in developing and implementing a dairy nutrient management plan; and</p> <p style="padding-left: 40px;">(e) Review, approve, and certify dairy</p>	<p>The director of the department of ecology may designate any dairy animal feeding operation as a concentrated dairy animal feeding operation upon determining that it is a significant contributor of pollution to the surface or ground waters of the state. RCW 90.64.020</p> <p><u>Enforcement:</u></p> <p>A dairy farm that is determined to be a significant contributor of pollution based on actual water quality tests, photographs, or other pertinent information is subject to the provisions of this chapter and to the enforcement provisions of chapters 43.05 and 90.48 RCW, including civil penalties levied under RCW 90.48.144. RCW 90.64.030(6).</p> <p>Enforcement actions and administrative orders issued by the department of ecology may be appealed to the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW. RCW 90.64.040.</p> <p>RCW 90.64.120 <u>Department's authority under federal law or chapter 90.48 RCW not affected.</u></p> <p>(1) Nothing in this chapter shall affect the department of ecology's authority or responsibility to administer or enforce the national pollutant discharge elimination system permits for operators of concentrated dairy</p>

<p>corrective action under the Washington state water pollution control laws, chapter 90.48 RCW, or the Washington state water quality standards adopted under chapter 90.48 RCW. The department shall maintain the lead enforcement responsibility;</p> <p>(e) Administer and enforce national pollutant discharge elimination system permits for operators of concentrated dairy animal feeding operations, where required by federal regulations and state laws or upon request of a dairy producer;</p> <p>(f) Participate on the advisory and oversight committee;</p> <p>(g) Encourage communication and cooperation between local department personnel and the appropriate conservation district personnel;</p> <p>(h) Require the use of dairy nutrient management plans as required under this chapter for entities required to plan under this chapter; and</p> <p>(i) Provide to the commission and the advisory and oversight committee an annual report of dairy farm inspection and enforcement activities.</p> <p>Pursuant to RCW 90.64.102, WSDA has the following duties:</p> <p>(1) WSDA may impose a civil penalty on a dairy producer in an amount of not more than</p>	<p>in dairy nutrient management program implementation;</p> <p>(b) Provide coordination for conservation district programs at the state level through special arrangements with appropriate federal and state agencies, including oversight of the review, approval, and certification of dairy nutrient management plans;</p> <p>(c) Inform conservation districts of activities and experiences of other conservation districts relative to agricultural water quality protection, and facilitate an interchange of advice, experience, and cooperation between the districts;</p> <p>(d) Provide an informal hearing for disputes between dairy producers and local conservation districts pertaining to: (i) Denial of approval or denial of certification of dairy nutrient management plans; (ii) modification or amendment of plans; (iii) conditions contained in plans; (iv) application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and (v) the failure to adhere to the plan review and approval timelines identified in RCW 90.64.026. An informal hearing may also provide an opportunity for dairy producers who are constrained from timely compliance with the planning requirements of this chapter because of financial hardship or local permitting delays to petition for additional time to comply;</p> <p>(e) Encourage communication between the conservation district personnel and local</p>	<p>nutrient management plans that meet the minimum standards developed under this chapter.</p>	<p>animal feeding operations, where required by federal regulations or to administer the provisions of chapter 90.48 RCW.</p> <p>(2) Unless the department of ecology delegates its authority under chapter 90.48 RCW to the department of agriculture pursuant to RCW 90.48.260, and until any such delegation of authority receives federal approval, the transfer specified in RCW 90.64.901 shall not preclude the department of ecology from taking action related to animal feeding operations or concentrated animal feeding operations to protect water quality pursuant to its authority in chapter 90.48 RCW. Before taking such actions, the department of ecology shall notify the department of agriculture.</p>
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<p>five thousand dollars for failure to comply with recordkeeping requirements of this act.</p>	<p>department personnel;</p> <p>(f) Accept nominations and appoint members to serve on the advisory and oversight committee with advice of the Washington association of conservation districts and the department;</p> <p>(g) Provide a cochair to the advisory and oversight committee;</p> <p>(h) Report to the legislature by December 1st of each year until 2003 on the status of dairy nutrient management planning and on the technical assistance provided to dairy producers in carrying out the requirements of this chapter; and</p> <p>(i) Work with the department to provide communication outreach to representatives of agricultural and environmental organizations to receive feedback on implementation of this chapter.</p>		
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Issuance Date:
Effective Date:
Expiration Date:

Commented [JonJ1]: Insert dates

PRELIMINARY DRAFT Concentrated Animal Feeding Operation General Permit

National Pollutant Discharge Elimination System and State Waste
Discharge General Permit

State of Washington
Department of Ecology
Olympia, WA 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified, or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions that follow.

The Permittee must reapply for permit coverage on or before **DATE**, 180 days before the expiration of this permit if the Permittee intends to continue operations and discharges beyond the term of this permit.

Commented [JonJ2]: Insert Date



Scan with QR Reader to go to permit web page

Heather R. Bartlett
Water Quality Program Manager
Washington State Department of Ecology

Table of Contents

Special Conditions	5
S1. Permit Coverage	5
S1.A Activities Covered Under This Permit	5
S1.B Geographic Area Covered	5
S2. Permit Administration.....	5
S2.A Who Must Apply for Permit Coverage.....	5
S2.B How to Apply for Permit Coverage	6
S2.C Permit Coverage Timeline	6
S2.D How to Modify Permit Coverage	7
S2.E How to Transfer Permit Coverage	7
S2.F How to Terminate Permit Coverage.....	7
S3. Discharge Limits.....	8
S3.A Compliance with Standards.....	8
S3.B Compliance with Total Maximum Daily Load Requirements	9
S3.C Ecology Review of Engineering Documents	9
S4. Manure Pollution Prevention Plan	9
S4.A Objectives	10
S4.B General Requirements	10
S4.C Minimum Components of a MPPP.....	11
S5. Monitoring.....	22
S5.A Operations and Maintenance Monitoring	22
S5.B Manure Sampling and Testing	22
S5.C Soil Sampling and Testing.....	24
S5.D Monitoring Beyond Permit Requirements.....	25
S6. Record Keeping.....	26
S6.A Operations and Maintenance Record Keeping.....	26
S6.B Land Application Record Keeping	27
S6.C Records Retention.....	28
S7. Reporting.....	28
S7.A Public Access to MPPP	28

S7.B One-Time Facility Report.....	29
S7.C One-Time Lagoon Report	29
S7.D Annual Reporting	29
S7.E Noncompliance Notification	29
S7.F Spills Reporting.....	31
S8. Appendices	31
GENERAL CONDITIONS	32
G1. DISCHARGE VIOLATIONS.....	32
G2. PROPER OPERATION AND MAINTENANCE	32
G3. RIGHT OF ENTRY.....	32
G4. PERMIT COVERAGE REVOKED.....	32
G5. GENERAL PERMIT MODIFICATION AND REVOCATION	33
G6. REPORTING A CAUSE FOR MODIFICATION	33
G7. TOXIC POLLUTANTS	34
G8. OTHER REQUIREMENTS OF 40 CFR	34
G9. COMPLIANCE WITH OTHER LAWS AND STATUTES	34
G10. ADDITIONAL MONITORING.....	34
G11. PAYMENT OF FEES.....	34
G12. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT.....	34
G13. TRANSFER OF PERMIT COVERAGE.....	35
G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS	35
G15. SIGNATORY REQUIREMENTS.....	35
G16. APPEALS	36
G17. SEVERABILITY	37
G18. DUTY TO REAPPLY	37

Summary of Permit Submittals

Refer to the Special and General Conditions for details on submittal requirements.

Permit Condition	Submittal	Frequency/Due Date(s)
S2.B	Application for Coverage	At least 60 days prior to first discharge.
S2.D	Modification of Permit Coverage	As necessary.
S2.E	Transfer	As necessary.
S2.F	Termination	One-time.
S7.A	One-time Report	12-months after permit coverage is issued.
S7.B	Annual Report	December 31 annually.
S7.C	Noncompliance notification	As necessary.
G18	Application for Permit Renewal	By DATE , at least 180 days before expiration of the general permit.

NOTE: The text of this permit contains words and phrases in *bold and italics*. These words and phrases are the first usage in the permit and are defined in **Appendix A**.

SPECIAL CONDITIONS

S1. PERMIT COVERAGE

S1.A Activities Covered Under This Permit

This statewide general permit covers activities associated with operating a **concentrated animal feeding operation (CAFO)** that results in a **discharge of pollutants to waters of the state** from the **production area** or from **land application field(s)** that is not agricultural stormwater.

All authorized discharges and activities must be consistent with the terms and conditions of this permit.

S1.B Geographic Area Covered

This permit covers the activities listed in **S1.A** within the State of Washington.

This permit does not apply to:

1. Federal lands.
2. **Indian Country** and **trust or restricted lands** except portions of the Puyallup Reservation as noted. Puyallup Exception: Following the Puyallup Tribe of Indians Land Claims Settlement Act of 1989, 25 U.S.C. §1773; this permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government.

S2. PERMIT ADMINISTRATION

Ecology is moving to online system for permit administration. Ecology may modify this permit to require electronic submittal of the Permit Application, Transfer of Coverage, or Notice of Termination when the electronic system becomes available.

S2.A Who Must Apply for Permit Coverage

The owner or operator of a CAFO is required to apply for coverage under this permit if the CAFO has or had a discharge to surface or ground water from its production area or land application area that is not agricultural stormwater. Ecology has determined that if the CAFO has a lagoon that does not have a double **geomembrane liner** with a leak detection system between the liner layers that it is discharging to groundwater.

For existing operations that are required to apply for permit coverage, application for coverage must be submitted no later than 90 days after the issuance date of this permit.

Commented [j3]: This permit is a reissuance of the CAFO General Permit that expired July 21, 2011. The proposed permit will replace the previous permit. The CAFO permit is a general permit, which covers a category of discharger [40 CFR 122.28][WAC 173-226]. All dischargers covered under a general permit receive the same permit conditions because they have substantially the same or similar discharge characteristics. This reduces the overall workload associated with writing and administering discharge permits.

The draft CAFO permit is a statewide general permit that provides coverage for discharges of pollutants (manure, litter, process wastewater, etc – collectively referred to as manure) associated with operating a CAFO within the state of Washington. This condition describes which activities and discharges are covered by the permit. In general, if a facility is a CAFO and it has or had a discharge to surface or groundwater from the production area any land application field, a permit is required [RCW 90.48][40 CFR 122.1, 122.23].

An exception is made for agricultural stormwater. Agricultural stormwater is not a point source discharge. It is a discharge that occurs because of precipitation, not human activities (e.g. irrigation). In order to show that a land application field discharge is agricultural stormwater, and therefore does not require a permit, the CAFO must have records that shows proper land application. Such records may include, but is not limited to: amounts, times, and locations that manure was applied to the field, 24-hour pre- and post-application weather reports, and the presence and current state of field buffers [40 CFR 122.4, however no exemption in RCW 90.48].

Commented [j4]: The Water Quality Program has determined that a lagoon with two layers of synthetic geomembrane liner with a leak detection and capture system between the layers (if installed, maintained, and operated properly) does not have a discharge that requires a permit. Other lagoon designs are known to leak, which in certain areas is a discharge. In areas where there are known groundwater impacts from nitrate, or where the groundwater is susceptible to impacts from nitrate, Ecology has determined that the leakage from lagoons that are not double lined with leak detection requires a permit.

[Ag. Waste Mngmt System Component Design Part 651 Appendix 10D][Animal Waste Containment Lagoons, ASCE Manual No. 105] . .

Commented [JJ(5): WAC 173-226-200(1)(a)

S2.B How to Apply for Permit Coverage

To apply for coverage under this permit the permit applicant must use the permit **application for coverage (Notice of Intent or NOI)** provided at: **WEB ADDRESS**.

1. Mail the complete NOI to:

Department of Ecology
Water Quality Program
Attn: CAFO Permit Administrator
PO Box 47600
Olympia, WA 98504

2. Using the Public Notice Template in the NOI, publish a public notice once a week for two weeks with at least seven days between publications in a single newspaper of general circulation in the county. Publish the public notice only after Ecology has received the complete application for permit coverage.

At the end of the 30-day public comment period, Ecology will consider any received comments about the applicability of this permit to the proposed activity before issuing a decision on permit coverage. Once permit coverage is issued, the CAFO owner or operator who applied for coverage becomes a **Permittee**.

S2.C Permit Coverage Timeline

1. If the applicant does not receive notification from Ecology, permit coverage automatically commences on whichever of the following dates occurs last:
 - a. The 31st day following receipt by Ecology of a completed application for coverage.
 - b. The 31st day following the end of a 30-day public comment period.
 - c. The effective date of the general permit.
2. Ecology may need additional time to review the application:
 - a. If the application is incomplete.
 - b. If it requires additional site-specific information.
 - c. If the public requests a public hearing.
 - d. If members of the public submit comments.

Commented [j6]: Application Form (NOI) to be developed

40 CFR 122 data requirements

Information to include:

Type of facility
Operator/Permittee Contact Information
Facility Address
Facility Lat/Long
Topographic map of production area
Types of livestock
Numbers of livestock
Types of manure containment
Capacity of manure containment (tons/gallons)
Acres available for land application
Amount of manure generated
Amount of manure exported

Commented [j7]: WAC 173-226-200

- e. When more information is necessary to determine whether coverage under the general permit is appropriate.
3. When Ecology needs additional time:
- a. Ecology will notify the applicant in writing within 30 days and identify the issues that the applicant must resolve before a decision can be reached.
 - b. Ecology will submit the final decision to the applicant in writing. If Ecology approves the application for coverage, coverage begins the 31st day following approval, or the date the approval letter is issued, whichever is later.

S2.D How to Modify Permit Coverage

Permittees that must modify their permit coverage, or that propose changes that require modification of permit coverage must revise and resubmit permit application materials specified in **S2.B**.

S2.E How to Transfer Permit Coverage

A Permittee may transfer coverage to a new Permittee, in accordance with **General Condition G13** of this permit, using the Transfer of Coverage (TOC) form found here: **WEB ADDRESS**

Both the original Permittee and the new Permittee must sign the form and provide the date that the new Permittee will be responsible for permit coverage. Once both parties have signed the TOC form, the new Permittee becomes responsible for all permit compliance and permit fees on the date indicated on the form. The original Permittee remains responsible for, and subject to, all permit conditions and permit fees until the transfer of permit coverage is effective.

Mail the complete TOC form to:

Department of Ecology
 Water Quality Program
 Attn: CAFO Permit Administrator
 PO Box 47600
 Olympia, WA 98504

S2.F How to Terminate Permit Coverage

The Permittee will continue to incur an annual permit fee until it submits a NOT. Once permit coverage is cancelled, the Permittee may no longer discharge to waters of the state unless it applies for, and gains coverage under this permit again.

Commented [j8]: WAC 173-226-210

Transfer form to be developed

Information to include:

- Current Permittee name and contact
- New Permittee name and contact
- New facility contact, if different from New Permittee
- Effective date of transfer for when new Permittee becomes responsible and liable for meeting permit conditions

Commented [j9]: WAC 173-226-230

A permit is required if there is a discharge. Requiring demonstration that there is no longer a discharge ensures that facilities that discharge remain covered.

Notice of Termination (NOT) form to be developed

Information to include:

- Permit number
- Permittee name and contact information
- Facility location information
- Check boxes for termination requirements (checking box plus certification that Permittee has met the permit termination requirements).
- Additional details for permit termination due to CAFO no longer being in business:
- A report detailing where and how all manure and high nutrient soils from manure storage were appropriately land applied, and how there is no longer a risk of discharge from the production area of the facility.

1. A Permittee may request termination of permit coverage by submitting a completed **Notice of Termination (NOT)** form found here: **WEB ADDRESS**

A Permittee may request termination of permit coverage when one of the following conditions are met:

- a. The CAFO is no longer in operation or no longer a CAFO and all manure, litter, process waste water, any other wastes currently onsite (collectively manure), and manure impacted soil (soils containing nutrient levels above natural background) from lagoons that will be decommissioned (**S4.C.3.a.9**) are disposed of in a manner which does not pose a threat to surface or groundwater quality.

No more than 30 days after the completion of disposing of all manure and manure impacted soil the Permittee must submit a termination report which documents how the disposal activities were completed. Termination of permit coverage will not occur until disposal activities are complete.

- b. The Permittee demonstrates that there is no longer a discharge to waters of the state.
2. When the CAFO is eligible for termination, the Permittee must submit a complete and accurate NOT form, signed in accordance with General Condition G2 to:

Department of Ecology
Water Quality Program
Attn: CAFO Permit Administrator
PO Box 47600
Olympia, WA 98504

The termination is effective on the date Ecology receives the NOT form, unless Ecology notifies the Permittee within 30 days that the termination request is denied because the Permittee has not met the eligibility requirements in **S2.F.1**.

Commented [j10]: Fact Sheet language – discuss when and how this is determined and communicated to the Permittee.

S3. DISCHARGE LIMITS

S3.A Compliance with Standards

1. Discharges authorized by this permit must not cause or contribute to a violation of Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173-200 WAC), Sediment Management Standards (chapter 173-204 WAC), and human health criteria in the National Toxics Rule (40 CFR 131.36). Discharges not in compliance with these standards are not authorized.

2. Permittees must use **all known, available, and reasonable methods of prevention, control, and treatment (AKART)** when operating their production and land application areas.

S3.B Compliance with Total Maximum Daily Load Requirements

The following requirements apply if an applicable **Total Maximum Daily Load (TMDL)** is approved for discharges from CAFOs owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the issuance date of this Permit or prior to the date that Ecology issues coverage under this permit, whichever is later.

1. For applicable TMDLs affected Permittees shall comply with the specific requirements identified in the TMDL for CAFOs. Each Permittee shall keep records of all actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation shall be included as part of the annual report submitted to Ecology. Each annual report shall include a summary of relevant activities conducted in the TMDL area to address the applicable TMDL parameter(s).
2. For TMDLs compliance with this Permit shall constitute compliance with those TMDLs.
3. For TMDLs that are approved by EPA after this Permit is issued, Ecology may establish TMDL related permit requirements through future permit modification if Ecology determines implementation of actions, monitoring or reporting necessary to demonstrate reasonable further progress toward achieving TMDL waste load allocations, and other targets, are not occurring and shall be implemented during the term of this Permit or when this Permit is reissued. Permittees are encouraged to participate in development of TMDLs within their jurisdiction and to begin implementation.

S3.C Ecology Review of Engineering Documents

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

S4. MANURE POLLUTION PREVENTION PLAN

Commented [j11]: Modified from the municipal stormwater permit

The Permittee must prepare, keep up-to-date, and properly implement an adequate Manure Pollution Prevention Plan (MPPP) for their CAFO in accordance with the requirements of this permit.

The Permittee must have their initial MPPP prepared within **6 months** of the date that the Permittee receives permit coverage.

S4.A Objectives

1. To implement management practices to identify, reduce, eliminate or prevent CAFO related water pollution.
2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
3. To document implementation of AKART for controlling pollutants on the CAFO.
4. Explain how the Permittee is meeting permit conditions on a site specific basis.

Commented [j12]: Modified from CSWGP

S4.B General Requirements

1. The Permittee must modify the MPPP whenever there is a change in design, construction, operation, or maintenance of the CAFO.

Commented [j13]: Modified from CSWGP

What are appropriate thresholds for when a MPPP should be updated to reflect changes to the CAFO infrastructure, operations, or management?

2. The MPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The MPPP narrative must include documentation to explain and justify the pollution prevention decisions made for the facility. Documentation must include:
 - a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
 - b. Potential surface or groundwater discharge problem areas.
 - c. The minimum elements of a MPP in **S4.C** including BMPs used to address each element.
 - d. Construction phasing/sequence and general BMP implementation or maintenance schedule.

- e. The actions to be taken if BMP performance goals are not achieved—for example, a contingency plan for additional treatment and/or storage of manure.
 - f. Engineering calculations for lagoons and any other designed structures.
3. The Permittee must modify the MPPP if, during inspections or investigations conducted by the Permittee, or the applicable local or state regulatory authority, it is determined that the MPPP is, or would be, ineffective in eliminating or significantly minimizing discharges from the production area or land application fields that are not agricultural stormwater. The Permittee must then:
- a. Review the MPPP for compliance with the permit and make appropriate revisions within 7 days of the inspection or investigation.
 - b. Immediately begin the process to fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, addressing the problems no later than 10 days from the inspection or investigation. If installation of necessary BMPs is not feasible within 10 days Ecology may approve additional time when an extension is requested by a Permittee within the initial 10-day response period.
 - c. Document BMP implementation and maintenance.

Commented [j14]: Timing Appropriate?

Commented [j15]: Timing appropriate?

S4.C Minimum Components of a MPPP

The Permittee must include each of the minimum components below in the narrative of the MPPP and implement them unless site conditions render the component unnecessary and the exemption from that component is clearly justified in the MPPP.

1. Facility Documentation

The following documentation must be included in the MPPP and kept up-to-date as changes are made to the CAFO.

- a. Mapping
 - 1) Locate and map underground infrastructure such as pipes, tile drains, tile drain outlet locations, manholes, drinking water wells, buried electrical lines controlling manure management devices (e.g. pumps, valves, etc.), . . .
 - 2) Maps of land application fields must be created showing required field run-off prevention management practices as well as areas that must not be applied to such as manholes or other intake structures because application to those areas would cause a discharge.

3) Maps of the production area detailing facility structures and showing the flow of manure through the manure handling and storage system.

b. Infrastructure

Documentation of how manure handling and storage structures were built including engineering plans and certifications.

An inventory of static (stays in place) equipment used to move manure and its flow rate in gallons/hour as used on the CAFO. This must be measured as it may differ from the manufacturers specifications based on how the equipment is used on site.

2. **Facility Run-off Controls**

The Permittee must design, construct, operate, and maintain its production area such that no discharge occurs except: if the liquid manure handling and storage system is designed, constructed, operated, and maintained such that when the storage is full there is enough capacity left to also hold all the manure and contaminated runoff from the production area generated by a 25-year, 24-hour precipitation event and still have 1-foot of freeboard.

Keep manure from being tracked out onto public roadways.

Other Options to Prevent Run-Off from Facilities

Are there other general options that are available to prevent run-off from facilities or tracking manure onto public roads?

3. **Manure and Feedstock Storage**

a. Lagoons

1) *Inspection*

Refer to **SS.A**.

2) *Vegetation Control*

Vegetation on the lagoon must be controlled and maintained to prevent it from damaging lagoon integrity.

3) *Animal Control*

Burrowing animals must be controlled to prevent damage to lagoon integrity. Repair burrowing animal damage immediately to bring the lagoon back up to design specifications.

4) *Embankment Maintenance*

The lagoon embankment must be maintained and repaired as necessary in order to maintain lagoon integrity. Repair damage immediately to bring the lagoon back up to design specifications.

5) *Volume Maintenance*

The solids which build up in a lagoon must be periodically removed in order to maintain the lagoon storage volume. Ensure that any liner in the lagoon is not damaged during maintenance and specify how leaks, if using a geomembrane liner, will be detected and repaired.

Debris, vegetation, and manure solids must not be allowed to accumulate on the surface of the lagoon.

6) *Emergency Procedures*

The Permittee must develop emergency procedures in the event of a failure in its lagoon to prevent discharge of manure into surface waters. The emergency procedures must, in addition to notifying Ecology as required by **S7.D (noncompliance notification)**, at a minimum address:

- i. How the Permittee will stop remaining manure from leaving containment once the lagoon failure is detected.
- ii. In the event that the lagoon can no longer be used to contain manure, where the Permittee will store manure until a new lagoon is constructed.
- iii. How the Permittee will clean-up or recover any manure that escaped containment.
- iv. How the Permittee will prevent the failure from occurring again in the future.

7) *Depth Gauge*

Lagoons designed to contain the 25-year, 24-hour precipitation event must have a depth gauge that clearly indicates the minimum capacity necessary to contain the contaminated runoff and direct precipitation from a 25-year, 24 hour precipitation event and still have 1-foot of freeboard.

8) *Lagoon Closure – Temporary*

If the Permittee has a lagoon that is temporarily not in use, the lagoon must be maintained as though it were in use.

9) *Lagoon Closure – Permanent Decommissioning*

When decommissioning a lagoon, the Permittee must remove all manure and nutrient rich soil (above natural background levels) from the lagoon and properly dispose of the soil so that there is no discharge to groundwater from forms of nitrogen converting to nitrate left behind in the soil structure of the lagoon.

b. Solid Manure Storage

Is it necessary to apply any BMPs to solid manure storage for the protection of groundwater? If so what, and what is the technical basis (including data) for the recommendation?

- 1) Leachate and runoff from solids must be collected and stored with other liquid manure.
- 2) If the solid manure is covered (e.g. tarp, roof) clean water may be diverted away from the production area in accordance with [S4.C.5](#)

c. Composting Facilities

- 1) Leachate and runoff from compost must be collected and stored with other liquid manure.
- 2) If the compost is covered (e.g. tarp, roof) clean water may be diverted away from the production area in accordance with [S4.C.5](#)
- 3) Composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC.

d. Feed Storage

- 1) Leachate and runoff from feed storage areas (e.g. silage) must be collected and stored with other liquid manure.
- 2) If the compost is covered (e.g. tarp, roof) clean water may be diverted away from the production area in accordance with [S4.C.5](#)

4. Other Above and Below Ground Infrastructure

Infrastructure (such as pipes, valves, tile lines, etc.) must be regularly inspected and tested (e.g. pressure testing of buried pipes) to ensure it is in proper working order. Results from inspections (S5.A) and testing must be used to make repairs or replacements to infrastructure in a timely manner. Reasons for repairs not being completed in a timely manner must be documented in the MPPP.

Discharge to groundwater from backflow through water or irrigation supply wells is prohibited and must be prevented.

5. Diversion of Clean Water

Clean water that has not come into contact with livestock manure, compost, or feed stock may be diverted from the CAFO production area instead of being stored with other manure. Clean water must be diverted to a location that is able to handle the volume of clean water generated and not cause other water quality problems such as erosion. If the Permittee chooses to divert clean water, it must describe how it will do so to prevent contact with contaminants, where that diverted water will go, and how that area is able to handle the volume of clean water without causing other water quality problems (e.g. erosion).

6. Prevent Direct Animal Contact with Water

Livestock must not be allowed to come into contact with surface waters or conduits to surface waters. The Permittee must describe how it prevents livestock contact with surface water during its operations.

On grazing areas that are part of the CAFO, livestock must be fenced out of surface water, vegetative buffers, and conduits to surface water by a minimum of 35 feet from the *top of the bank*. Animals may not be allowed access to buffers or conduits to surface water.

7. Chemical Handling

- a. All chemicals, such as pesticides or cleaning agents, must be handled and disposed of in accordance with the *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)* label or other applicable directions.
- b. Chemicals must be stored and mixed in a location that prevents spills from coming into contact with clean water, manure, or waste water.
- c. Excess or unused chemicals and empty container wash-water may not be disposed of into the manure handling and storage system unless the system is specifically designed to neutralize the chemicals.

- d. All personnel handling or applying chemicals must be licensed to do so if a license is required, or be under the supervision of a licensed individual.
- e. The Permittee must develop and implement emergency procedures for containment and clean-up in the event of a chemical spill.

8. Livestock Mortality Management

Until properly disposed of, carcasses must be stored in a location that does not allow run-off to surface waters or leaching to groundwater. All run-off from stored carcasses must be directed to the lagoon.

Carcasses must not be disposed of in a lagoon unless the lagoon is specifically designed to handle carcasses.

a. *Offsite Disposal/Rendering*

Carcasses may be rendered only by a rendering plant licensed under chapter 16.68 RCW.

Commented [j16]: Directly from WAC 16-25-025

b. *Burial*

Carcass burial must be at least 300 feet from any well, spring, or surface water such as a river, stream, lake, pond, or intermittent stream; not in low-lying areas subject to seasonally high water table, seasonal flooding, within a 100-year flood plain or in a manner that will impact groundwater. Carcasses must be buried with a minimum of 3-feet of soil cover.

c. *Composting*

Carcass composting must be conducted in compliance with chapter 70.95 RCW and chapter 173-350 WAC. On-farm carcass composting must comply with Ecology Publication No: 05-07-034 "On-Farm Composting of Livestock Mortalities." This publication may be accessed on Ecology's website at: <https://fortress.wa.gov/ecy/publications/summarypages/0507034.html>.

d. *Natural Decomposition*

Natural decomposition may be used if the carcass is 1,320 feet or more from any groundwater well, spring, sinkhole, or body of surface water, including wetlands, such as a river, stream, lake, pond, or intermittent stream; and not located in an area that has a seasonally high water table, seasonal flooding, or within a hundred-year flood plain.

Other Options for Mortality Management

Are there other options for mortality management that are currently being used that need to be taken into account?

OR

Alternatively, the permit could just reference WAC 16-25-025 for carcass disposal options. Something like:

The Permittee must manage carcasses using one of the options specified in WAC 16-25-025 which are: burial, burning, composting, incineration, landfill, natural decomposition, digestion, or rendering.

9. Manure Nutrient Testing

The Permittee must have all manure that will be land applied tested for its nutrient content prior to beginning land application.

Manure sampling and testing must follow the requirements of **S5.B**

10. Soil Nutrient Testing

The Permittee must have all fields that will receive land applications of manure tested for its soil nutrient content prior to beginning land application.

Soil sampling and testing must follow the requirements of **S5.C**

11. Land Application

a. General Restrictions

Options for General Manure Application Restrictions

- The Permittee must not cause a direct, indirect, or precipitation related discharge to surface water during land application.
- The application of manure to land not owned, leased, or controlled by the Permittee without written permission from the landowner is prohibited.
- The Permittee must follow its annual nutrients budgets developed using the form provided as **Appendix XX**.
- Manure may not be applied to frozen, snow covered, or *saturated* fields, dormant

Commented [j17]: E.g. Big-gun overspray into surface water.

Commented [j18]: E.g. Tile drain lines.

Commented [j19]: E.g. Applying during rain events or when rain events are forecast.

Commented [j20]: Ecology could develop template nutrient budget worksheets/spreadsheets. This would make the calculation consistent across all Permittees and may reduce some record keeping requirements because the calculations for a nutrient budget are specified in the permit.

crops, or to bare fields that are not being prepared for the current year's crop, generally from October 15 to TSUM-200.

- Manure application must not cause ponding on the field to which it is applied or discharge from tile drainage lines.
- Manure applied to bare fields must be incorporated into the soils within 24-hours of application.
- Manure must not be applied within the Sanitary Control Area for Group-A public drinking water wells.
- Prior to applying manure to a field, manure and soil samples must be collected and analyzed for nutrient content as specified in S5.B and S5.C. The results of the analysis must be the basis for the application rates for that manure when applied to any given field.
- Manure may not be applied within 24 hours of a previous rain event, or longer, if the field does not have water holding capacity,
- Manure may not be applied within 3 days of a forecasted precipitation event of ½ inch or greater.
- Other options???

Commented [j21]: State Regulations also require source water protection around public drinking water supplies (WAC 246-290-135). Source water protection includes maintaining a protective **Sanitary Control Area** around ground water wells (100 feet for wells and 200 feet for springs) and a wellhead protection area around wells. Land uses or practices that could potentially contaminate a well are not allowed within the Sanitary Control Area, and are strongly recommended against within the six-month time of travel zone of the wellhead protection area.

Commented [j22]: Check literature for better timing estimates of how long to wait after rain before applying manure.

b. *Equipment Calibration*

Equipment used for land application of manure that can have a variable rate depending on how it is installed and used (e.g. pumps, injectors, sprinklers, splash plate applicators, etc) must be calibrated so that the Permittee has an accurate measure of how much manure is applied per unit of time (e.g. 1-hour).

c. *3-foot Soil Nitrate Benchmark*

Accounting for Eastern and Western Washington Differences

May need to modify this to account for differences in Eastern and Western Washington environments:

The Permittee must manage its land application fields such that end of season soil test results at the 3-foot depth (S5.C) do not exceed 15 ppm nitrate. If the 3-foot soil sample results already exceed 15 ppm nitrate, the Permittee must manage its land application fields so that the current nitrate concentration in the soil does not increase in the 3-foot soil sample beyond current levels and must take the actions required based on its Matrix

Score (below).

Option for land application response to nitrate benchmark

Matrix Approach:

Fall Soil Test Response Matrix				
Depth of Sample	Low (<15 ppm)	Medium (15-30 ppm)	High (31-45 ppm)	Very High (>45 ppm)
1 st Foot (0-12 inches)	0	0	1	3
2 nd Foot (13-24 inches)	0	1	2	3
3 rd Foot (25-36 inches)	0	2	3	3

Based on the fall soil nitrate test, find the ppm range within with the test results fall for each of the 1, 2, and 3 foot soil samples. The number in the cell that corresponds to the correct depth and correct nitrate range is the score for that depth sample. Add the three scores for the samples. Based on the total score, Permittees are required to select actions to implement from the lists of options provided.

Total Score	Required Action Level
≤ 1	No action required
2-3	Light Action
4-5	Modest Action
≥ 5	Aggressive Action

Example:

1st foot results: 12 is a score of 0.

2nd foot results: 8 is a score of 0.

3rd foot results: 15 is a score of 2.

Total score = 2.

This score would require light action on the field.

Light Action Options

- Review and revise nutrient budget and assumptions used.
- Review and revise crop yield expectations.
- Review equipment calibration and recalibrate if necessary.
- ????

Modest Action Options

In addition to light actions:

- Revise realistic yield goals.
- Revise nutrient budget assumptions.
- Reduce the amount of manure applied to the field by 25-50? Percent.
- Tissue sampling (base application rates on crop tissue sample results which provide information on what nutrients a crop needs and based on soil nutrient availability).
- If modest actions are taken because of test results from the 3rd foot, provide documentation to Ecology describing why the 3rd foot test results are high (e.g. historical land use).
- ????

Aggressive Action Options

In addition to light and modest actions:

- Implement irrigation water monitoring using soil moisture sensors
- No manure application until determine (e.g. engineering report) the reason for continued exceedance submit plan for future to keep from continuing to exceed benchmark.
- Use a consultant to develop nutrient budgets
- Possibly no further manure or commercial fertilizer application to the field
- ????

d. Emergency Application

If the Permittee must apply manure to crop fields when any of the field conditions in **S4.C.12.a** are present in an emergency situation to prevent manure handling system failure, the Permittee must request approval from Ecology before beginning emergency application.

In the event that the Permittee determines that an emergency application is necessary, whether approved by Ecology or not, the Permittee must evaluate its manure handling and storage system and determine if it has enough manure storage to remain in compliance with the permit. In the event that the Permittee does not have enough storage, it must make facility changes within **12 months** of the emergency application so that it will have adequate manure storage to prevent future emergency applications.

Commented [j23]: Ecology is aware that of the ARM project taking place in Whatcom County under an EPA grant. However, though Ecology has request data from the ARM project, it has not received a response or been supplied the data. Until Ecology has had a chance to review and analyze the data, Ecology is not including any allowances in the permit for following ARM recommendations.

Commented [JJ(24): Need to determine how ECY and WSDA can coordinate on this.

12. Irrigation Water Management

a. *East of Cascades*

The Permittee must prevent the downward movement of nitrate by managing their irrigation water so that crop needs are met and so that irrigation water does not exceed the water holding capacity of the top two feet of soil.

b. *West of Cascades*

Commented [j25]: Discuss nitrate movement with irrigation water in Fact Sheet.

Nitrate moves with water as the water moves through the soil profile. In order to minimize downward nitrate movement, irrigation water management is important. As the Columbia Basin Project found, by managing irrigation water, nitrate movement can also be managed.

If the Permittee applies irrigation water it must do so such that only what is needed by the crop but not supplied by precipitation is applied. Application of irrigation water in addition to precipitation must not exceed the water holding capacity of the top two feet of soil.

13. Field Run-off Prevention Management Practices

The Permittee must prevent pollution of surface and ground waters by installing **buffers** on all land application fields where surface waters or conduits to surface and ground waters are present. The width of the buffer is measured from the **top of the bank** to the inner edge where the buffer ends and regular crop production begins.

Buffers are not considered part of the Permittee's land application area for calculating yearly nutrient mass balances. Manure may not be applied to the buffer.

The buffer chosen for use on a field must be maintained to provide optimal pollutant reduction performance. Maintenance must not cause discharge of pollutants.

Buffers must at least conform to the minimums in **S4.C.14.a and b** unless site specific circumstances (e.g. field slope) require a larger vegetated buffer to be protective of water quality. An objective risk assessment of the field must be completed to determine if a larger buffer is required.

a. 35-foot Perennial Vegetative Buffer

A minimum of 35-feet of vegetative buffer, measured horizontally from the top of the bank, from surface waters, wellheads, drains, open tile lines, or other conduits to surface or ground waters.

b. 100-foot Land Application Setback

A minimum 100-foot land application setback, measured horizontally from the top of the bank, from all surface waters, wellheads, drains, open tile lines, or other conduits to surface or ground waters.

Other Buffer Options

Are there other buffer options that are equivalent or better, based on data, to the default options provided by the federal CAFO rules? If so, what are they and what data is available (provide the data to Ecology)?

14. Manure Export

Manure is exported from the Permittee's CAFO to an unaffiliated party when the Permittee no longer has **control** of how the manure is used.

The Permittee must provide the most recent manure nutrient analysis to the recipient as part of exporting manure. If the Permittee is only exporting manure, the manure nutrient analysis may be up to 12 months old. If the Permittee is exporting digestate, the nutrient analysis must be from within the last 5000 cubic yards (approx. 1,010,000 gallons) of digestate generated.

Commented [j26]: Digester – Within the last 5000 cubic yards generated (WAC 173-350-250(2)(a) Table 250-A (3) and WAC 173-350-220(1)(b) Table 220-A (3-5) and WAC 173-350-220(4)(a)(x)(B)).

The Permittee must keep records of its manure exports as detailed in **S6.A**

On-CAFO Composting of Manure Solids by a Third Party

If the Permittee has an agreement with another party for that party to compost the Permittee's manure solids on-site, sale of the composted solids as a product by the third party is not required to be tracked as part of manure export.

S5. MONITORING

S5.A Operations and Maintenance Monitoring

Inspection Template

Would an inspection form for use by the Permittee (such as Oregon's calendar) be helpful for Ecology to develop as part of the permit?

Routine visual inspection of the production area including:

- Daily inspection of clean water (e.g. drinking, cooling) lines.
- Weekly inspection of all manure and contaminated water handling devices.
- Weekly inspection of all clean water diversion devices.
- Weekly inspections of manure storage, noting the depth of manure in liquid manure storage.
- At least monthly inspection of land application field buffers/setbacks to ensure in proper working order

Commented [j27]: 40 CFR412

S5.B Manure Sampling and Testing

Manure Sampling Options

- 1. Collecting a Representative Liquid/Slurry Manure Sample*

- a. Thoroughly mix the stored liquid manure for at least 2 hours before sampling. If not mixed, the Permittee must sample the entire depth of the lagoon.
- b. If the manure is thoroughly mixed take a minimum of 5 subsamples from different locations around the lagoon. If liquid manure is not mixed, take a minimum of 10 subsamples. Subsamples should be collected in a clean plastic bucket.
- c. Mix the manure subsamples in the bucket and take the final composite sample that will be analyzed by the laboratory.
- d. The final composite sample should be stored or shipped immediately according to the methods described by the laboratory that the Permittee is using to have the sample analyzed.
- e. The sample must be analyzed according to the requirements in **S5.E.3**.

2. *Collecting a Representative Solid Manure Sample*

- a. Thoroughly mix the stored solid manure before sampling. If not mixed, the Permittee must sample at several different locations and depths in the manure pile and must avoid the outer 6 inches of the stored manure.
- b. If the solid manure is thoroughly mixed take minimum of 5 subsamples. If manure is not mixed, take a minimum of 10 subsamples. Subsamples should be collected and all placed in a clean plastic bucket.
- c. Mix the manure subsamples in the bucket for form a bulk sample. Take the final composite sample that will be analyzed by the laboratory from the bulk sample.
- d. The final composite sample should be stored or shipped at 0° to 6° C and sent immediately to the laboratory according to the methods described by the laboratory that the Permittee is using to have the sample analyzed.
- e. The manure sample must be analyzed according to the requirements in **S5.B.3**.

Commented [r28]: Can we point to guidance on how to do this? Are all our CDs going to be up on our approved methods so they can be ready to respond to questions by potential permittees during the draft review process? It would be good to make sure technical assistance providers are ready to help CAFOs, especially the small ones.

OR

Use one of these or other appropriate method:

Bary, A., Cogger, C., Sullivan, D. (2000). *Fertilizing with Manure*. Pacific Northwest Extension, WSU Food and Farm Connections Team. PNW0533.

Peters, J., et. al. (2003). *Recommended Methods of Manure Analysis*. University of Wisconsin. Madison, WI. Pub. No. A3769.

Murphy, S. (2006). *Manure Sampling & Analysis*. Rutgers Cooperative Research & Extension. The State University of New Jersey. Pub. No. E306.

3. Manure Sample Analysis

The Permittee must have manure samples analyzed for the following parameters using EPA test methods from SW846, or the methods included in the table, with the results reported in the units specified.

Parameter	EPA Test Method	Units
Organic Matter		Percent(%)
pH	SM4500-H+ B	Standard Units
Total Kjeldahl Nitrogen (TKN)	SM4500-NorgB/C and SM4500NH3-B/C/D/EF/G/H	mg/kg as N (dry weight)
Ammonia/Ammonium (NH3)	SM4500-NH3-B and C/D/E/G/H	mg/kg as N (dry weight)
Phosphorus (P2O5)	SM 4500 PB followed by SM4500-PE/PF	mg/kg as P (dry weight)

S5.C Soil Sampling and Testing

Soil Sampling Options

1. Collecting a Representative Soil Sample

The Permittee must take separate soil samples for each foot of the top three feet of soil on each field that it controls and applies manure to. **Samples must represent 0-12 inches, 12-24 inches, and 24-36 inches.** No samples may be collected in buffer areas.

If fields that the Permittee controls do not have 36 inches of soil before **refusal** or ground water is reached, the Permittee must take samples in 12-inch increments until it reaches this depth. The Permittee must indicate in its record keeping and annual report (**S7.C**) at what depth the confining/restricting layer or ground water was reached.

OR

Use one of these or other appropriate method:

- Use sampling instructions out of *Soil Sampling** from University of Idaho Cooperative Extension System as basis?
*Mahler, R. L., Tindall, T. A. (1990). *Soil Sampling, Bulletin 704 (revised)*. University of Idaho Cooperative Extension System.
- Other soil sampling protocols to use as basis?
 - Peters, J.B., Kelling, K.A., Bundy, L.G. (2002). Sampling soils for testing. University of Wisconsin Extension. Pub No A2100. Accessed June 2015 from <http://datcp.wi.gov/uploads/Farms/pdf/uwex-a2100.pdf>
 - Staben, M. L., et al. (2003). *Monitoring Soil Nutrients Using a Management Unit Approach*. Pacific Northwest Extension. Pub. No. PNW 570-E.
 - Sullivan, D., Cogger, C. (2003). *Post-Harvest Soil Nitrate Testing for Manured Cropping Systems West of the Cascades*. Oregon State University Extension Service. Pub. No. EM 8832-E.
- Develop a hybrid of currently existing protocols for better fit in Eastern or Western Washington?

Commented [j29]: Oregon's permit points to this.

2. *Soil Sample Analysis*

The Permittee must have soil samples analyzed for the following parameters using EPA test methods from SW846 with the results reported in the units specified.

Parameter	Units
Moisture Content	Percent (%)
Organic Matter	Percent (%)
pH	Standard Units
Total Kjeldahl Nitrogen (TKN)	mg/kg as N (dry weight)
Nitrate (NO3) plus Nitrite (NO2)	mg/kg as N (dry weight)
Ammonia/Ammonium (NH3) as N	mg/kg as N (dry weight)
Phosphorus (Total)	mg/kg as P (dry weight)

S5.D Monitoring Beyond Permit Requirements

If the Permittee performs monitoring to document compliance with this permit beyond the manure and soil nutrient testing required by **S5.B and C**, sampling and analysis must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 (or as applicable in 40 CFR subchapters N [Parts 400–471] or O [Parts 501-503]). Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in 40 CFR Part 136.

All samples must be analyzed by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. The following parameters need not be accredited or registered:

1. Flow.
2. Temperature.
3. Settleable solids.
4. Conductivity, except that conductivity must be accredited if the laboratory must otherwise be registered or accredited.
5. pH, except that pH must be accredited if the laboratory must otherwise be registered or accredited.
6. Turbidity, except that turbidity must be accredited if the laboratory must otherwise be registered or accredited.
7. Parameters which are used solely for internal process control

Documentation of monitoring activities and results must include (if applicable):

1. The date, exact place, and time of sampling.
2. The date analyses were performed.
3. Who performed the analyses.
4. The analytical techniques/methods used (if any).
5. The results of such analyses.

S6. RECORD KEEPING

Commented [j30]: Meet with WSDA to ensure compatibility to the extent feasible.

S6.A Operations and Maintenance Record Keeping

Options for Records Keeping

- Ecology could develop record keeping templates
- Record keeping could be left to Permittee.

Required Records:

- Records of routine visual inspection of the production area including
- Records of weekly inspection of all manure and contaminated water handling devices.
- Records of weekly inspection of all clean water diversion devices.
- Records of daily inspection of clean water (e.g. drinking, cooling) lines

- Records of weekly inspections of manure storage, noting the depth of manure in liquid manure storage.
- Weekly records of liquid manure storage depth
- Records of corrective actions taken for deficiencies noted during inspections. Deficiencies not corrected within 30 days must have documentation explaining why not.
- Mortality management records – how many mortalities and how handled
- Records documenting current manure storage structures including volume, volume for solids build up (in liquid storage), design treatment volume, total volume, number of days of storage capacity
- Records of date, time, location, estimated volume of any overflow (lagoon)

Manure Export Record Requirements:

The Permittee must record the following information when it exports manure:

1. Volume (gallons) of liquid manure or Mass (tons) of solid manure exported.
2. Name of entity manure was exported to.
3. Assessor’s parcel number(s) and acreages of the fields where the exported manure will be applied.
4. Types of crops to be fertilized with the manure.
5. Date export took place.

In addition, the Permittee must include an agreement by the receiving party to:

1. Use the manure at a rate that is appropriate for the crops to be grown, and
2. Prevent the runoff of manure to surface water.

Digesters (if operated on site):

If a digester is operated on the CAFO, the Permittees must maintain documentation that the digester is being operated in compliance (e.g. recording amounts of non-manure feedstocks) with WAC 173-350.

S6.B Land Application Record Keeping

Options for Land Application Record Keeping

- Ecology could develop record keeping templates
- Record keeping could be left to Permittee.

If Ecology develops the record keeping templates or templates for calculating nutrient budgets, some of the record keeping requirements may not be necessary because they are already specified in the permit (e.g. calculations to determine how much manure to apply to a field).

Required land application records:

1. Expected crop yields

2. Dates manure was applied to each field
3. Weather conditions during application and for 24 hours pre and post-application
4. Test methods used to sample and analyze manure and soil
5. Results of manure and soil testing
6. Explanation of the basis for determining manure application rates as provided in state technical standards (40 CFR 123.36)
7. Calculations showing total nitrogen and phosphorus to be applied to the field from all sources
8. Total amount of nitrogen and phosphorus from all sources actually applied to the field
9. Method used to apply manure
10. Dates of manure application equipment inspection (e.g. calibration).
11. Records for at least monthly inspection of land application field buffers/setbacks to ensure in proper working order
12. Amount of irrigation water used.

S6.C Records Retention

The Permittee must retain records of for a minimum of five (5) years. Such information must include copies of all monitoring, reports, and records required by this permit, and records of all data used to complete the application for this permit.

The Permittee must keep records longer in the event of unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

The Permittee must make the records, reports, other documents, and information required by this permit available to Ecology upon request.

S7. REPORTING

Ecology is moving to online system for permit reporting. When it becomes available for this permit, Ecology may modify this permit to require electronic submittal of reports for this permit.

The Permittee must provide a copy of its MPPP to Ecology within 14 days upon request..

S7.A Public Access to MPPP

The Permittee shall provide access to, or a copy of, the MPPP to the public when requested in writing. Upon receiving a written request from the public for the MPPP, the Permittee must:

1. Provide a copy of the MPPP to the requestor within 14 days of receipt of the written request; or

Commented [j31]: From Industrial Stormwater General Permit

2. Notify the requestor within ten days of receipt of the written request of the location and times within normal business hours when the requestor may view the MPPP , and provide access to the MPPP within 14 days of receipt of the written request; or
3. Provide a copy of the plans and records to Ecology, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

S7.B One-Time Facility Report

Within **six months** of permit coverage, the Permittee must provide the following information to Ecology:

1. Maps of land application fields that include locations and sizes of buffers or application setbacks, areas where manure application is avoided due to the presence of conduits to surface or groundwater (e.g. manholes, drainage ditches, well heads, etc.)
2. Nutrient budgets for the current crop year using the form found here: [WEB ADDRESS](#)

Commented [JJ(32)]: Ecology could develop a nutrient budget form for the permit to ensure that it meets all the permit requirements.

S7.C One-Time Lagoon Report

Within two years of permit coverage, the Permittee must provide a report to Ecology that provides the engineering details of Permittee’s manure lagoons. The report must be certified by an engineer and include information on:

- Year that the lagoon was constructed
- Construction (e.g. soils, clay and sand content, slope, compaction, etc.)
- Depth to groundwater below the lagoon during winter and summer
- Any standard to which the lagoon was constructed

Commented [j33]: Annual report form to be developed

40 CFR 122.42
Information to be included:

Current number and type of animal
Type of animal housing (open confinement, housed under roof)
Total manure generated (tons/gallons)
Total manure exported (tons/gallons)
Total number of acres available for land application (not including exports)
Total number of acres used for land application
Summary of all discharges from the production area including date, time, approximate volume (these should have already been reported under the noncompliance notification requirements, so is this really necessary?)
Actual crop(s) planted on each field, actual crop yields
Actual nitrogen and phosphorus content of manure
Results of nutrient balance calculations (this would be the nutrient balance form for each field)
Amount of manure applied to each field
Amount of supplemental fertilized and nutrient content, if used
Results of field level soil testing

S7.D Annual Reporting

By December 31 each year, the Permittee must submit an annual report to Ecology using the annual report form found here: [WEB ADDRESS](#).

Other non CFR information needed to determine compliance:
Nutrient Budgets for the current season/coming crop season
Updated maps if new fields were added (bought, leased, under contract, etc) or removed.
Soil and manure test results
Depth confining layer was reached for soil sampling if not able to sample 3rd foot.

S7.E Noncompliance Notification

Compliance with the requirements of this special condition does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failing to comply.

In the event the Permittee is unable to comply with any part of this permit, which may threaten human health or the environment, the Permittee must:

1. Immediately take action to minimize potential pollution or otherwise stop the noncompliance and correct the problem.
2. Immediately notify the appropriate Ecology regional office and the CAFO permit manager of the failure to comply via the phone numbers below.

Central (CRO) ----- **509-575-2490**

Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties

Eastern (ERO) ----- **509-329-3400**

Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties

Northwest (NWRO) ----- **425-649-7000**

Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties

Southwest (SWRO) ----- **360-407-6300**

Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties

CAFO Permit Manager ----- **360-407-6283**

Commented [JJ(34)]: Need to add WSDA contact info and determine how ECY/WSDA will continue to coordinate.

3. The Permittee must provide a written report to Ecology within five (5) days of the time that the Permittee becomes aware of any permit non-compliance. The report must contain a description of the noncompliance and its cause, the exact date(s), time(s), place(s), and duration(s) of the noncompliance, whether the noncompliance has been corrected and, if not, when the noncompliance will be corrected, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. The Permittee must submit noncompliance notifications to:

Washington State Department of Ecology
Water Quality Program
Attn: CAFO Permit Manager
PO Box 47696
Olympia, WA 98504-7696

5. The Permittee must update its MPPP to address the noncompliance to prevent it from occurring again in the future.

S7.F Spills Reporting

In the case of a spill or discharge of oil or hazardous substances which present a threat to human health, welfare, or the environment immediately call the National Response Center 1-800-424-8802, and the Washington Emergency Management Division 1-800-258-5990 or 1-800-OILS-911, the appropriate Ecology Regional Office, and CAFO permit manager at the contact numbers provided in **S7.E**.

Commented [JJ(35)]: Add WSDA contact info and determine how ECY/WSDA will coordinate.

S8. APPENDICES

The attached appendices are incorporated by reference into this permit.

Appendix A: Acronyms and Definitions

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant more frequently than, or at a concentration in excess of that authorized by this general permit shall constitute a violation of the terms and conditions of this general permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

G3. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that shall be kept under the terms of this permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G4. PERMIT COVERAGE REVOKED

Pursuant with chapter 43.21B RCW and chapter 173-226 WAC, the Director may require any discharger authorized by this permit to apply for and obtain coverage under an individual

permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

- A. Violation of any term or condition of this permit;
- B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
- C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- D. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;
- E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and chapter 173-224 WAC;
- F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G5. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

- A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under this permit;
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved; or
- D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

G6. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G5 above, or 40 CFR 122.62 shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

G7. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G8. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

G9. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G10. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative orders or permit modification.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under chapter 173-224 WAC are not paid.

G12. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G13. TRANSFER OF PERMIT COVERAGE

This permit coverage may be automatically transferred to a new Permittee if:

- A. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
- B. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
- C. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke permit coverage.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation. Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

G15. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology shall be signed and certified.

- A. All permit applications shall be signed:

1. In the case of corporations, by a responsible corporate officer.
 2. In the case of a partnership, by a general partner of a partnership.
 3. In the case of sole proprietorship, by the proprietor.
 4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described above and submitted to Ecology.
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G16. APPEALS

The terms and conditions of the mosquito control general permit are subject to appeal. There are two different appeal categories.

- A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of the mosquito control general permit in accordance with chapter 43.21(B) RCW and chapter 173-226 WAC; and
- B. The applicability of the permit terms and conditions to an individual discharger are subject to appeal in accordance with chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

An appeal of the coverage of the mosquito control general permit to an individual discharger is limited to the applicability or non-applicability of the mosquito control general permit to that same discharger. Appeal of this permit coverage of an individual discharger will not affect any other individual dischargers. If the terms and conditions of the mosquito control general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

G17. SEVERABILITY

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

G18. DUTY TO REAPPLY

The Permittee shall reapply for coverage under this permit at least one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under the permit continues in force and effect until Ecology issues a new permit (coverage) or until Ecology cancels it. Only those facilities that have reapplied for coverage under this permit are covered under the continued permit.

Appendix A: Acronyms and Definitions

AFO: Animal Feeding Operation
AKART: All known, available, and reasonable methods of pollution control, prevention, and treatment
BAT: Best Available Technology Economically Achievable
BCT: Best Conventional Pollutant Control Technology
BPJ: Best Professional Judgment
BPT: Best Practicable Control Technology Currently Available
BOD: Biological Oxygen Demand
CAFO: Concentrated/Confined Animal Feeding Operation
CFR: Code of Federal Regulations
COD: Chemical Oxygen Demand
CWA: Federal Clean Water Act
DNMA: Dairy Nutrient Management Act, chapter 90.64 RCW
DNMP: Dairy Nutrient Management Program
EPA: United States Environmental Protection Agency
FIFRA: Federal Insecticide, Fungicide and Rodenticide Act
FWPCA: Federal Water Pollution Control Act, synonym for CWA
MOA: Memorandum of Agreement
NMP: Nutrient Management Plan
NOI: Notice of Intent (also referred to as the Application for Coverage)
NOT: Notice of Termination
NPDES: National Pollutant Discharge Elimination System
NRCS: Natural Resource Conservation Service
NSPS: New Source Performance Standards
PCHB: Pollution Control Hearings Board
RCW: Revised Code of Washington
SEPA: State Environmental Policy Act, RCW 43.21C, WAC 197-11
TMDL: Total Maximum Daily Load
TSP: Technical Service Provider
WAC: Washington Administrative Code
WSDA: Washington State Department of Agriculture
USDA: United States Department of Agriculture

25-year, 24-hour Storm Event:

Means the amount of precipitation from a 24-hour storm event that has the likelihood of occurring once in a 25-year period. The amount of precipitation for a storm event of this type varies by location.

All known, available, and reasonable methods of prevention, control, and treatment (AKART):

A technology-based approach of engineering and economic decision-making for limiting pollutants from discharges. AKART represents the most current methodology for preventing, controlling, and abating pollution that can be reasonably installed or used at a reasonable cost. Described in chapters 90.48 and 90.54 RCW and chapters 173-201A, 173-204, 173-216 and 173-220 WAC.

Animal Unit:

A unit of measure that is equal to 1000 pounds of average live-weight. For example 1 Holstein cow weighing 1500 pounds is 1.5 animal units, 4 swine each weighing 250 pounds is 1 animal unit.

Applicant:

The person or entity applying for permit coverage.

Application for Coverage:

Means the form developed by Ecology used by a discharger to apply for coverage under a **general permit**. It is specific to each general permit.

Application Rate:

Means the rate, in a quantity per acre (e.g. gallons/acre or lbs/acre), that manure or other nutrients (from all sources) are applied to a land application field.

Beneficial Use:

Means all existing and future uses of waters of the state as defined in WACs 173-200-020(4), 173-201A-020, and 173-216-030(1). All uses have the same priority.

Best Management Practices (BMPs):

Mean schedules of activities, prohibitions on practices, maintenance procedures, and other management techniques or strategies to prevent or reduce the pollution of the waters of the state. BMPs also include treatment requirements, operating procedures, and physical interventions and barriers to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Concentrated Animal Feeding Operation (CAFO):

Means a lot or facility (other than an aquatic animal production facility) meeting the following conditions:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. The same animal individuals need not be confined for the entire 45 day period.
2. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility where the animals are confined.
3. There is, or has been a **discharge** to surface or groundwater.

Control:

For the purposes of this permit, the Permittee (CAFO) is in control of a field or manure when it performs, directs, manages, oversees, supervises, or gives instruction about, any action or decision related to the field or waste.

Crest:

Means the highest point of the structural (e.g. embankment) wall of a **lagoon** or other liquid waste storage structure. The crest may not be the same elevation around the entire perimeter of the lagoon.

Depth Gauge:

A pole, or similar device, with easily visible incremental markings in inches and feet that shows when the lagoon is full with 1 foot of free-board (18 inches for solid waste) in addition to capacity for a 24-hour, 25-year storm event as measured from the lowest point of the lagoon **crest**. The gauge measures the entire depth of the lagoon.

Discharge:

Means the addition of any pollutant or combination of **pollutants** to waters of the state.

Discharger:

Means the owner or operator of any operation, facility, or activity subject to regulation under chapter 90.48 RCW or the federal Clean Water Act due to a **discharge**.

Effluent Limitation:

Means any restriction on timing, quantities, rates, and concentrations of **pollutants** discharged from point sources into waters of the state. Includes **best management practices**.

Export:

Means the removal of **manure** from the CAFO's production system to another party that is not under the **control** of the Permittee or part of the Permittee's whole facility nutrient mass balance.

Freeboard:

Means the vertical distance from the maximum storage level (including normal storage plus storage volume for a 25-year, 24-hour storm event) of a lagoon to the lowest point on the lagoon **crest**.

General Permit:

Means a permit that covers multiple dischargers of a point source category within a designated geographical area in lieu of issuing individual site-specific permits to each discharger.

Geomembrane Liner:

Means a type of lagoon liner material that is a synthetic polymer such as reinforced polypropylene, high density polyethylene (HDPE), or polyvinyl chloride (PVC) and that is usually between 35 and 60 mil thick.

Groundwater:

Water located below the surface of the ground. Surficially perched water is groundwater (Douma v. Ecology PCHB 00-019).

Indian Country:

Means as defined in 18 USC 1151: "Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country", as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

Lagoon:

Means a structure designed for storage of liquid manure and other waste materials.

Land Apply/Application:

Means the process of putting manure on a field to provide nutrients for crop growth.

Land Application Field:

Means a field or *management unit* to which manure is added as a fertilizer or soil amendment.

Management Unit:

Means fields, portions of a field, or portions of multiple fields which have the same or very similar soil and crop growth characteristics which allow them to be managed as a single unit.

Manure:

Livestock excrement and any water or solids (e.g. bedding, spilled feed) that come into contact with the excrement.

Notice of Intent (NOI):

A formal application or request for coverage under this general permit pursuant to WAC 173-226-200. See *Application for Coverage, General Permit*.

Notice of Termination (NOT):

A request by the **Permittee** to Ecology to end the Permittee's permit coverage because the facility no longer requires a permit.

Over Top:

The addition of manure, liquid or other material, including precipitation, to a lagoon until the level of the liquid in the lagoon rises over the lagoon **crest**.

Permit:

Means an authorization, license, or equivalent control document issued by Ecology to implement chapter 90.48 RCW, the federal Clean Water Act, and associated statutes by allowing discharges of pollutants within constraints.

Permittee:

Means the person or entity that holds a permit for a discharge(s) to waters of the state (surface or ground).

Point Source:

Means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant/Pollution:

Means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

It also means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Process Wastewater:

Any water that is used as part of the operation of a CAFO or the processing of products by the CAFO. This does not include clean water that has not come into contact with **manure** or other **wastes** which is directed away from the CAFO.

Production Area:

Means the locations making up a CAFO facility that are used for animal confinement, **manure** storage, raw or feed materials storage, product processing facilities (e.g. milking parlor, egg washing, feed mixing), and other areas used for the storage, handling, treatment, or movement of raw materials, products, or **wastes**. This includes manure stockpiled on fields.

Refusal:

Means the point at which during soil sampling, the sampling instrument will not travel further through the soil profile due to reaching conditions such as a caliche layer or bedrock.

Sanitary Control Area:

Means **groundwater** source protection areas as defined in WAC 246-290-135.

Saturated Soil:

Means soil in which there is more water than its water holding capacity.

Seasonally High Water Table:

A water table that comes within X feet of the surface of the surface.

Commented [JonJ36]: Need a policy call to determine what distance from surface of the ground is appropriate.

Silage Leachate:

Seepage from silage piles in bags, bunkers, silos, or other silage storage areas.

Synthetic Liner:

Synonymous with **Geomembrane Liner**.

Stormwater:

Water run-off that occurs during and after a precipitation event.

Top of the Bank:

Means the highest point or **crest** on (usually) the edge of a field past which the land drops quickly down into a drainage ditch, surface water, or depression in the land.

Total Maximum Daily Load (TMDL):

A calculation of the maximum amount of a pollutant that a water body can receive and still meet state water quality standards. Percentages of the total maximum daily load are allocated to the various pollutant sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The TMDL calculations include a "margin of safety" to ensure that the water body can be protected in case there are unforeseen events or unknown sources of the pollutant. The calculation also accounts for reasonable variation in water quality.

Trust or Restricted Lands:

Means as defined in 25 USC 2201(4): "(i) "trust or restricted lands" means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and (ii) "trust

or restricted interest in land” or “trust or restricted interest in a parcel of land” means an interest in land, the title to which interest is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation.”

Upset:

Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41.

Waste:

Means discarded materials.

Water Table:

Means the level at, and below, which the ground is completely saturated with water.

Waters of the State:

Includes lakes, rivers, ponds, streams, inland waters, underground waters (**groundwater**), salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington (RCW 90.48.020).

Water Quality Standards:

Means the current state and federal standards for water quality including, but not limited to:

- Surface Waters of the State of Washington (chapter 173-201A WAC).
- Ground Water Quality Standards (chapter 173-200 WAC).
- Sediment Management Standards (chapter 173-204 WAC).
- Human health based criteria in the National Toxics Rule (40 CFR 131.36).
- National Primary Drinking Water Regulations (40 CFR chapter 1, Part 141).
- Group A Public Drinking Water Supplies Source Water Protection and Maximum Contaminant Levels (WACs 246-290-135 and 246-290-310).
- **Total Maximum Daily Load(s).**

TAB 4

To: Mark Clark, Executive Director

From: Bill Eller, Election Officer / Regional Manager

Date: September 9, 2015

Re: Responses to the proposed edits and updates to the conservation district election and appointment manual and procedures

Summary

A number of issues that came to light during the last election cycle generated proposed edits, changes, and additional forms and procedures to the election and appointments process. Staff presented those to the Commissioners at the July Commission meeting. The Commissioners put forth the changes for comment and final adoption at the September Commission meeting. Comments have been received, adjustments made based on those comments, and a responsiveness document created. Final adoption at the September meeting would allow the changes to be effective for the 2016 election cycle.

Staff recommendation

Adopt the Election and Appointment Manual (EM) as revised in its entirety. Adoption of the revised EM necessarily includes moving some election forms to on-line only.

Action

Staff recommends adoption of the revised EM at this meeting so that it can be used for during the 2016 election cycle.

Background

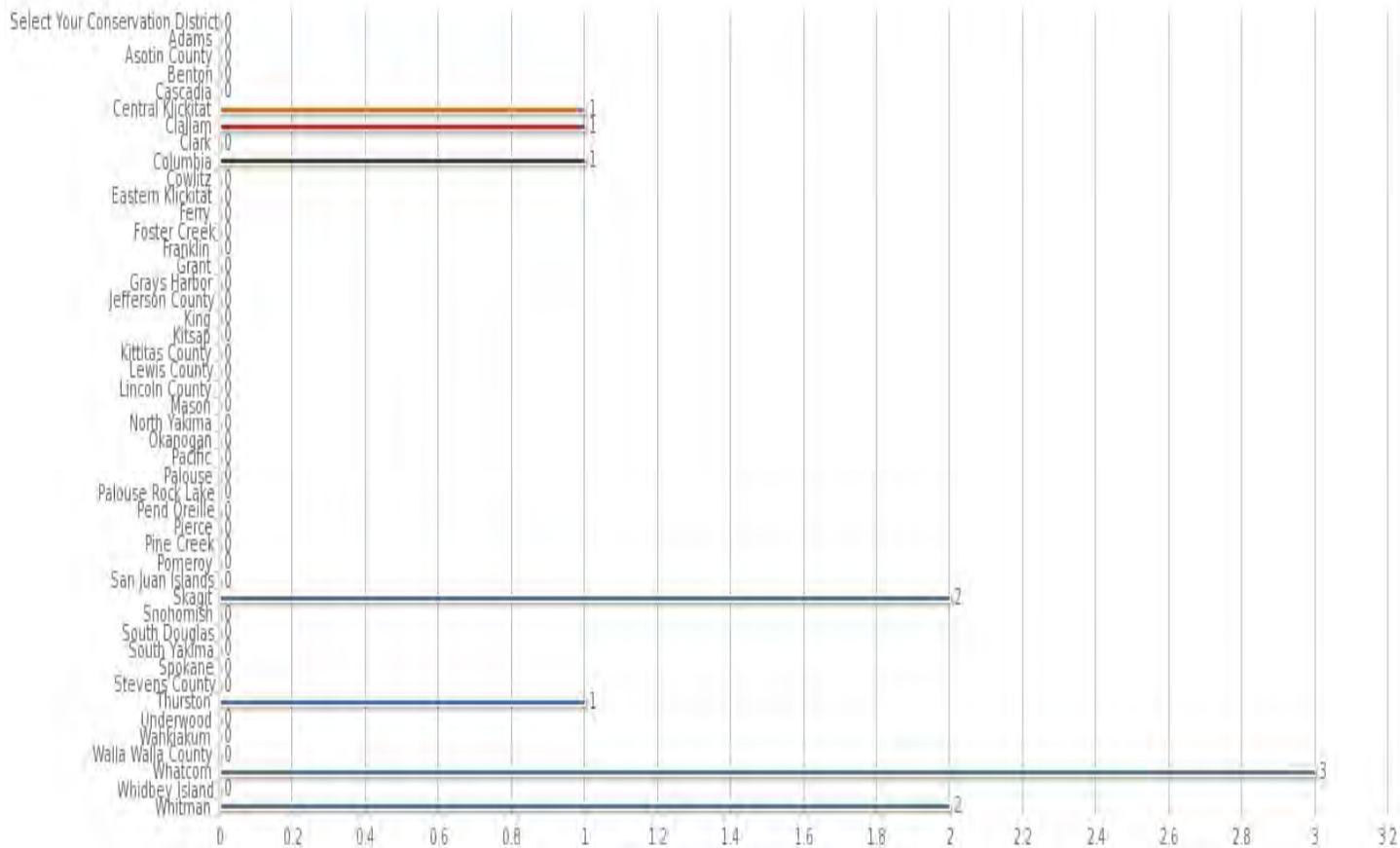
The Commission is authorized in Chapter 89.08.190 Revised Code of Washington to establish conservation district election procedures: "The Commission shall establish procedures for elections, canvass the returns and announce the official results thereof."

The Commission has adopted election rules in WAC Chapter 135-110, effective November 19, 2010. District elections are to be conducted annually, and must comply with election rules and procedures.

The election procedures exist to assist conservation districts and conservation district supervisors in the election, appointment, and replacement of supervisors in the State of Washington, and to assure fair treatment of all parties involved in such proceedings, and to provide guidance for compliance with WAC Chapter 135-110.

After a 45 day comment period, comments were received and analyzed by Commission staff and changes as appropriate were made to the EM, election forms and other materials.

Please Select Your District



Please choose one



ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
17-Jul	Central Klickitat	Mindy Pomerinke, District Staff	Election & Appointment Manual	Line 1128 - incomplete sentence	Thank you for your comment. Correction made. The sentence now reads: "(3) At least 25 qualified nominating signatures (PF-B) are provided by the candidate filing deadline."
			Election On-line Forms	Good idea for quick and easy transmittal to the Commission.	Thank you for your comment.
21-Jul	Skagit	Cora Amburn-Lijek, District Staff	Election On-line Forms	Ballot reports will have to be electronically signed. Will we need special software to do this? Is it an electronic or digital signature? Apparently there is a difference.	Thank you for your comment. We believe you are referring to lines 467-468 of the manual. We have clarified that sentence to read "submitted" instead of "signed." It now reads: "iv) Each ballot reporting form must be electronically submitted and dated by the polling officers who counted the ballots so reported. WAC 135-110-750(7)." The intent of the change was not to require electronic signature of EFS, but rather to require the use of the EFS electronic ballot report form.
			Election On-line Forms	Several forms will no longer be in paper form and will be filled out on-line only. How will we be able to have an original copy?	Thank you for your comment. The form system now used by the Commission will generate an email with all the information submitted by the district, provided the district provides the system with an accurate email address at the time of submittal of the form.
			Appointment On-line Form	Candidates who want to run for an appointed position must file electronically directly to the Commission. This will be a problem for anyone who does not have a computer or access to a computer. What is the alternative for such candidates?	Thank you for your comment. Appointee applicants will need to apply electronically. Conservation districts are encouraged to provide assistance to appointee applicants who do not have internet access. If a district refused or is unwilling to assist, the Commission will provide internet access, assistance, or direction so that appointee applicants can submit their application on-line.
			Election Process Generally	The manual says CDs need to adopt a policy giving the parameters for publishing candidate information. It would be helpful to have a template.	Thank you for your comment. Appendix C has been added to provide a sample template.
			Election Process Generally	The manual says that an unsealed inner envelope containing a completed ballot may be disqualified. There is no information about the parameters for disqualification. Under what circumstances would it be disqualified?	Thank you for your comment. There are numerous reasons a ballot may be disqualified, including: the voter is determined to be ineligible to vote, it cannot be determined if the voter is eligible to vote, and/or the voter's intent cannot be determined.
21-Jul	Skagit	Cora Amburn-Lijek, District Staff	Election Process Generally	I think changing the date the Commission notifies CDs of their supervisors' expiration dates to September 1 is a good idea.	Thank you for your comment.
			Election & Appointment Manual	The manual says that the Commission will vet appointed position applicants with the Department of Ecology and the WSDA, and if the applicant has a prior or pending enforcement they may be disqualified. It does not give any parameters for disqualifying a candidate. I think the Commission should be very careful in having such a policy, and if it does, must clearly state what would disqualify a candidate. When an enforcement is pending, there is no proof of wrong doing. Taking it into consideration seems counter to a presumption of innocence, which is the right of any accused in a court of law in the US. Further, if it is not applied to elected candidates, why would it apply to appointed candidates?	Thank you for your comment. Candidates appointed by the Commission are held to a rigorous standard somewhat different than an elected supervisor. Appointed applicants are required to fill out a more detailed application than elected supervisors, are held accountable to the Commission rather than voters, and are chosen in part for the technical expertise they provide to the District. The remaining aspects of your comment have been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election & Appointment Manual	Lines 1157-58 There is a missing word. It says "required cancel the election." Add "to" between "required" and "cancel".	Thank you for your comment. Change made.
26-Jul	Whitman	Appointed Supervisor	Election & Appointment Manual	I'm a district sup. and was not contacted by the voting body in regards to 2 nominees in the running for appointment. Very frustrating since I believe the commission made a choice probably not in our districts best interest.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Appointment Process Generally	I'm a district sup. and was not contacted by the voting body in regards to 2 nominees in the running for appointment. Very frustrating since I believe the commission made a choice probably not in our districts best interest.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
26-Jul	Whitman	Appointed Supervisor	Election & Appointment Manual	Another area of weakness in the appointed process is, on pg 38 where the applicant is dismissed if they are in poor standing w DOE. We know of an instance of a nominee receiving a letter for a "neighbors property" and being ineligible because of Doe insubordination. Commission REALLY needs to contact districts to get the "straight scoop".	Thank you for your comment. The Commission conducts an investigation of a prospective appointee's background and qualifications prior to an appointment being made. The Commission will further review your comment in conjunction with Commission staff responsible for policy development and changes for further follow-up.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
28-Jul	Columbia	Valerie Turner, District Staff	Election & Appointment Manual	On line 1157 and line 1158 is a word missing between required and cancel? Upon completion of EF3 (when all provisions of WAC 135-110-370 are met), a district is required cancel the election	Thank you for your comment. Change made.
30-Jul	Clallam	Beth Loveridge, District Staff	Other	It would be very helpful if the 4 pages associated with Appendix A could be made into online forms. I haven't had to do it for a couple years, but as I recall, I had to copy and paste from the Election Manual - had lots of formatting problems and it just looked unprofessional. Thanks.....	Thank you for your comment. Commission staff will look into whether such a change could be made to Appendix A.
12-Aug	Whatcom	Appointed Supervisor	Election & Appointment Manual	For improved turnout and representation, follow Oregon's lead and hold these elections with the general elections.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election & Appointment Manual	Advertise Conservation District elections, including candidate descriptions, on all significant news outlets as well as the district's web site.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election & Appointment Manual	Have the state Department of Agriculture appoint one representative to each of the 47 district boards, allowing the state to oversee activities.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election & Appointment Manual	Change the Conservation District name to Soil and Water Conservation Commission, so people can tell by the name what the commission does. Conservation District is vague, at best.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election & Appointment Manual	Have all meeting notes available on-line.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
12-Aug	Whatcom	Sue Groneberg (citizen, not staff)	Election Process Generally	Hold the election with the general elections with info included in the voters' pamphlet. Advertise elections and candidate bio's on various news outlets as well as on the district's web site.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Other	Have the state Department of Agriculture appoint one representative to each of the 47 district boards, allowing the state to oversee activities. Change the vague Conservation District name to "Soil and Water Conservation Commission", so people can tell by the name what the commission does.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
29-Aug	Thurston	Tom Newcomb, Appointed Supervisor	Election & Appointment Manual	I am not an appointed Supervisor. I am an associate supervisor. The current election process sucks big time. Times have changed. This document would please some of the secretaries we've had but serves little purpose to conduct legal and ethical election conditions. There is a great deal of wordage concerning publishing notice of election, etc. six weeks apart and so on. There is no mention of sending the notice somewhere people are going to read it. A district can publish to a local newspaper in the classified section and pretty well rest assured no one is going to see it. The Thurston County Conservation District has not had a 'regular' election for several years. When a board member drops off the board, the other members interview applicants to serve the remaining term of the departed supervisor. When elections come around, there is no challenge for the position and the incumbent is declared elected for the next three years. Quite a nice deal actually. No mess with paper work. No need for poll officers, no need for an election supervisor. Except that these supervisors answer to no one but the supervisors already on the board who appointed them. No public process. And perfectly legal. Thurston CD recently had a true election but cries of foul play accused those running the election of very shoddy work. The board recommended to the Commission that the election not be certified, yet the Commission went right ahead and certified it.	Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
			Election Process Generally	There is no requirement to make sure enough people know about the election to participate in it. By publishing notices in hidden unread publications, Districts can make sure no one gets in that they don't approve of. To make the election process valid there must be a certain percentage of voters voting during the election. 25 signatures are required to get one's name on the ballot. Why not stipulate that 30 people should vote for the election to be valid? this number can fluctuate depending on the district. Eastern Klickitat might require a number much lower based on their population than say King County. By stipulating the number of voters required, it behooves the district to publish where the public will see it. Newspapers are old hat. Most people no longer subscribe to them. Newsletters the same thing. No one wants to read one. I think using electronic {internet} services may produce better results. But it would be the district's decision how to draw them in.	Thank you for your comment. Districts are always encouraged to go beyond the minimum notice requirements for elections and appointments. The remainder of your comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
			Election Process Generally	Write ins or johnny come latelays. What happens to someone who wants to be a candidate but doesn't know about all the Commissions forms and deadlines. And what if the incumbent wants to keep the position so now the election doesn't have to be held. No way for that person to participate. All this balony about being a land owner of farmer needs to be removed. Not all districts are doing farmer applications, the district role has shifted. The dust bowl was a long time ago. I say strike the 25 signatures and put anyone's name on the ballot that wants to run. Districts are having trouble attracting candidates, why compound the issue with these hurdles?	Thank you for your comment. RCW 89.08.190 allows for write-in candidates for district elections. The remainder of your comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.
1-Sep	Whatcom	Dawn Bekenyi, District Staff	Election & Appointment Manual	Page 1 Line 20 - "or in conflict" - should be removed. It makes sense to add that direction if there is no direction in the current law or rules for conservation districts. However, it would appear to nullify the exemption from the general and special election requirements as stated on the "Administration of Conservation District Elections" tab of the Commission's website. "District elections do not fall under the state statute for general elections (Title 29A RCW) unless specifically identified in the Conservation Commission statute. In fact, RCW 29A.04.330(1)(b) specifically exempts conservation districts from general and special elections requirements."	Thank you for your comment. District elections are outside the scope of general election law (RCW Chapter 29A), however, the Commission still retains the ability to apply general election law in appropriate circumstances.
			Election & Appointment Manual	Page 15 Line 467 - "electronically" signed - what does that mean?	Thank you for your comment. We believe you are referring to lines 467-468 of the manual. We have clarified that sentence to read "submitted" instead of "signed." It now reads: "(iv) Each ballot results reporting form must be electronically submitted and dated by the polling officers who counted the ballots so reported. WAC 135-110-750(7)." The intent of the change was not to require electronic signature of EF5, but rather to require the use of the EF5 electronic ballot report form.
			Election & Appointment Manual	Page 30 Line 1001 - too many "in"s delete 2nd in between "an" and "unsealed"	Thank you for your comment. Correction made.
			Election & Appointment Manual	Page 34 Line 1157 - add "to" between "required" and "cancel"	Thank you for your comment. Correction made.
			Election & Appointment Manual	Page 49 Line 1801 - "Please note future election information will be posted ONLY on the Ledgerwood website (insert Website URL)." - Does this make it so that our language (see below) is not allowable or does not meet the website requirement? It would allow us to publish the notices in other media in addition to our website. "Official publication for future election information will be solely on the District's website - www.whatcomcd.org/board-elections."	Thank you for your comment. No, the language you provide is allowable. Appendix B sets out notice examples only. Notices that are different but convey the same information are allowable.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
29-Jul	WACD	Dave Vogel	Appointment Process Generally	<p>Bill – At July Commission meeting, I noticed something that might need tweaking about supervisor appointments. Allowing candidates to fill out forms on-line is a change that may make it easier for candidates, but I believe that careful consideration for local board involvement with candidates should be preserved. (This also came up yesterday at Thurston CD board meeting.) I have a question/suggestion:</p> <p>Candidates wishing to be appointed to a local district board should be required to demonstrate some form of contact or notice to the local board of their interest. Should/could be a board meeting, but could also be written notice, I suppose. I think the form inquires about their attendance at board meetings, but perhaps something more formal having a prospective candidate demonstrate that he or she has informed the local district board of their interest and intention to seek the appointment.</p> <p>I envision a district having to ask WSCC staff for information as to whether anyone (or who) has applied – or worse, being surprised at WSCC considering or appointing a candidate - when this should start at the local level. Your thoughts on how we can adjust procedures to make sure we are not leaving the board behind in efforts to make the system easier for prospective candidates?</p> <p>Second, at the July Commission meeting, commissioners responsible for checking into candidates for appointment did not report specifically on any discussions they might have had with the particular district involved (or if they did, I missed it). Further, no commissioner asked the question about what the local district board recommends (if anything). This question should be a required question for commissioners to discuss. While commissioner (supervisor) reps may indeed speak to the district (and hopefully do in some fashion in most cases), WSCC would show clear respect for the recommendations of the district regarding candidates if the question were formalized as part of each appointment discussion. Where commissioners act to appoint a candidate against the recommendations of the local district board (selection of another candidate), or where commissioners reject the recommended candidate(s), an explanation should be required to be entered into the record and a response back to the district should be required as well.</p> <p>Can you comment as to how fittingly this is already captured in the mass of election/appointment materials? If not captured, how (during this comment period) can we accommodate this? I believe you will hear similar comments from districts if they realize implications of e-filing without involving the local district board of supervisors.</p> <p>I apologize if you have provisions to cover this of which I am unaware. I'd appreciate your thoughts about the above.</p>	<p>Thank you for your comment. Local board involvement with candidates is being retained as there isn't any change to the process other than making the appointment application available on-line – the local district still retains its ability to influence the selection process through interaction with the Commissioners who are tasked with making the selection. The district will receive an email generated electronically and forwarded to the district by Commission staff once the applicant has filled out the on-line application that contains the applicants' answers to all the application questions. The appointment application, in questions 15-24, asks about connections related to the district that the applicant is applying for. These questions have not changed in transferring the form on-line. Further, we are not aware of any requirement in the current process that requires an appointed applicant to discuss applying with a district before doing so. Putting the form on-line doesn't change that.</p> <p>If the district wants an initial threshold requirement of the applicant process to be that the applicant has given some form of notice to the district that he/she is applying, that could be added to the form. However, adding that requirement could delay the applicant from filling out the application as most wait until the very last minute (March 30) to fill out the application. If they wait until that time to see that there is a requirement to contact the district first, there could be problems meeting the deadline. One way to possibly mitigate that is to add to the notice that districts must give the public that they must first contact the district to inform the district of their intent to file. However, adding such a requirement may cause applicants to miss the March 31 deadline.</p> <p>We are not aware of any statement entered into the record as to why a particular appointment applicant was not chosen. However, typically, statements are made on the record regarding applicants who are chosen. The Commission's intent with putting the appointment form on-line was just to put the form on-line – not to change the appointment process. The remaining aspects of your comment have been provided to Commission staff responsible for policy development and changes for further follow-up.</p>
7-Aug	Whatcom	Larry Davis, Supervisor		<p>I support the proposed new language on page 1, lines 20-21: "In circumstances where these rules and/or procedures are silent or in conflict, the Commission will look to general election law (RCW Chapter 29A) rules and procedures for guidance."</p>	Thank you for your comment.
				<p>I support the proposed amendment on page 4, line 106 of lines 106-109, and on page 25, line 842 of lines 842-845: "1. All ballots or computer voting records must be retained by the conservation district for ((six)) twelve months after the election has been certified, at which time they may be destroyed, unless the election has not been certified by the Conservation Commission or the election has been challenged. WAC 135-110-140." "d) The conservation district must retain all original forms, documents, and ballots for ((six)) 12 months after the election has been certified, at which time they may be destroyed unless the election has not been certified or the election is contested. Conservation districts must abide by Local Government Common Records Retention Schedule (CORE)."</p>	Thank you for your comment.
				<p>I support the proposed amendment on page 17, line 528 of lines 527-529: "b) The Conservation Commission must notify all conservation districts of supervisor terms of office due to expire. Notice must be provided to conservation districts by ((November 30)) September 1 in the year preceding elections."</p>	Thank you for your comment.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
				I support the proposed amendments on page 19, line 595 of lines 595-597: "e) For each candidate, ((a conservation district supervisor or)) the ((appointed)) election supervisor must verify that specific eligibility requirements have been met and, for declared nominated candidates, direct whether or not to place the name of the candidate on the ballot."	Thank you for your comment.
				I support the proposed new language on page 21, line 688 of lines 688-689: "j) To assist voters in the selection of a candidate during voting, a conservation district may publish information provided by nominated and declared candidates. Conservation districts should adopt a policy to set the parameters for publishing such information."	Thank you for your comment.
				REGARDING the proposed new language on page 23, lines 734 of lines 733-734: "i) The conservation district must obtain a current list of registered voters from the County Auditor or Secretary of State for all territory within the conservation district boundary." My curiosity is piqued: Under what circumstances would the county auditor not be able to provide the list of registered voters and have to turn to the Secretary of State?	Thank you for your comment. The information provided by the Secretary of State is the same information available through a County Auditor, however in order to access the Secretary of State's data, a date of birth must be obtained. In situations where that isn't feasible, a district could still use the County Auditor's data. Districts must be able to determine the eligibility of a voter to vote, and they are free to use either source of data.
				REGARDING the proposed amendatory language on page 26, line 891 of lines 890-893: "ii) Ballots are to be inserted in an inner envelope and sealed, with no marks or other information that would identify the person voting. The outer envelope ((must)) should show or contain sufficient information to identify the voter. The name and address of the voter, as shown on the list of registered voters obtained from the County Auditor, is recommended." I am not certain how to decipher the change. If it is to 'align' the change with the word "recommended" at the end of the sentence, I sort of get it. However, I would argue that the current word, "must", should be retained. It's not asking too much of a voter to require vs. encourage certain information.	Thank you for your comment. This amendment was made after the elections of 2015 wherein a number of ballots were returned wherein the only way the voter's identity could be ascertained was for the district to open the envelope. The Commission clarified its policy that ascertaining a voter's identity in order to determine eligibility to vote outweighed the voter's privacy interest in their ballot.
				I support the proposed amendments on page 27, lines 903-906: "ii) When a voter cannot be verified as eligible to vote in this election from information provided on the outer envelope, the outer envelope ((must)) should ((not)) be opened. If, after opening the outer envelope, a voter still cannot be verified as eligible to vote in this election, ((and)) the ballot must be counted as a disqualified ballot."	Thank you for your comment.
				I support the proposed amendments on page 27, lines 913-917: "v) The inner envelope for each mail-in or absentee ballot found to be cast by a person who is not a qualified district elector must not be opened. However, if it cannot otherwise be determined from an examination of the outer envelope or its contents whether the voter is a qualified district elector, the polling officers may open the inner envelope. If, after opening the inner envelope, a voter still cannot be verified as eligible to vote in the election, the ballot must be counted as a disqualified ballot."	Thank you for your comment.
				I support the proposed new language on page 29, lines 980-981: "Written marks made on a ballot for a write-in candidate shall be governed by the same standards as set out in WAC 434-261-086."	Thank you for your comment.
				I do not support the proposed amendment on page 30, line 998: "Each ballot ((must)) should be sealed inside an envelope." 1. It's not asking too much of a voter to require vs. encourage certain action in the voting process. 2. It is my opinion that the integrity of the process is undermined by this proposed change. 3. Whether or not Appendix A is binding, the proposed change is inconsistent with the language on page 46, line 1673 and on page 47, lines 1733 & 1738. Please avoid creating confusion or ambiguity.	Thank you for your comment. This amendment was made after the elections of 2015 wherein a number of ballots were returned wherein the only way the voter's identity could be ascertained was for the district to open the envelope. The Commission clarified its policy that ascertaining a voter's identity in order to determine eligibility to vote outweighed the voter's privacy interest in their ballot. Similar changes were made to Appendix A for consistency. Both the clarifications in the manual and in the sample absentee ballot instructions in Appendix A should now be consistent.
				I do not support the proposed amendment on page 30, line 1001: "iii) A ballot in an in unsealed inner envelope ((must)) may be disqualified." See comments immediately preceding.	Thank you for your comment. This amendment was made after the elections of 2015 wherein a number of ballots were returned wherein the only way the voter's identity could be ascertained was for the district to open the envelope. The Commission clarified its policy that ascertaining a voter's identity in order to determine eligibility to vote outweighed the voter's privacy interest in their ballot. Similar changes were made to Appendix A for consistency. Both the clarifications in the manual and in the sample absentee ballot instructions in Appendix A should now be consistent.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
				REGARDING the sentence on page 37, lines 1264-1265: "Letters of recommendation, resumes, and other items do not need to be included with the application." If the Commission does not want to receive information that is supplemental to the application for appointment, it might consider deleting this sentence.	Thank you for your comment.
				I support the proposed amendatory changes on page 38, lines 1398-1399: "a) The Conservation Commission must notify each conservation district of upcoming vacancies in the position of appointed conservation district supervisor by ((January 15)) September 1 of the year prior to the terms expir((e))ation."	Thank you for your comment.
				REGARDING the proposed new language on page 38, lines 1405-1406: "3. The Conservation Commission must provide a list of prospective applicants to the conservation district prior to the Conservation Commission making an appointment." If the applicant never lets the district know they have filed for appointment consideration, the list from the district will be incomplete. Absent a requirement that appointee applicants must inform the district of their plan or intent to file, the accuracy of the list cannot be guaranteed.	Thank you for your comment. Changes to the appointment application process will require prospective appointment applicants to submit their applications to the Commission on-line. The district will receive an email generated electronically and forwarded to the district by Commission staff once the applicant has filled out the on-line application that contains the applicants' answers to all the application questions. Further, we are not aware of any requirement in the current process that requires an appointed applicant to discuss applying with a district before doing so.
				REGARDING the proposed new language on page 38, lines 1409-1411: "5. The Conservation Commission will vet each applicant with the Department of Ecology and Department of Agriculture. Applicants with prior or pending enforcement action against them may be ineligible to serve." Is this 'standard' legally enforceable? I do not have a philosophical issue with the language.	Thank you for your comment. The Commission currently conducts an investigation of a prospective appointee's background and qualifications prior to an appointment being made. The Commission will further review your comment in conjunction with Commission staff responsible for policy development and changes for further follow-up.
				I support the proposed new language on page 39, lines 1471-1472: "b) Copies of published notices ((must be provided to)) shall be retained at the district for at least one year, and may be inspected at any time during that year by the Commission." Good public policy.	Thank you for your comment.
				REGARDING page 41, line 1524: "2. Applicants may obtain the an application form..." "the" preceding 'an' needs to be deleted as a technical grammar correction.	Thank you for your comment. Change made.
				REGARDING page 48, line 1781: "Absentee ballot requests made in person, by phone or by email must be received by the [INSERT DISTRICT 1780 NAME] Conservation District no later than [INSERT TIME] on [INSERT DATE] to be fulfilled." Consider replacing "fulfilled" with 'completed'.	Thank you for your comment. Change made.
				APPENDIX B on pages 49-41 looks OK to me.	Thank you for your comment.
				All other changes appear to be technical in nature, but nonetheless improve the campsites.	Thank you for your comment.

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
29-Aug		Barbara Perry, Whatcom Watch		<p>Below, I have outlined my ideas for changing the system for voting for positions in the Conservation Districts, so more citizens will see the importance of their vote. Many voters do not know that there is an election that they may vote in. Often a small article is printed on the back page of a daily paper but voters do not see it or know about its importance. In 2012, a more progressive paper, Whatcom Watch (WW) let voters in Whatcom County know about this election; consequently, over 1,342 voters submitted ballots. Even though this number is low, it was higher than was submitted in previous years. Then in 2014, more news outlets made sure that citizens knew about the election and that ballots needed to be requested and submitted by March 10, 2015. Thus over 4,238+ ballots were counted. The "+" is added as the district was not required to keep track of ballots requested and some voters (a past mayor, past city council member, and editor of a liberal news outlet, plus others complained of not getting the ballots they had requested. Because some voters and news outlets inferred that the election may have been fraudulent, you, Mr. Eller, suggested citizens submit ideas to improve the voting process.</p> <p>Please consider the following ideas:</p> <ol style="list-style-type: none"> 1. Advertise in all noteworthy news outlets both on-line and in-print in a 400 word article, describing the election and candidate qualifications. 2. Consider having a representative from the Agricultural Department encourage various candidates to run -- not just land owners and farm managers. Since Conservation Districts protect land and water for all citizens, have more candidates qualify, such as recent graduates in related fields; in addition seek farmworkers as well as managers, for after all farmworkers must deal with many pesticides and pollutants. Do not limit the supervisor positions to landowners. 3. In order to oversee what is happening in the districts, appoint a representative of the Wa state Agricultural Department to report to the greater body. Demand that all meetings have meeting notes posted. 4. To clarify the duties of the district and draw more citizen voters, rename it to be Land and Water Preservation District. We no longer can use the word "conserve" because much has been lost. "Preserve" is the only reasonable word. 5. Have all elections for the district take place at regular county elections. Unlike what farmers may desire, this is not just a farmers' district. All land and water is owned by the citizens. 	<p>Thank you for your comment. This comment is beyond the scope of the current changes to the election manual and new on-line forms, however, your comment has been provided to Commission staff responsible for policy development and changes for further follow-up.</p>
2-Sep	Thurston	Doug Rushton		<p>You have put a lot of time and effort into your review and proposed changes for the CD election and appointment procedures. I see your draft as a positive step in a positive direction.</p> <p>For the elections process, all original election materials (forms, ballots, documents correspondence, etc.) are to be retained at the district. To me that means exactly what it says - the original paper copies. For records and correspondence purposes, it might make sense to use scanned copies (functional equivalents) of those originals since they can be stored and transmitted and retrieved easily.</p> <p>Documents are to be retained for 12 months after WSCC certification, unless the election has not been certified or is contested. The definition of contested needs clarification. To me it has two meanings: 1)two candidates are running for the position, and 2)the election has been completed and the candidate(s) is contesting the results of the election.</p> <p>In the case of an appointed supervisor position (lines 1445 and 1460), the WSCC will "contact a conservation district supervisor". I think the WSCC should contact the board chair (or the vice chair in cases where the chair is unavailable/temporarily vacant) and the district manager. Contacting only one supervisor presumes that supervisor consults the rest of the board (or quorum) and does not ensure the rest of the board will be aware of the appointment. I think it important the WSCC knows what the local board's view of a particular appointee might be. We do not want to be in a situation where the local board "can't live" with a WSCC appointee - it is the Commission's decision, but the local board/ (and manager) should have input prior to an appointment.</p> <p>I am not aware of any additional comments from Thurston CD but if you receive additional Thurston comments and they are contradictory to anything I have expressed, could you please let me know? Thanks again for your work on this sensitive and long-standing issue.</p>	<p>Thank you for your comment. Clarifications made. The record retention sentence now reads: "The conservation district must retain all original forms, documents, and ballots for 12 months after the election has been certified, at which time they may be destroyed unless the election has not been certified or the election has been contested to the Commission." The appointment sentence now reads "e) A Conservation Commission representative will contact the conservation district board chair, vice-chair, and district manager from the affected conservation district prior to the Conservation Commission making the appointment."</p>

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response
2-Sep	Thurston	Kathleen Whalen, District Manager		<ul style="list-style-type: none"> • Doug’s comments regarding original copies and use of scanned copies for WSCC Records is right in line with my concerns. In addition, I’ve noticed that the Formstack on-line WSCC forms we’ve used lately (i.e. annual report and grant addendums) do not print out “pretty” and are therefore rather sloppy looking. If there is a way to print them out in a formatted (print layout) that would be desirable. • I had also noted that some definition is needed for what a contested election means, as it pertains to retaining records past 12 months. For example, we have had PDR requests for info and a written request that we retain those records past the 12 month period. However, we do not have a specific indication that the outcome of our election is being contested in a court of law at this point in time, and we’re now at the 6 month mark. • I agree with Doug’s position about the point on contact in relation to appointments as well as the importance of being aware of the District’s view of the appointed position applicant(s). After all, they are the local people and may be privy to information about applicants that the WSCC likely is not aware of. It is important that the District receive notice of who the applicants are, as they submit their applications to the WSCC, to allow sufficient time for the respective board to discuss those applicants and share any information before appointments are made. • I noted a few typos in the manual. If you’d like a list of those, I’ll be happy to pass them on. I assumed that another internal review will occur prior to finalization of the manual. 	<p>The clarification to the record retention schedule has been made. The sentence now reads: “The conservation district must retain all original forms, documents, and ballots for 12 months after the election has been certified, at which time they may be destroyed unless the election has not been certified or the election has been contested to the Commission.” The Commission always recommends as a best practice a long retention schedule as dictated by the unique needs of the district.</p> <p>Changes to the appointment application process will require prospective appointment applicants to submit their applications to the Commission on-line. The district will receive an email generated electronically and forwarded to the district by Commission staff once the applicant has filled out the on-line application that contains the applicants’ answers to all the application questions. Further, we are not aware of any requirement in the current process that requires an appointed applicant to discuss applying with a district before doing so.</p> <p>As for typos that need to be corrected, we welcome any input you might have.</p>
3-Sep	Whatcom	Dena Jensen, member of the public		<p>Dear Washington State Conservation Commission,</p> <p>For the 2015 Whatcom Conservation District election, voting instructions were unclear on mail-in ballots (please see attached graphic), and a number of registered voters that I know, who requested ballots, never did receive them. I am hoping that you will consider changing voting protocol for future Whatcom Conservation District elections.</p> <p>I am also attaching a list of suggestions that I hope you will also consider for improving the Whatcom Conservation District and its election procedures:</p> <ol style="list-style-type: none"> 1. For improved turnout and representation, consider Oregon’s Soil and Water Conservation District election procedures and hold the Whatcom Conservation District election with the general elections. 2. Please advertise Conservation District elections, including candidate descriptions, on all significant news outlets as well as the district’s web site. 4. Consider changing the Whatcom Conservation District name to something more specific like the Soil and Water Conservation District, so people can more easily tell by the name what the district’s focus is. 5. Farm workers should be represented on the boards. They are integral in the county’s Conservation District function and because, like farmers, they are physically in direct contact with the resources that are being managed, they are more likely to experience exposure to dangers such as pesticides on land and in the water. 6. Please have all meeting notes easily accessible and available on-line. <p>I look forward to a much improved election process and a much improved structure to the Whatcom Conservation District in the near future.</p>	<p>Thank you for your comment. Issues surrounding the 2015 Whatcom Conservation District election were addressed by the Commission during the first seven months of 2015, and the election was certified by the Commission at its July meeting. The remainder of your comments are beyond the scope of the current changes to the election manual and new on-line forms, however, your comments has been provided to Commission staff responsible for policy development and changes for further follow-up.</p>

ELECTION AND APPOINTMENT COMMENTS RECEIVED

Date	District	Position	Subject	Comment #1	Response

~~Election Manual:~~

Election and Appointment Procedures

for

Conservation District Supervisors

Washington State Conservation Commission
Send Mail To: PO Box 47721, Olympia, WA 98504-7721
Physical Address Only: 300 Desmond Drive SE, Lacey, WA 98503
Phone: (360) 407-6200

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Contents

SECTION 1: FUNDAMENTALS	1
A. Purpose	1
B. Authority	1
C. Failure to comply with these procedures	1
D. Disruptions prohibited	2
E. General requirements	2
F. Definitions	5
SECTION 2: ELECTIONS.....	11
A. Information standards	11
B. Forms and reports required	15
C. Conservation Commission duties	18 18
D. Conservation District duties.....	19 18
E. Election Supervisor duties	27 27
F. Polling Officer duties.....	29 28
G. Candidate duties	32 34
H. Nominator duties	33 32
I. Voter duties	33 33
J. Non-standard election outcomes	30
K. Emergencies.....	37 36
SECTION 3: APPOINTMENTS	39
A. Information required	39 38
B. Forms and reports required.....	40 39
C. Conservation Commission duties	41 40
D. Conservation District duties.....	43 42
E. Applicant duties	45 43
SECTION 4: VACANCY, REMOVAL, AND REPLACEMENT	45
A. Only vacant offices may be filled	45
B. Supervisors must be eligible to serve	45

C. Resignation from office.....45

D. Ceasing to be a registered voter.....45

E. Death of the incumbent.....45

F. Declaration voiding an election or appointment.....4746

G. Removal from office4746

H. Replacement.....4746

APPENDIX

A.....458

APPENDIX B.....49

APPENDIX C.....52

SECTION 1: FUNDAMENTALS

A. Purpose – WAC 135-110-100

These procedures exist to assist conservation districts and conservation district supervisors in the election, appointment, and replacement of supervisors in the State of Washington, and to assure fair treatment of all parties involved in such proceedings, and to provide guidance for compliance with the Washington Administrative Code (WAC), Chapter 135-110.

B. Authority – WAC 135-110-100

1. The Washington State Conservation Commission is authorized in Chapter 89.08.190 Revised Code of Washington to establish conservation district election procedures: “The commission shall establish procedures for elections, canvass the returns and announce the official results thereof.” The Commission has adopted WAC 135-110, effective November 19, 2010.
2. The Conservation Commission is tasked in Chapter 89.08.160 Revised Code of Washington with appointing two supervisors who are qualified by training and experience to serve as conservation district supervisors.
3. Conservation district supervisors are required by Chapter 89.08.190 Revised Code of Washington to conduct conservation district elections annually. Such elections must comply with these procedures.
4. If any provision in these procedures or its application to any person or circumstance is held invalid, the remainder of these procedures or the application of the provision to other persons or circumstances is not affected.
- 4.5. In circumstances where these rules and/or procedures are silent or in conflict, the Commission will look to general election law (RCW Chapter 29A) rules and procedures for guidance.

C. Failure to comply with these procedures – WAC 135-110-120

1. In the event these procedures are not substantially followed, the Conservation Commission may make a determination of significant noncompliance. Significant noncompliance consists of failures to follow these procedures that, in the sole judgment of the Conservation Commission, may (1) affect the outcome of an election; (2) affect the appointment of a supervisor; or (3) deny voters their right of privacy in voting. If a determination of significant noncompliance is made, the Conservation Commission may choose not to certify the election or make the appointment.
2. If the Conservation Commission chooses not to certify an election, the conservation district must seek judicial review of the election in Superior Court.

- 31 3. For appointment applications found to be significantly noncompliant, the conservation district or
32 applicant must correct all deficiencies on the application. The applicant and conservation district
33 must comply with these procedures before the Conservation Commission will act on an application
34 for appointment to the position of conservation district supervisor.

35 **D. Disruptions prohibited – WAC 135-110-180**

- 36 1. Behavior that disrupts or interferes with the election or appointment of conservation district
37 supervisors shall not be tolerated. A conservation district supervisor, a polling officer, or the election
38 supervisor may require disruptive persons to leave the premises. Such disruptive persons may be
39 asked to keep a distance of at least 300 feet away from the polling place. Law enforcement officers
40 may be called to assist in removing persons found to be disrupting or interfering with election or
41 appointment processes.

42 **E. General requirements**

- 43 1. Each year, either during the last quarter of the calendar year preceding an election or immediately in
44 January or February of the year in which the election will be held, each conservation district Board of
45 Supervisors must adopt a resolution setting an election date within the first quarter of the year in
46 which the election will be held. WAC 135-110-210. The date the Board of Supervisors chooses to
47 hold the election will determine when the resolution must be adopted. WAC 135-110-220. Each
48 conservation district Board of Supervisors must also appoint one election supervisor to organize,
49 coordinate, and perform functions required of the conservation district in the election and
50 appointment of conservation district supervisors. WAC 135-110-230. This information, plus a list of
51 conservation district supervisor positions expiring in the year of the election, must be posted
52 conspicuously in the conservation district office.
- 53 2. Due notice in print media, as defined in these procedures, must be provided for every full-term
54 conservation district election and every full-term conservation district appointment process. WAC
55 135-110-220 and WAC 135-110-110. Notices for both processes may be combined if the
56 conservation district so chooses. Conservation districts are strongly encouraged to exceed the
57 minimum due notice requirements to reach the maximum number of potential candidates and
58 voters.
- 59 3. For poll site elections, the conservation district Board of Supervisors must specify the location(s) for
60 polling and the hours in which polling will occur. WAC 135-110-210(2)b. Every poll site must be
61 open for at least four hours at a time convenient for voters. WAC 135-110-240(2). Every poll site
62 must have at least two polling officers present during the hours the polls are open. WAC 135-110-
63 240(2) and WAC 135-110-620. However, if the incumbent is automatically reelected, then no other

- 64 election activities at physical poll sites or through remote election processes may be performed.
65 WAC 135-110-370. Polling places selected must have sufficient parking to accommodate the
66 expected number of voters. Polling places must be accessible to voters. WAC 135-110-250 and WAC
67 135-110-580. If the election will be held only by mail, the date set by the conservation district is the
68 end date for receiving ballots from voters, and the location will be where ballots are counted. It is a
69 good practice, however, to specify in the election notice to voters when the last day, time, and
70 location mailed ballots may be received.
- 71 4. Every candidate in a conservation district election must be a qualified district elector. WAC 135-110-
72 300. A qualified district elector is a registered voter residing within the boundary of the conservation
73 district where the candidate wishes to serve. In addition, some positions may be required to own
74 land or operate a farm to be eligible. WAC 135-110-310.
- 75 5. The filing deadline for candidates is four weeks before election day, unless, by formal action, the
76 conservation district supervisors choose a filing deadline greater than four weeks before election
77 day. WAC 135-110-330. A conservation district may not make the filing deadline less than four
78 weeks, but may make the deadline more than four weeks, by formal action of the conservation
79 district board of supervisors. WAC 135-110-330.
- 80 6. There are three types of candidates: (1) declared, (2) declared nominated, and (3) undeclared write-
81 in candidates. WAC 135-110-350. Both declared and declared nominated candidates require the
82 filing of candidate information with the conservation district by the filing deadline. WAC 135-110-
83 350. In addition, a candidate wishing to have his or her name placed on the official ballot must
84 submit to the conservation district a nominating petition signed by at least 25 nominators by the
85 filing deadline. WAC 135-110-340. A candidate who submits a nominating petition on time, but
86 without at least 25 nominators, will be considered a declared candidate. WAC 135-110-350(1).
- 87 7. An individual who does not file candidate information with the conservation district by the filing
88 deadline is not eligible to be elected. WAC 135-110-320 and WAC 135-110-355.
- 89 8. Every physical poll site must have at least two polling officers present during the hours polls are
90 open. WAC 135-110-240. The election supervisor may serve as a polling officer at one poll site.
91 WAC 135-110-470. The conservation district must provide at least two polling officers at each poll
92 site, except the election supervisor may substitute for one polling officer at one poll site. WAC 135-
93 110-620. A conservation district supervisor, employee or municipal officer may not serve as a polling
94 officer in the conservation district election, unless the person is the election supervisor appointed by
95 the conservation district supervisors. WAC 135-110-440. While there is no prohibition against a
96 relative or spouse serving as a polling officer, it is important to keep in mind WAC 135-110-150 which

- 97 says that conservation districts, employees and supervisors must remain impartial during an
98 election. Further, with WAC 135-110-150 in mind, there is no prohibition against a conservation
99 district supervisor, employee or municipal officer from serving as a polling officer in another districts'
100 election.
- 101 9. Every individual requesting a ballot for any conservation district election must be verified as a
102 qualified district elector before a ballot is counted. WAC 135-110-610. This applies to poll-site
103 elections and to mail-in elections.
- 104 10. At a poll-site election, a contested ballot must be issued if the voter's eligibility to vote cannot be
105 determined during polling and the individual wishes to vote. WAC 135-110-610.
- 106 11. All ballots or computer voting records must be retained by the conservation district for ~~six~~twelve
107 months after the election has been certified, at which time they may be destroyed, unless the
108 election has not been certified by the Conservation Commission or the election has been challenged.
109 WAC 135-110-140.
- 110 12. All election forms and documents submitted to the Conservation Commission must be copies. WAC
111 135-110-130. Conservation Districts must retain the original version of all election forms until ballots
112 may be discarded. WAC 135-110-130. The Conservation Commission may inspect original
113 documents. WAC 135-110-130.
- 114 13. An employee or municipal officer of a conservation district holding an election may assist in election-
115 related activities, but may not serve as a polling officer in the conservation district where they are
116 employed, unless the employee or municipal officer is the election supervisor appointed by the
117 conservation district board of supervisors. WAC 135-110-440.
- 118 14. An applicant or candidate must be eligible to serve at the time of application or filing for the office of
119 conservation district supervisor. If, during the term of office, the individual no longer meets the
120 eligibility requirements to hold that office, the office is deemed to be vacant. WAC 135-110-910 and
121 WAC 135-110-930.
- 122 15. Elections are final when certified and the official results are announced by the Conservation
123 Commission in May of each year or later as deemed necessary by the Commission. WAC 135-110-
124 770. A supervisor-elect takes office and can begin official duties as a board supervisor when the
125 election is final, which is after the May Commission meeting. RCW 89.08.190 says that "The
126 commission shall establish procedures for elections, canvass the returns and announce the official
127 results thereof. Election results may be announced by polling officials at the close of the election
128 subject to official canvass of ballots by the commission. Supervisors elected shall take office at the

129 first board meeting following the election.” WAC 135-110-770(1) says that “elections are final when
130 certified by the conservation commission and the official results are announced by the conservation
131 commission in May of each year or later as deemed necessary.” Read together, the RCW and WAC
132 are linked. The phrase “following the election” in the RCW is linked to the initial phrase “the
133 commission shall establish procedures for elections...” which is linked to the meaning of “final” for
134 election purposes in WAC 135-110-770(1). Elections are final when they are “certified by the
135 conservation commission and the official results are announced by the conservation commission in
136 May of each year or later as deemed necessary.” Therefore, a supervisor-elect takes office and can
137 begin official duties as board supervisor when the election is final, which is after the May
138 Commission meeting.

139 **F. Definitions – WAC 135-110-110**

140 "Absentee ballot" or "mail-in ballot" means a ballot issued to a voter before election day that can be
141 delivered to the conservation district or designated election supervisor on or before the day of the
142 election.

143 “Applicant” is an individual applying to the Conservation Commission for the office of appointed
144 supervisor of a conservation district.

145 “Appointed supervisor” is an individual appointed by the Conservation Commission to a conservation
146 district board of supervisors.

147 “Authorized conservation program” and “conservation program” mean the renewable resources
148 program defined in RCW 89.08.220(7) which includes a comprehensive long-range plan and an annual
149 plan of work.

150 "Ballot" or "official ballot" means the final, preprinted ballot containing the name of each declared,
151 nominated candidate found eligible, and at least one line where a voter may enter the name of a write-
152 in candidate.

153 “Ballot box” is a container secured against tampering into which ballots are placed.

154 "Candidate" means a person seeking the office of elected conservation district supervisor who has
155 provided the required candidate information to the conservation district by the filing deadline and
156 whose eligibility to run and to serve has been verified by the conservation district.

157 “Canvass” and “canvassing” mean to examine carefully or scrutinize the election returns for authenticity
158 and proper count.

159 “Certify” and “certification” mean the canvassing of returns and the verification of substantial
160 compliance with these procedures, as performed by the Conservation Commission.

- 161 “Commission” and “Conservation Commission” mean the Washington State Conservation Commission
162 governing board and all deputies and representatives authorized to act on its behalf.
- 163 “Commission board,” “Commission governing board,” “Conservation Commission board,” and
164 “Conservation Commission governing board” mean the governing board of the Washington State
165 Conservation Commission.
- 166 “Conservation district” and “district” mean a governmental subdivision of the State of Washington
167 organized under the provisions of RCW 89.08 Conservation Districts Law.
- 168 “Conservation district board of supervisors,” “conservation district supervisors,” “district supervisors,”
169 and “supervisors” mean the governing board of a conservation district, composed of elected and
170 appointed supervisors.
- 171 “Conservation district supervisor,” “district supervisor,” and “supervisor” mean an elected or appointed
172 board member of a local conservation district governing board, in which the governing board is referred
173 to as the board of supervisors.
- 174 “Contested ballot” or “provisional ballot” means a paper ballot issued to a voter whose qualifications as
175 a qualified district elector cannot be determined at the time the paper ballot is issued. A provisional
176 ballot consists of two envelopes and a paper ballot.
- 177 “Declared nominated candidate” and “nominated candidate” means an individual found to be a qualified
178 district elector who is eligible and who has submitted the candidate information required, including a
179 qualified nominating petition, to the conservation district by the filing deadline, and the conservation
180 district has verified the eligibility of the candidate.
- 181 “Declared vacancy” and “declared vacant” mean a declaration by the Conservation Commission that a
182 conservation district supervisor position is vacant.
- 183 “Declared write-in candidate” means a person seeking the office of elected supervisor who has provided
184 the required candidate information to the conservation district by the filing deadline, and the
185 conservation district has found the person eligible.
- 186 “Double envelope balloting” means a paper balloting system consisting of an inner and an outer
187 envelope, where a ballot is placed in an inner envelope with no personally identifying marks on it, and
188 then the inner envelope with ballot is placed in the outer envelope upon which the voter has provided
189 sufficient information to allow polling officers to verify the eligibility of the voter.
- 190 “Due notice” or “notice” means a notice published at least twice, with at least six days between
191 publications, in a publication of general circulation within the affected area. If there is no such
192 publication, a notice may be posted at a reasonable number of public places within the area where it is
193 customary to post notices concerning county and municipal affairs. To illustrate, the first notice must be
194 at least one week before the event (election resolution adoption meeting or election) and the second at
195 least a day before the event (election resolution adoption meeting or election). There is no requirement
196 for publication of a legal advertisement. However, if one is used, a copy of the announcement as

- 197 published, showing the date of publication is sufficient proof of publication. An affidavit of publication
198 from the publisher is then not required.
- 199 “Elected supervisor” is a qualified district elector (1) who received more valid votes than any other
200 candidate and (2) whose election has been certified and announced by the Conservation Commission.
- 201 “Election supervisor” is an individual or entity appointed by a local conservation district governing board
202 to organize, coordinate, and facilitates all conservation district activities related to the election and
203 appointment of conservation district supervisors. Only the conservation district board of supervisors
204 may set election dates and appoint the election supervisor.
- 205 “Electioneering” is the act of soliciting or advocating votes for a specific candidate, or speaking for or
206 against a specific candidate, within 300 feet of a ballot box or voting place.
- 207 “Elector,” “district elector,” and “qualified district elector” mean an individual residing within the
208 boundary of the conservation district and registered to vote in a county where the conservation district
209 is located.
- 210 “Farm and agricultural land” is defined in RCW 89.08.020 as follows: “Farm and agricultural land” means
211 either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural
212 uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to
213 agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred
214 dollars or more per acre per year for three of the five calendar years preceding the date of application
215 for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to
216 agricultural uses which has produced a gross income of one thousand dollars or more per year for three
217 of the five calendar years preceding the date of application for classification under this chapter.
218 Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the
219 land on which appurtenances necessary to production, preparation or sale of the agricultural products
220 exist in conjunction with the lands producing such products. Agricultural lands shall also include any
221 parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral
222 part of farming operations being conducted on land qualifying under this section as “farm and
223 agricultural lands.”
- 224 “Farm operator” or “operator of a farm” means a person who operates farm and agricultural land as
225 defined in these procedures, and who meets this definition when candidate information is filed with the
226 conservation district.
- 227 “Filing deadline” means four weeks before election day in the current election cycle, or more than four
228 weeks if a local filing deadline is adopted by formal action of the conservation district board of
229 supervisors.
- 230 “Full term,” “regular term,” and “full term of office” mean three years.
- 231 “Incumbent” is the person in present possession of the office of conservation district supervisor.

232 “Landowner” means a person with legal title of record to real property in the conservation district at the
233 time of filing for election or applying for appointment.

234 “Mail-in ballot” is a double-envelope system consisting of two envelopes and a pre-printed ballot, in
235 which the ballot is inserted into an inner envelope and sealed, with no marks or other information that
236 would identify the person voting. The outer envelope shows or contains sufficient information to
237 identify the voter.

238 “Mail-in election” is an election in which mail-in ballots are provided before election day to qualified
239 voters. Voters return completed ballots to a receiving location or address authorized by the
240 conservation district board of supervisors.

241 “Malfeasance” means wrongful conduct that affects, interrupts, or interferes with the performance of a
242 supervisor’s official duty. Such conduct includes, but is not limited to, the commission of some act
243 which is wrongful or unlawful, or the unjust performance of some act which the party had no right to do,
244 or the unjust performance of some act which the party had contracted not to do.

245 “Mid-term” and “mid-term vacancy” mean a vacancy in the office of conservation district supervisor,
246 when such vacancy occurs before the full term of office has been fulfilled.

247 “Municipal officer” means all elected and appointed officers of a conservation district, together with all
248 deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of
249 the powers or functions of a municipal officer.

250 “Neglect of duty” means failure by a supervisor or supervisors to perform mandatory duties. Such
251 duties include, but are not limited to, (a) compliance with local, state, and federal laws and rules, (b)
252 attendance at a reasonable number of board meetings, (c) maintaining a full and accurate record of
253 district business, (d) securing of surety bonds for board officers and employees, (e) carrying out an
254 annual financial audit, (f) providing for keeping current a comprehensive long-range program, (g)
255 providing for preparation of an annual work plan, (h) providing for informing the general public,
256 agencies, and occupiers of lands within the conservation district of conservation district plans and
257 programs, (i) providing for including affected community members in regard to current and proposed
258 plans and programs, and (j) providing for the submission of the conservation district’s proposed long-
259 range program and annual work plan to the Conservation Commission.

260 “Nominated candidate” is an individual found to be a qualified district elector who is eligible and who
261 has submitted the candidate information required, including a qualified nominating petition, to the
262 conservation district by the filing deadline, and the conservation district has verified the eligibility of the
263 candidate.

264 “Nominating petition” is a list of signatures of nominators who desire a candidate’s name be placed on
265 the official ballot for a conservation district election.

266 “Nominator” is a qualified district elector who signs a petition nominating an individual seeking the
267 office of elected supervisor.

- 268 “Poll list” or “polling list” is a list of voters who voted in an election.
- 269 “Polling officer” means a person appointed by the election supervisor to verify voter eligibility, assure
270 compliance with this rule in and around the polling place, issue ballots, count ballots, and verify the
271 unofficial ballot count in writing to conservation district supervisors.
- 272 “Poll site” and “polling site” mean a location where votes are collected in a ballot box.
- 273 “Poll-site election” and “walk-in election” mean an election in which a voter signs in on a poll list,
274 receives a ballot from a polling officer, enters a vote for a candidate on the ballot, and places the ballot
275 in a ballot box at a polling place supervised or monitored by polling officers.
- 276 “Print media” means physical material on which information or instructions are printed. Print media
277 includes, but is not limited to, newspapers, magazines, newsletters, and handbills posted on bulletin
278 boards or otherwise made available to citizens. Print media may include one or more web pages on a
279 conservation district website, or on the Conservation Commission’s website, if at least one notice is
280 published on physical media made widely available to potential voters. Print media does not include
281 web pages on other websites, electronic mail, social networking sites, and similar electronic information
282 sharing methods.
- 283 “Provisional ballot” or “contested ballot” means a paper ballot issued to a voter whose qualifications as
284 a qualified district elector cannot be determined at the time the paper ballot is issued. A provisional
285 ballot consists of two envelopes and a paper ballot.
- 286 “Qualified district elector” is a registered voter in the county where the district is located and who
287 resides within the conservation district boundary.
- 288 “Qualified nominating petition” is a nominating petition which contains at least 25 signatures of
289 nominators.
- 290 “Remote election” is an election in which ballots are returned by some means other than for a poll-site
291 election. A mail-in election is a type of remote election.
- 292 “Resignation” and “to resign” mean the act of providing a signed and dated written notice to the
293 Conservation Commission stating the individual’s intent to terminate serving in an elective or appointive
294 office.
- 295 “Short term” or “short term of office” is a term of office less than three years in duration.
- 296 “Supervisor” means an elected or appointed board member of a local conservation district governing
297 board, in which the governing board is referred to as the board of supervisors.
- 298 “Supervisor-elect” means a supervisor who received more valid votes than any of the other candidates
299 running for the same position in a conservation district election, but the election has not yet been
300 certified by the Conservation Commission.

- 301 “Tie” or “election tie” means an election where no candidate has received a simple majority of votes
302 cast by qualified district electors, and two or more candidates have received the same number of votes
303 cast by qualified district electors.
- 304 “Undeclared write-in candidate” is an individual who has not submitted required candidate information
305 to the conservation district and who has not submitted a qualified nominating petition by the filing
306 deadline.
- 307 "Voter" means a person who submits a ballot in a conservation district election.
- 308 “Voter list” is a list of registered voters obtained from the county auditor.
- 309 "Withdrawal of candidacy" and "to withdraw" means a written notice, signed and dated by the
310 candidate, and delivered to the conservation district, stating the person's desire to be removed from
311 consideration for the office of conservation district supervisor.

Section 2: Elections

A. Information standards

1. Notice of the Intent to Adopt an Election Resolution. A notice of the intent to adopt an election resolution must be published twice, at least six days between each publishing, before the meeting to adopt the Election Resolution can be held. The purpose of this Notice is to inform the public that the District intends to have a meeting at which the date, time, place and manner of the election will be set. WAC 135-110-220. Districts may publish their adopted election resolution, and all subsequent election notices, on a Districts' web site. Districts who choose this option are required to publish the *Notice of the Intent to Adopt an Election Resolution* as usual (twice, at least a week apart, in a newspaper) accompanied by a clear statement in that notice that future election information will be posted ONLY on the districts' web site. Once that is accomplished, districts may then publish any further election notices or materials on their web site.
2. Election resolution. ~~The information in the An~~ election resolution must be provided to the Conservation Commission on or before the candidate filing deadline. This is accomplished by filing out form EF1 - CD Election Information, available on the Commission's elections web page at <http://scc.wa.gov/elections/>. WAC 135-110-210(3). The purpose of this Notice is to inform the public, voters and potential candidates of the date, time, place and manner of the election. This Notice must be published twice, at least six days between each publishing, before the candidate filing deadline. However, see the note above in Section 2(A)(1). ~~The form provided for this purpose by the Conservation Commission is Form 1.~~ Conservation districts must provide the following information:
 - a) The name of the conservation district. WAC 135-110-210(2)a.
 - b) The date, physical location (address), and times polls will open and close for each polling place. WAC 135-110-210(2)b.
 - c) The election method(s) selected for the election. WAC 135-110-210(2)c.
 - d) The final date by which voters must request absentee ballots from the district. WAC 135-110-410.
 - e) A list showing the name of each elected and appointed conservation district supervisor with a term expiring in the election and appointment cycle covered by the resolution. WAC 135-110-210(2)d.
 - f) The filing deadline for candidates. WAC 135-110-210(2)e.

- 343 g) Identification of an individual appointed by the conservation district to fulfill the duties of
344 election supervisor, including the mailing address, email address (if available), and phone
345 number of the election supervisor. WAC 135-110-210(2)f.
- 346 h) Dated signature of at least one conservation district supervisor attesting to this information.
347 WAC 135-110-210(2)g.
- 348 3. Candidate information. Specific information must be submitted by each candidate to the
349 conservation district. WAC 135-110-320. The form provided for this purpose by the Conservation
350 Commission is Form ~~PF-A2~~. Candidates must provide the following information:
- 351 a) The name of the conservation district. WAC 135-110-320(3)a.
- 352 b) The candidate's name, residential address, mailing address, and phone number. WAC 135-110-
353 320(3)b.
- 354 c) Whether the candidate is a registered voter in the county where the conservation district is
355 located. WAC 135-110-320(3)c.
- 356 d) Whether the candidate resides inside the conservation district boundary. WAC 135-110-320(3)d.
- 357 e) Two choices, only one of which may be selected by the candidate:
- 358 i) The candidate intends to run as a declared nominated candidate with his or her name on the
359 official ballot. This option will require a validated nominating petition from the candidate.
360 WAC 135-110-350(2).
- 361 ii) The candidate intends to run as a declared candidate. The candidate's name will not appear
362 on the official ballot, and no nominating petition is required. WAC 135-110-350(1).
- 363 f) Two choices, only one of which may be selected by the candidate (WAC 135-110-320(3)e):
- 364 i) The candidate is a landowner or operator of a farm, as defined in these procedures.
- 365 ii) The candidate is not a landowner or operator of a farm, as defined in these procedures.
- 366 g) Dated signature of the candidate attesting to the information provided. WAC 135-110-320(3)f.
- 367 4. Nominating petition. A nominating petition is required for candidates who wish to have their names
368 pre-printed on the official ballot. WAC 135-110-340. The form provided for this purpose by the
369 Conservation Commission is Form ~~PF-B3~~. Candidates must provide the following information:
- 370 a) The name of the conservation district. WAC 135-110-340(2)a.
- 371 b) The name of the candidate. WAC 135-110-340(2)b.
- 372 c) The name and address of each nominator. For verification purposes, this information should
373 match the information in the voter registration rolls held by the County Auditor. WAC 135-110-
374 340(2)c.

- 375 d) Each nominator needs to sign the petition, and by their signature, state his or her wish for the
376 candidate named in the petition to be placed on the official ballot. WAC 135-110-340(2)d.
- 377 e) A notation by the conservation district next to each nominator, identifying the nominator as a
378 qualified district elector eligible to sign the petition, or found by the conservation district to be
379 ineligible. WAC 135-110-355(3).
- 380 5. Eligibility determination. The form provided for this purpose by the Conservation Commission is
381 Form [EF24](#). WAC 135-110-355. Conservation districts must provide the following information for
382 each candidate (declared, declared nominated, or write-in):
- 383 a) The name of the conservation district.
- 384 b) The name of the candidate or incumbent. WAC 135-110-355(2)a.
- 385 c) Whether the candidate did, or did not, submit required candidate information by the filing
386 deadline. WAC 135-110-355(2)b.
- 387 d) Whether the candidate did, or did not, submit a completed nominating petition by the filing
388 deadline. WAC 135-110-355(2)c.
- 389 e) Whether the person named on the form is, or is not, a qualified district elector on the day of
390 filing. WAC 135-110-355(2)d.
- 391 f) Whether at least two of the three elected conservation district supervisors on the conservation
392 district Board of Supervisors will be landowners or operators of farms if the candidate is elected.
393 RCW 89.08.160 requires two of the three elected supervisors to be either a landowner or
394 operator of a farm. If the election of a candidate would cause a conservation district board of
395 supervisors to contain fewer than two elected supervisors who are landowners or farm
396 operators, the candidate is not eligible to be elected. WAC 135-110-310. “Landowner” and
397 “farm operator” are two separate categories and are defined in WAC 135-110-110.
- 398 g) The dated name and signature of the conservation district representative making these
399 determinations. WAC 135-110-355(2)e.
- 400 h) The total number of nominators who signed the nominating petition, and the total number of
401 nominators found to be qualified district electors eligible to sign the petition. WAC 135-110-
402 355(3).
- 403 i) A declaration that (WAC 135-110-355):
- 404 i) the candidate did submit candidate information by the filing deadline;
- 405 ii) the candidate’s nominating petition was received by the filing deadline;
- 406 iii) the candidate or named individual is a qualified district elector on the day of filing;
- 407 iv) at least 25 qualified district electors did sign the nominating petition; and

- 408 v) such declaration to be signed and dated by a conservation district supervisor or the
409 appointed election supervisor.
- 410 6. Verification of compliance with due notice requirements. The form provided for this purpose by the
411 Conservation Commission is Form EF45. WAC 135-110-220 and WAC 135-110-110. Conservation
412 districts must provide the following information:
- 413 a) The name of the conservation district.
- 414 b) A complete list of each published notice, by date and name of publication, or in the case of
415 electronic publications, by first date of publication and the web address. Please note: There are
416 two types of election notices: (1) Notice of the Intent to Adopt an Election Resolution: the
417 purpose of this notice is to inform the public that the District intends to have a meeting at which
418 the date, time, place and manner of the election will be set. This Notice must be published
419 twice, at least six days between each publishing, before the meeting to adopt the Election
420 Resolution can be held; (2) Notice of the Adopted Election Resolution: the purpose of this Notice
421 is to inform the public, voters and potential candidates of the date, time, place and manner of
422 the election. This Notice must be published twice, at least six days between each publishing,
423 before the candidate filing deadline.
- 424 c) The dated name and signature of a conservation district supervisor or election supervisor
425 attesting to compliance with due notice requirements.
- 426 d) Copies of notices, advertisements, and publications are not required, ~~unless also used to notify~~
427 ~~the public of the opportunity to apply for appointed supervisor positions~~.
- 428 7. Poll list. The form provided for this purpose by the Conservation Commission is PF-CForm 6. WAC
429 135-110-550. Conservation districts and voters must provide the following information:
- 430 a) The name of the conservation district. WAC 135-110-550(2)a.
- 431 b) The location of the poll site. WAC 135-110-550(2)b.
- 432 c) Identification of this poll list as applying to a poll-site or mail-in election. WAC 135-110-550(2)b.
- 433 d) The date the polls were open. WAC 135-110-550(2)b.
- 434 e) Each voter must provide:
- 435 i) Name. WAC 135-110-550(3)a.
- 436 ii) Address that matches the voter registration list, including city. WAC 135-110-550(3)b.
- 437 iii) Signature of the voter. WAC 135-110-550(3)c.
- 438 f) For each voter, a polling officer must determine whether the voter is eligible to vote. If eligibility
439 is contested, each such determination must be initialed by the polling officer. WAC 135-110-460;
440 WAC 135-110-610.

- 441 8. Ballot results report. The form provided for this purpose by the Conservation Commission is Form
442 ~~EF57~~. WAC 135-110-750. Conservation districts and polling officers must provide the following
443 information:
- 444 a) The name of the conservation district. WAC 135-110-750(3)a.
 - 445 b) The location of the poll site. WAC 135-110-750(3)b.
 - 446 c) Identification of this report as applying to a particular poll site or to a mail-in election. WAC 135-
447 110-750(3)b.
 - 448 d) The date of the election. WAC 135-110-750(3)b.
 - 449 e) For each candidate:
 - 450 i) Identify the candidate by name. WAC 135-110-750(4)a.
 - 451 ii) Provide the number of eligible votes counted, the number of disqualified votes counted, and
452 the total number of votes received for each candidate. The total should be the eligible votes
453 plus the disqualified votes. WAC 135-110-750(4)b and (5).
 - 454 iii) Identify the unofficial winner and whether the unofficial winner is a nominated candidate
455 listed on the official ballot or is a declared write-in candidate or is an undeclared write-in
456 candidate. WAC 135-110-750(6).
 - 457 iv) Each ballot results reporting form must be electronically signed-submitted and dated by the
458 polling officers who counted the ballots so reported. WAC 135-110-750(7).

459 **B. Information, Forms and ~~reports~~ Reports required Required and** 460 **Deadlines**

- 461 ~~1.~~ Conservation districts must provide the information described in the previous section to the
462 Conservation Commission.
- 463 ~~2.1.~~ Conservation districts must use electronic or paper forms provided by the Conservation
464 Commission.
- 465 ~~3.2.~~ All documents provided to the public and to the Conservation Commission should be on white or
466 light-colored paper.
- 467 ~~4.3.~~ Due dates for information, forms, and documents, lists, reports, and applications.
- 468 a) Documents provided by a candidate to the conservation district.
 - 469 i) For nominated candidates, candidate information and the nominating petition is due to the
470 conservation district by the filing deadline.

- 471 ii) For declared write-in candidates, candidate information is due to the conservation district by
472 the filing deadline.
- 473 b) Documents provided by the conservation district to the Conservation Commission ~~in Lacey,~~
474 ~~Washington.~~
- 475 ~~i) Conservation Districts must submit EF1 no later than the candidate filing deadline. A copy of~~
476 ~~the election resolution is due to the Conservation Commission by the candidate filing~~
477 ~~deadline. The conservation district must retain the original.~~
- 478 ~~ii) Information sufficient for the Commission to certify and announce a conservation district~~
479 ~~election is due to the Commission within four weeks following the conservation district's last~~
480 ~~published election date. The conservation district must retain all original documents.~~
- 481 ~~Copies of candidate information, nominating petitions, candidate eligibility, due notice~~
482 ~~compliance, poll lists, and ballot results are due to the Conservation Commission within four~~
483 ~~weeks following the conservation district's last published election date. The conservation~~
484 ~~district must retain all original documents.~~
- 485

TABLE 1: Information, Forms and Deadlines when forms are due

Name of Election Form	Due <u>to CD</u> from <u>candidate to conservation district</u>	<u>Reported Electronically Due to Commission from CD conservation district to Conservation Commission</u>
<u>EF Form 1 -: CD Election Information Conservation district election resolution and appointment of election supervisor (one form per election)</u>	N/A	<u>No later than the Copy to be provided by the candidate filing deadline</u>
<u>PF-A - Candidate Information (one form per candidate)</u>	<u>No later than the candidate filing deadline</u>	<u>N/A (information included in EF2 below)</u>
<u>PF-B - Nominating Petition (one petition with 25 qualified nominating signatures on it for each candidate wishing his or her name to be on the official ballot)</u>	<u>No later than the candidate filing deadline</u>	<u>N/A (information included in EF2 below)</u>
<u>EF2 - Candidate Verification</u>	N/A	<u>No later than 28 days after election day</u>
<u>EF3 - Automatic Re-Election Checklist</u>	N/A	<u>No later than 28 days after the cancelled election day</u>
<u>EF4 - Due Notice Compliance</u>	N/A	<u>No later than 28 days after election day</u>
<u>PF-C - Poll list (all pages)</u>	N/A	<u>N/A (poll lists are to be kept by the CD and made available upon request of the Commission)</u>
<u>Automatic Re-Election Checklist</u>	N/A	
<u>PF-D - Ballots: As many ballots as needed, to be printed by the CD</u>	N/A	<u>N/A (ballots to be kept by the CD and made available upon request of the Commission)</u>
<u>EF5 - Ballot results report</u>	N/A	<u>No later than 28 days after election day</u>
<u>Ballots: As many ballots as needed, to be printed by the conservation district</u>	N/A	<u>Ballots to be kept by the conservation district and made</u>

		available upon request of the Conservation Commission
<u>Election Feedback Form</u>	<u>N/A</u>	<u>N/A</u>

486 **C. Conservation Commission duties**

- 487 1. General
- 488 a) The Conservation Commission may request copies of documents and inspect original documents
489 and records.
- 490 2. Before elections
- 491 a) The Conservation Commission must make these procedures available for stakeholder review and
492 comment.
- 493 b) The Conservation Commission must notify all conservation districts of supervisor terms of office
494 due to expire. Notice must be provided to conservation districts by ~~November~~ September 130
495 in the year preceding elections.
- 496 c) These procedures become effective on the date they were last revised.
- 497 d) The Conservation Commission may amend these procedures at any time to assure the fair,
498 proper, and orderly election and appointment of conservation district supervisors.
- 499 3. During a poll-site election
- 500 a) Conservation Commission board members and/or employees may monitor conservation district
501 elections without notice.
- 502 4. After the polls close
- 503 a) The Conservation Commission will canvass the returns of conservation district elections to verify
504 election results and to determine if the election was properly conducted according to the
505 requirements in these procedures.
- 506 b) The Conservation Commission board will certify all conservation district elections found to
507 substantially comply with the requirements in these procedures.
- 508 c) The Conservation Commission will announce the official election results, or decline to announce
509 official results, for each conservation district election after the elections have been certified.
- 510 d) The Conservation Commission will act on elections for full-term positions annually at its regular
511 meeting on the third Thursday in May or as necessary thereafter.-

512 D. Conservation District duties

513 1. General

- 514 a) A conservation district must hold an election each year.
515 b) A copy of these procedures must be made available for public inspection at each poll site.

516 2. Before an election

- 517 a) Each conservation district must publish a Notice of the Intent to Adopt an Election Resolution.
518 The purpose of this notice is to inform the public that the District intends to have a meeting at
519 which the date, time, place and manner of the election will be set. This Notice must be published
520 twice, at least six days between each publishing, before the meeting to adopt the Election
521 Resolution can be held. [Examples of this Notice can be found in Appendix B.](#)
- 522 b) Each conservation district must hold a meeting after the Notice of the Intent to Adopt an Election
523 Resolution has been properly published. The purpose of this meeting is to adopt an Election
524 Resolution.
- 525 c) Each conservation district must publish a Notice of the Adopted Election Resolution. The
526 purpose of this Notice is to inform the public, voters and potential candidates of the date, time,
527 place and manner of the election. This Notice must be published twice, at least six days between
528 each publishing, before the candidate filing deadline. The Notice must set election date(s),
529 location(s), and polling times by resolution and that information must be communicated to the
530 Conservation Commission by the candidate filing deadline. [Examples of this Notice can be found](#)
531 [in Appendix B.](#)
- 532 i) Each polling place must be open for at least four hours at a time convenient for voters in that
533 district. Two polling officers must be present.
- 534 ii) Polling places must have sufficient parking to accommodate the expected number of voters.
- 535 iii) Polling places must be accessible to those with disabilities.
- 536 iv) The election date must be in the first three calendar months of the election year. ~~Form 1 is~~
537 ~~recommended for the resolution.~~
- 538 v) If the election will be held by mail, the date set by the conservation district is the last date
539 ballots may be received from voters. The location will be where ballots are counted. If
540 necessary to accommodate voter(s) pursuant to WAC 135-110-250, a district conducting a
541 mail-in election may be required to provide at least one polling place where voters can
542 deliver their completed ballots or vote as in a poll-site election.
- 543 vi) The last date voters can request absentee ballots must be set in the Notice.

- 544 d) Each conservation district must appoint an election supervisor.
- 545 i) The election supervisor may be a conservation district supervisor, conservation district
546 employee, or any other person appointed by the conservation district board of supervisors.
- 547 ii) The election supervisor serves as the primary point of contact between the conservation
548 district and the Conservation Commission for all functions to be performed by the
549 conservation district in the election and appointment of conservation district supervisors.
- 550 iii) The election supervisor organizes, coordinates, and facilitates election-related activities of
551 the conservation district related to the election and appointment of conservation district
552 supervisors. The election supervisor assures that required documentation is properly
553 completed and transmitted on time to the Conservation Commission. The election supervisor
554 may also serve as a polling officer.
- 555 iv) Conservation district supervisors remain responsible for conducting the election and for
556 complying with these published requirements and procedures.
- 557 e) For each candidate, ~~a conservation district supervisor or~~ the ~~appointed~~ election supervisor must
558 verify that specific eligibility requirements have been met and, for declared nominated
559 candidates, direct whether or not to place the name of the candidate on the ballot.
- 560 i) For each declared nominated candidate, a conservation district must:
- 561 (1) Verify that candidate information was received by the filing deadline.
- 562 (2) Verify that the nominating petition was received by the filing deadline.
- 563 (3) Verify that at least 25 qualified district electors signed the nominating petition.
- 564 (4) Determine whether the candidate is a qualified district elector.
- 565 (5) Determine whether the composition of the conservation district board will meet
566 statutory requirements if the candidate is elected.
- 567 (6) If requirements one through five above are met, the conservation district must direct that
568 the name of the candidate be placed on the ballot.
- 569 ii) For each declared candidate, a conservation district must:
- 570 (1) Verify that candidate information was received by the filing deadline.
- 571 (2) Determine whether the candidate is a qualified district elector.
- 572 (3) Determine whether the composition of the conservation district board will meet
573 statutory requirements if the candidate is elected.
- 574 iii) For each undeclared write-in candidate, a conservation district must:

- 575 (1) Verify that candidate information is received within four weeks (twenty-eight calendar
576 days) following the first date of election.
- 577 (2) Determine whether the candidate is a qualified district elector.
- 578 (3) Determine whether the composition of the conservation district board will meet
579 statutory requirements if the candidate is elected.
- 580 iv) Such determinations must be made separately for each candidate.
- 581 v) A county auditor or the Conservation Commission may assist a conservation district in
582 determining the eligibility of a candidate, upon request of the conservation district.
- 583 f) The conservation district must verify the eligibility of individuals wishing to serve, or continue to
584 serve, as an elected conservation district supervisor.
- 585 g) The conservation district must provide due notice of the election to potential voters.
- 586 i) The conservation district must publish at least two notices as defined in “due notice” and
587 “print media.” Conservation districts are strongly encouraged to exceed the minimum
588 requirements for due notice. Due notice is defined in WAC 135-110-110 and explained in
589 WAC 135-110-220. Examples of this Notice can be found in Appendix B.
- 590 ii) There are two types of election notices:
- 591 (1) Notice of the Intent to Adopt an Election Resolution: the purpose of this notice is to
592 inform the public that the District intends to have a meeting at which the date, time,
593 place and manner of the election will be set. This Notice must be published twice, at least
594 six days between each publishing, before the meeting to adopt the Election Resolution
595 can be held.
- 596 (2) Notice of the Adopted Election Resolution: the purpose of this Notice is to inform the
597 public, voters and potential candidates of the date, time, place and manner of the
598 election. ~~This Notice must be published twice, at least six days between each publishing,
599 before the candidate filing deadline.~~
- 600 iii) The Adopted Election Resolution Notice must contain, at minimum, the following
601 information:
- 602 (1) The name of the conservation district.
- 603 (2) The election method[s] selected for the election.
- 604 (3) The date(s), location(s), and times polls open and close.
- 605 (4) That candidates must be registered voters who reside in the conservation district.
- 606 (5) That candidates may be required to be landowners or operators of a farm, depending on
607 the current composition of the conservation district board of supervisors.

- 608 (6) The filing deadline for candidates.
- 609 (7) The last day on which voters can request absentee ballots from the district.
- 610 (8) That eligible voters are registered voters who reside in the conservation district.
- 611 (9) That a conservation district supervisor is a public official who serves without
612 compensation and who sets policy and direction for the conservation district.
- 613 (10) That published election procedures can be viewed at the conservation district office and
614 are available from the Washington State Conservation Commission.
- 615 iv) If the election is also to be held by mail, the Election notice must describe how to obtain a
616 ballot and the deadline for returning ballots.
- 617 v) For appointed position notices, refer to Section 3.D.2 of these procedures. [Notice examples](#)
618 [can be found in Appendix B.](#)
- 619 vi) The Election notice and notice of appointed positions may be combined.
- 620 vii) Conservation districts are strongly encouraged to exceed the minimum due notice
621 requirements so that interested parties may be informed of the opportunity to serve as a
622 conservation district supervisor.
- 623 h) The conservation district must determine the number of polling officers.
- 624 i) The conservation district must provide at least two polling officers at each poll site, except
625 the election supervisor may substitute for one polling officer at one poll site.
- 626 ii) If due notice of the election resolution and the election have been duly published by the
627 conservation district, and the only person filing by the filing deadline is the incumbent, and
628 the conservation district verifies the continued eligibility of the incumbent to serve another
629 term of office, and the incumbent has not resigned on or before the last date of election,
630 then the incumbent is automatically reelected. When an incumbent is automatically
631 reelected, no other election activities at physical poll sites or through remote election
632 processes may be performed, provided that, before election day, the conservation district
633 has informed the voting public that the incumbent has been reelected by reason of being the
634 only person filing for the position, and that no poll site, mail, or absentee balloting will be
635 performed, and on election day, signs containing this information must have been posted at
636 poll sites. Within four weeks of the first date of election as scheduled in the election
637 resolution, the conservation district must inform the Conservation Commission of the
638 automatic reelection of the incumbent. Refer to Section 2.J “Non-standard Election
639 Outcomes” in these procedures for additional information.
- 640 i) If a candidate is found by the conservation district to be ineligible, the conservation district must
641 inform the candidate of the reasons. The conservation district may not print that candidate’s
642 name on the official ballot. If the reason is the lack of sufficient nominators on the nominating

- 643 petition, the candidate must be considered a declared write-in candidate and the candidate must
644 be so informed by the conservation district.
- 645 j) To assist voters in the selection of a candidate during voting, a conservation district may publish
646 information provided by nominated and declared candidates. Conservation districts should
647 adopt a policy to set the parameters for publishing such information. A sample template is in
648 Appendix C.
- 649 i) If a conservation district chooses to publish information about candidates, it must provide
650 equal opportunity for publication and equivalent space to each nominated and declared
651 write-in candidate.
- 652 ii) A conservation district must not take an official position on any candidate that promotes, or
653 is prejudicial to, a candidate, nor may supervisors or employees of the conservation district
654 do so in their official capacity.
- 655 iii) On election day, information provided by candidates may not be provided to voters within
656 300 feet of the poll site.
- 657 k) A conservation district must create a ballot and provide a ballot to each person who wishes to
658 vote in the conservation district election. See form PF-D.
- 659 i) The ballot must list the names of all candidates ordered to be placed on the ballot. Names on
660 the ballot must be listed in alphabetical order by last name, from top to bottom. Example:
661 Jane Adams would be listed above John Doe.
- 662 ii) The ballot must contain at least one blank line where a voter can enter the name of a
663 undeclared write-in candidate.
- 664 iii) One empty checkbox or blank space should be provided next to each candidate's name
665 printed on the ballot.
- 666 iv) During a poll-site election, the conservation district must provide a contested ballot to any
667 individual wishing to vote who cannot be verified as eligible to vote prior to the issuance of a
668 ballot. A double-envelope system consisting of two envelopes and a ballot must be used for
669 all contested ballots.
- 670 v) For electronic voting, the functional equivalent of a paper ballot must be utilized.
- 671 vi) A conservation district may send or provide ballots to all individuals who, in the three years
672 preceding the election, have voted in a conservation district election or have participated in
673 conservation district services or programs. WAC 135-110-515(4). However, if a conservation
674 district provides unrequested ballots to a population that is less than all the eligible voters
675 within the conservation district boundary, the conservation district must not use lists
676 obtained from an individual conservation district supervisor or employee, nor from any
677 candidate, nor from any trade, company, church, union, fraternal or other organization. WAC

- 678 135-110-420. So long as a list generated by a conservation district pursuant to WAC 135-110-
679 515(4) includes all such individuals, such a list is exempt from WAC 135-110-420.
- 680 vii) Absentee ballots must be provided to eligible voters upon request, and voters need not
681 provide proof of any special condition to obtain an absentee ballot. WAC 135-110-520. Also,
682 the conservation district must provide a ballot to any person who requests a ballot. WAC
683 135-110-515. An eligible voter should declare their eligibility to the district before a request
684 for an absentee ballot can be fulfilled by the district. The declaration by the voter can be
685 done in writing, electronically, or orally. A request for an absentee ballot can be made in
686 person, in writing, by telephone, or electronically, by the voter, a family member, or a
687 registered domestic partner. Only one absentee ballot request per voter can be made.
688 Multiple absentee ballots can be sent to the same address, provided that each absentee
689 ballot can be matched to a request by a voter at that address. Sample absentee ballot
690 instructions and a request form are provided in Appendix A.
- 691 l) The conservation district must obtain a current list of registered voters from the County Auditor
692 or Secretary of State for all territory within the conservation district boundary.
- 693 m) The conservation district must be able to show or describe the legal boundary of the
694 conservation district to any voter or to any representative of the Conservation Commission, upon
695 demand.
- 696 3. Before a mail-in (or remote) election
- 697 a) A conservation district holding a mail-in election must appoint an election supervisor and have
698 declared at least one poll site.
- 699 b) Double-envelope voting (or the secure electronic equivalent) is required for mail-in/remote
700 elections.
- 701 i) A double-envelope system meeting the requirements for contested balloting must be used by
702 the conservation district in the mail-in election.
- 703 ii) Provision must be made for the outer envelope to show or contain sufficient information to
704 identify the voter. The voter should print his or her name and address as registered with the
705 County Auditor.
- 706 c) Due notice to voters must provide sufficient time for voters to obtain and return ballots to the
707 conservation district. Allowing at least one week after the second required notice has been
708 published is recommended.
- 709 d) Ballots must be offered to potential voters within the conservation district boundary. To receive
710 a ballot, the voter must request a ballot prior to the current election, unless a district is utilizing
711 WAC 135-110-515(4) (see Section 2(D)2(k)vi above). The election supervisor must verify the voter
712 is a qualified district elector before the ballot is counted.

- 713 4. During a poll-site election
- 714 a) Conservation district supervisors or staff may assist polling officers, but may not directly issue
715 ballots or count ballots, unless such person is also the election supervisor appointed by the
716 conservation district board of supervisors.
- 717 b) Each poll site must have a ballot box, signage, and be accessible to voters.
- 718 i) Each poll site must have at least one ballot box.
- 719 ii) Each poll site must be conspicuously identified to voters as the place to vote.
- 720 iii) Poll sites must not create undue hardship for disabled voters.
- 721 iv) Polling places must be open for a minimum of four hours at a time convenient for voters in
722 that district.
- 723 c) The conservation district must provide polling officers at each poll site.
- 724 i) Polling officers must be independent third parties who are not supervisors, employees, or
725 municipal officers of the conservation district holding the election. Further, with WAC 135-
726 110-150 in mind, there is no prohibition against a conservation district supervisor, employee
727 or municipal officer from serving as a polling officer in another districts' election. A
728 conservation district supervisor, employee or municipal officer may not serve as a polling
729 officer in the conservation district election, unless the person is the election supervisor
730 appointed by the conservation district supervisors. WAC 135-110-440. While there is no
731 prohibition against a relative or spouse serving as a polling officer, it is important to keep in
732 mind WAC 135-110-150 which says that conservation districts, employees and supervisors
733 must remain impartial during an election. Therefore, it is recommended that polling officers
734 not be immediate family members or live in the same household of such supervisors,
735 employees, or municipal officers.
- 736 ii) The election supervisor appointed by the conservation district may serve as a polling officer
737 at one poll site, even if he or she is a supervisor, employee, or municipal officer of the
738 conservation district holding the election. An election supervisor who also serves as a polling
739 officer has all of the responsibilities and duties listed in Section 2.F.
- 740 iii) The conservation district must provide at least two polling officers at each poll site, except
741 the election supervisor may substitute for one polling officer at one poll site.
- 742 ~~iv) If due notice of the election resolution and the election have been duly published by the
743 conservation district, and the only person filing by the filing deadline is the incumbent, and
744 the conservation district verifies the continued eligibility of the incumbent to serve another
745 term of office, and the incumbent has not resigned on or before the last date of election,
746 then the incumbent is automatically reelected. When an incumbent is automatically
747 reelected, no other election activities at physical poll sites or through remote election~~

~~processes may be performed, provided that, before election day, the conservation district has informed the voting public that the incumbent has been reelected by reason of being the only person filing for the position, and that no poll site, mail, or absentee balloting will be performed, and on election day, signs containing this information must have been posted at poll sites. Within four weeks of the first date of election as scheduled in the election resolution, the conservation district must inform the Conservation Commission of the automatic reelection of the incumbent. Refer to Section 2.J “Non-standard Election Outcomes” in these procedures for additional information.~~

756 ~~vi) Individuals hired temporarily to serve as polling officers are not considered employees for~~
757 ~~the purposes of this section.~~

758 ~~vi) Before the polls open, the conservation district must review with polling officers the~~
759 ~~procedures for verifying voters, issuing ballots, issuing contested ballots, and tallying and~~
760 ~~reporting election results.~~

761 d) Conservation districts must assure privacy in voting.

762 i) The ballot choice made by a voter must not be seen by any other person during the act of
763 voting or the placing of the ballot in the ballot box.

764 ii) Paper ballots must be placed into ballot boxes. Electronic ballots must assure at least the
765 same level of security and privacy as provided by paper balloting.

766 e) The conservation district must not post the names of nominated and declared write-in
767 candidates at the polls. It is the responsibility of candidates to inform the voting public of their
768 candidacy for the office of conservation district supervisor.

769 f) The name of a nominated candidate or declared write-in candidate who has submitted a
770 withdrawal of candidacy in writing to the conservation district may not be posted at the polling
771 place. It is the responsibility of candidates to inform the voting public of their status in seeking
772 the office of conservation district supervisor.

773 5. After the polls close

774 a) One or more conservation district supervisors, or the election supervisor, must receive from
775 polling officers the following:

776 i) All poll list pages;

777 ii) All ballots;

778 iii) A completed ballot results report for each polling site, absentee ballots and for each type of
779 election held (poll-site or mail-in); and

780 iv) All working papers and notes made by polling officers.

- 781 b) When polling officers have transferred all properly completed forms and documents, and all
782 ballots, to a conservation district supervisor or the election supervisor, the polling officers may
783 be excused from their official duty.
- 784 c) The conservation district must ~~deliver-transmit~~ to the Conservation Commission information
785 sufficient for the Commission to certify and announce the election result ~~copies of all properly~~
786 ~~completed forms (candidate information, nominating petition, verification of eligibility,~~
787 ~~verification of due notice compliance, poll list, and ballot results reports)~~ within four weeks of
788 election day. ~~to the Conservation Commission office in Lacey, Washington.~~
- 789 d) The conservation district must retain all original forms, documents, and ballots for ~~six~~ 12 months
790 after the election has been certified, at which time they may be destroyed unless the election
791 has not been certified or the election ~~has been is~~ contested to the Commission. Conservation
792 districts must abide by *Local Government Common Records Retention Schedule (CORE)*.

793 E. Election Supervisor duties

- 794 1. Before an election
- 795 a) Confirm that the election resolution has been provided to the Conservation Commission by the
796 candidate filing deadline.
- 797 b) Confirm due notice requirements have been satisfied.
- 798 c) Confirm two polling officers will be present at each poll site. One polling officer and the election
799 supervisor may substitute for the two polling officer requirement at one poll site.
- 800 d) Prepare polling officers to perform the tasks required of them by reviewing these procedures,
801 the poll list form, the ballot results form, and contested balloting, and confirm all required
802 resources are available at each polling place.
- 803 e) Provide absentee ballots upon request; provide absentee ballot information (instructions,
804 deadlines, etc) to voters (see Appendix A); and abide by the double-envelope system for
805 absentee ballots.
- 806 2. During a poll-site election
- 807 a) A conservation district supervisor or the election supervisor appointed by the conservation
808 district board of supervisors may extend the time polls are open, if needed to accommodate
809 voters or if needed to obtain additional ballots.
- 810 b) The election supervisor may assist polling officers but may not issue ballots in a poll-site election,
811 unless the election supervisor is serving as a polling officer as described in Section D.2.b. Ballots
812 remain in the custody of polling officers at all times during a poll-site election.
- 813 c) An election supervisor who also serves as a polling officer has all of the responsibilities and duties
814 listed in Section 2.F.

- 815 3. After the polls close
- 816 a) The election supervisor may assist polling officers, but may not count ballots, unless the election
817 supervisor is serving as a polling officer as described in Section D.2.b.
- 818 b) One or more conservation district supervisors, conservation district employees, Conservation
819 Commission representatives, or members of the public may observe the handling of ballots and
820 the counting of votes, but may not interfere or disrupt the proceedings in any way.
- 821 4. During a mail-in election and / or for absentee ballots
- 822 a) The election supervisor receives and safeguards mail-in or absentee ballots returned by voters.
- 823 i) The election supervisor performs all the tasks as for a poll-site election, and determines if
824 mail-in ballots and / or for absentee ballots are cast by qualified district electors.
- 825 ii) The election supervisor does not count ballots. Polling officers count the ballots.
- 826 b) Double-envelope voting is required for mail-in and / or for absentee ballots elections.
- 827 i) A double-envelope system identical to contested balloting must be used by the conservation
828 district in a mail-in election and for absentee ballots.
- 829 ii) Ballots are to be inserted in an inner envelope and sealed, with no marks or other
830 information that would identify the person voting. The outer envelope ~~must should~~ show or
831 contain sufficient information to identify the voter. The name and address of the voter, as
832 shown on the list of registered voters obtained from the County Auditor, is recommended.
- 833 iii) Mail-in and absentee ballots are to be delivered to the election supervisor.
- 834 c) The election supervisor determines if mail-in and absentee ballots votes are submitted by
835 qualified district electors.
- 836 i) As ballots are received from voters, the election supervisor may verify each mail-in and
837 absentee ballot as eligible or disqualified based on the information provided on or in the
838 outer envelope of the mail-in or absentee ballot. Alternatively, the election supervisor may
839 wait until all ballots are received, at which time the eligibility of each voter must be verified
840 before outer envelopes are opened.
- 841 ii) When a voter cannot be verified as eligible to vote in this election from information provided
842 on the outer envelope, the outer envelope ~~must should not~~ be opened. If, after opening the
843 outer envelope, a voter still cannot be verified as eligible to vote in this election, and the
844 ballot must be counted as a disqualified ballot.
- 845 iii) The election supervisor may enlist the help of polling officers in verifying mail-in and
846 absentee ballots as eligible or disqualified.

- 847 iv) The election supervisor must not open the inner envelope containing the actual ballot.
848 Polling officers must open and count each ballot that has been verified as having been cast by
849 a qualified district elector.
- 850 v) The inner envelope for each mail-in or absentee ballot found to be cast by a person who is
851 not a qualified district elector must not be opened. However, if it cannot otherwise be
852 determined from an examination of the outer envelope or its contents whether the voter is a
853 qualified district elector, the polling officers may open the inner envelope. If, after opening
854 the inner envelope, a voter still cannot be verified as eligible to vote in the election, the ballot
855 must be counted as a disqualified ballot.

856 F. Polling Officer duties

- 857 1. Before an election
- 858 a) Review contested ballots: what they are, when they are issued, and how they are counted.
- 859 b) Review the poll list form and the ballot results reporting form, and how to complete them.
- 860 c) Confirm these resources are available at each poll site:
- 861 i) Sufficient ballots for the expected number of voters;
- 862 ii) A reasonable supply of contested ballots (double-envelope system);
- 863 iii) A ballot box;
- 864 iv) Voting booth or other means of assuring votes can be cast privately;
- 865 v) A list of registered voters (voter list);
- 866 vi) A map or description of the conservation district legal boundary;
- 867 vii) A copy of these procedures; and
- 868 viii) Poll list forms and ballot results reporting forms.
- 869 2. During a poll-site election
- 870 a) Polling officers must monitor the voting place for compliance with these procedures, and also
871 serve as guardians of all issued and unissued ballots.
- 872 b) Polling officers verify voters and issue ballots.
- 873 i) A polling officer must verify a voter is a qualified district elector before issuing a ballot to the
874 voter and record that determination on the poll list.
- 875 ii) At least one polling officer must be present and in control of the ballot box(es) at all times
876 while the polls are open.

- 877 iii) At a poll-site election, a contested ballot must be issued if the voter’s eligibility to vote
878 cannot be determined during polling. A voter whose eligibility cannot be determined may
879 only vote on a contested ballot. Contested balloting should be explained to the voter.
880 Following is an example dialog:
- 881 *At this time, I cannot verify you are a qualified district elector eligible to vote in this*
882 *election. For your vote to be counted, you must be a registered voter living inside the*
883 *boundary of the conservation district.*
- 884 *Every vote is important, so if you wish to vote, I will issue you a contested ballot so that*
885 *you can vote. Election officials will determine your eligibility to vote after the polls are*
886 *closed and count all ballots.*
- 887 *The contested ballot is a package consisting of a ballot and two envelopes. After you mark*
888 *the ballot, place it inside one envelope and seal that envelope. Do not make any*
889 *identifying marks on that envelope. Place the sealed envelope inside the second envelope.*
- 890 *On the outside of the second envelope, print your name and address as used by the*
891 *County Auditor for your voter registration record, then place the completed contested*
892 *ballot package in the ballot box.*
- 893 iv) Polling officers use the poll list to track the identity and number of voters, to identify
894 determinations made by polling officers as to voter eligibility, and to identify voters issued
895 contested ballots.
- 896 v) For absentee ballots received during a poll-site election, polling officer should follow the
897 procedure, as directed by the Election Supervisor, set out in Section E(4) Election Supervisor
898 Duties above.
- 899 c) Polling officers are to close the polls at the published time, unless the polls are extended by a
900 conservation district supervisor or the election supervisor.
- 901 i) Those who are waiting in line when the polls are scheduled to be closed must be allowed to
902 check in and vote.
- 903 ii) Poll times may not be less than advertised.
- 904 iii) A conservation district supervisor or the election supervisor appointed by the board may
905 extend the time polls are open, if needed to accommodate voters.
- 906 3. After the polls close
- 907 a) Polling officers open the ballot box or boxes and count the votes cast for each candidate.
- 908 i) If the election had more than one polling place, polling officers may transport uncounted
909 ballots in the ballot boxes to a central location for counting.

- 910 ii) Ballots must remain in the custody of polling officers until counted. Polling officers count all
911 votes cast. Absentee ballots should be tallied separately from poll-site ballots.
- 912 iii) All votes must be counted, including eligible votes and disqualified votes.
- 913 iv) A vote on a contested ballot where the voter is found to be ineligible to vote is to be counted
914 as a disqualified vote.
- 915 ~~iv)~~v) Written marks made on a ballot for a write-in candidate shall be governed by the same
916 standards as set out in WAC 434-261-086.
- 917 ~~v)~~vi) When verifying a voter who cast a contested ballot, compare the name and address
918 provided by the voter with the voter list obtained from the County Auditor or Secretary of
919 State.
- 920 ~~vi)~~vii) The ballot count results are reported on the ballot results report, which is to be provided
921 by a polling officer to the election supervisor ~~or a supervisor of the conservation district~~
922 ~~holding the election.~~
- 923 b) Provide a completed ballot results report for each type and location of election held (poll-site
924 and mail-in), and for absentee ballots (if any were received) to a conservation district supervisor
925 or the election supervisor.
- 926 c) Surrender all poll list documents, all ballots, all working notes and papers, and all ballot results
927 reports to ~~a conservation district supervisor or~~ the election supervisor.
- 928 d) Polling officers may announce the unofficial results of the election, subject to certification by the
929 Conservation Commission.
- 930 4. During a mail-in election
- 931 a) Polling officers receive each ballot from the election supervisor.
- 932 i) Each ballot ~~must~~ should be sealed inside an envelope.
- 933 ii) Only one ballot may be in an envelope. If more than one ballot is found inside a single
934 envelope, all such ballots must be disqualified.
- 935 iii) A ballot in an ~~in~~ unsealed inner envelope ~~must~~ may be disqualified.
- 936 b) Polling officers count votes and verify the ballot count in writing.

937 i) All votes must be counted: eligible, and disqualified. There are no contested ballots in a mail-
938 in election.

939 ~~ii)~~ Written marks made on a ballot for a write-in candidate shall be governed by the same
940 standards as set out in WAC 434-261-086.

941 ~~iii)~~ Ballot counts are reported on the ballot results report form (EF5), which is to be provided
942 by a polling officer to a supervisor of the conservation district holding the election.

- 943 c) If the conservation district holds a poll-site election and a mail-in election, polling officers must
944 count and report ballots separately for each type of election and for absentee ballots (if any were
945 received) and for each poll location. This means a separate ballot results report must be
946 completed for each type of election, absentee ballots, and location of election.

947 G. Candidate duties

948 1. Before an election

949 a) Any person wishing to be a candidate must file candidate information (~~PF-AElection Form 2~~) with
950 the conservation district by the candidate filing deadline.

951 b) A candidate wishing to have his or her name pre-printed on the official ballot must provide a
952 qualified nominating petition (~~PF-BElection Form 3~~) signed by at least 25 qualified district
953 electors to the conservation district by the candidate filing deadline. The election supervisor will
954 verify nominators on the nominating petition.

955 c) If the incumbent on the conservation district board who currently holds the elected office subject
956 to the current years' election provides candidate information (~~Election Form 2PF-A~~) by the
957 candidate filing deadline, the incumbent will be eligible to be re-elected. However, under WAC
958 135-110-340, unless the incumbent obtains the 25 qualified nominating signatures (~~Election~~
959 ~~Form 3PF-B~~), the incumbent's name will not appear on the ballot. In order for the incumbent's
960 name to appear on the election ballot, the incumbent must file both ~~PF-AForm 2~~ and ~~Form 3PF-B~~
961 by the candidate filing deadline, and ~~PF-BForm 3~~ must have at least 25 qualified nominating
962 signatures. Only after an incumbent correctly files both ~~formsForm 2 and Form 3~~ with the
963 District will the District place the incumbent's name on the official ballot. Furthermore, a District
964 wherein an incumbent files only candidate information (~~PF-AForm 2~~) and not the 25 qualified
965 nominating signatures (~~Form 3PF-B~~) cannot use WAC 135-110-370 to automatically re-elect the
966 incumbent ~~(if all other provisions of WAC 135-110-370 are also met).~~

967 d) Should a candidate wish to withdraw his or her candidacy, written notice to that effect must be
968 provided to the conservation district before Election Day. Notice by any other means will be
969 considered invalid. If the candidate is running as a nominated candidate and ballots have already
970 been printed, the conservation district is not obligated to reprint ballots to remove the
971 withdrawn candidate's name.

- 972 e) It is the responsibility of a candidate to inform voters of the candidate's desire and qualifications
973 to be elected to the office of conservation district supervisor. A conservation district may provide
974 equal opportunity and equivalent space to candidates for this purpose but are not required to do
975 so. Such information must not be provided within 300 feet of polls on Election Day.
- 976 f) Every candidate must be eligible to be elected to, and hold the office of, conservation district
977 supervisor on the day of the filing of candidate information with the conservation district.
- 978 2. During a poll-site election
- 979 a) Candidates may not seek to influence voters to vote for or against a specific candidate within 300
980 feet of ballot box(es).
- 981 b) Candidates may observe an election while the polls are open but may not interfere with voters or
982 polling officers.
- 983 c) Candidates may observe the counting of ballots but may not interfere with polling officers or the
984 election supervisor.
- 985 3. After the polls close
- 986 a) Candidates may not disrupt or interfere with polling officers.
- 987 b) Candidates may observe the counting of votes.
- 988 c) The supervisor-elect becomes a municipal officer upon certification of the election by the
989 Conservation Commission.

990 H. Nominator duties

- 991 1. Before an election
- 992 a) Persons signing a nominating petition (PF-B) must be registered voters residing within the
993 boundary of the conservation district holding the election.
- 994 b) Information provided on the nNominating pPetition must be legible or it cannot be counted.
- 995 c) Nominators may sign a Nominating nominating Petition-petition for more than one candidate.
- 996 d) Nominators may only sign a candidate's Nominating nominating Petition-petition once.
- 997 e) A nominator's signature is not a vote for the candidate. Signing the Nominating nominating
998 Petition-petition is a request that the candidate's name be pre-printed on the official ballot.

999 I. Voter duties

- 1000 1. During a poll-site election
- 1001 a) No voter may seek to influence any other voters within 300 feet of the ballot box(es).

- 1002 b) A voter may observe an election but may not interfere with voters or polling officers.
- 1003 c) A voter must sign in on a poll list and provide sufficient information for a polling officer to
- 1004 determine the individual's eligibility to vote.
- 1005 d) Before receiving a ballot, the identity of a voter must be verified by a polling officer. Acceptable
- 1006 forms of voter identification include:
- 1007 i) Valid Washington State driver's license or Valid Washington State identification card; or
- 1008 ii) Any other identification allowed for registering to vote by the Auditor of the County where
- 1009 the conservation district is located.
- 1010 e) A voter who cannot be confirmed at the polling place as eligible to vote may vote, but only on a
- 1011 contested ballot issued by a polling officer.

1012 2. After the polls close

- 1013 a) Voters and other citizens may not disrupt or interfere with polling officers.

1014 **J. Non-standard election outcomes**

1015 1. Incumbent automatically reelected if no other person files. WAC 135-110-370.

- 1016 a) The incumbent is automatically reelected to another three-year term if:

- 1017 i) Due notice of the election resolution and the election have been duly published by the
- 1018 conservation district ~~(Election Form 5)~~;

- 1019 (1) The information in the election resolution been published, at least twice, a week apart,
- 1020 the first time being at least one week before the candidate filing deadline and the second
- 1021 at least one day before the candidate filing deadline;
- 1022 (2) The date, time, place and manner of the election been published, at least twice, a week
- 1023 apart, the first time being at least one week before the candidate filing deadline and the
- 1024 second at least one day before the candidate filing deadline;

- 1025 ii) The only person filing by the candidate filing deadline is the incumbent;

- 1026 (1) At the time of filing, the incumbent was a qualified district elector (at the time of filing,
- 1027 the incumbent was a registered voter in the county where the district is located and a
- 1028 resident within the conservation district boundary);

- 1029 (2) At the time of filing, and on or before the candidate filing deadline, the incumbent
- 1030 submitted to the conservation district ~~PF-A Election Form 2~~, information including:

- 1031 (a) The name of the conservation district;

- 1032 (b) The incumbent's name, residential address, mailing address (if different), and phone
- 1033 number;

- 1034 (c) Whether the person is a registered voter in the county where the conservation district
1035 is located;
- 1036 (d) Whether the person resides inside the conservation district boundary;
- 1037 (e) Whether the person is a landowner or an operator of a farm; and
- 1038 (f) The dated signature of the incumbent attesting to the accuracy of the information so
1039 provided.
- 1040 (3) At least 25 qualified nominating signatures (~~PF-B Election Form 3~~) are provided by the
1041 candidate filing deadline. If 25 qualified nominating signatures are not submitted to the
1042 District by the incumbent by the candidate filing deadline, the District cannot use WAC
1043 135-110-370 to automatically re-elect the incumbent.
- 1044 iii) The conservation district verifies the continued eligibility of the incumbent to serve another
1045 term of office (~~EF2 Election Form 4~~);
- 1046 (1) The election supervisor has determined that
- 1047 (a) The name of the incumbent (who filed the candidate information) is the correct legal
1048 name of the individual;
- 1049 (b) That the incumbent submitted candidate information by the filing deadline;
- 1050 (c) That the incumbent submitted a valid nominating petition by the filing deadline;
- 1051 (d) That the incumbent was a qualified district elector on the day of filing; and
- 1052 (e) That at least two of the three elected conservation district supervisors on the
1053 conservation district board of supervisors will be landowners or operators of farms if
1054 the incumbent is elected;
- 1055 iv) The incumbent has not resigned on or before the last date of election; and
- 1056 v) Before election day, the conservation district must have informed the voting public that the
1057 incumbent has been reelected by reason of being the only person filing for the position, and
1058 that no poll site, mail, or absentee balloting will be performed, and on election day, signs
1059 containing this information were posted at poll sites. See ~~EF Election Form 3~~ and EF45.
- 1060 b) Within four weeks of the first date of election as scheduled in the election resolution, the
1061 conservation district must inform the Conservation Commission of the automatic reelection of
1062 the incumbent.
- 1063 c) Election supervisors must use ~~EF3 the Automatic Re-Election of the Incumbent Checklist~~ in order
1064 to ensure compliance with WAC 135-110-370.

1065 d) ~~Upon completion of So long as EF3 the Automatic Re-Election Checklist (is complete and when~~ all
1066 provisions of WAC 135-110-370 are met), a district is ~~required free to proceed with to~~ cancelling
1067 ~~an the~~ election. This can be done with or without formal board action.

1068 i) Without formal board action: Under WAC 135-110-230, a District Board of Supervisors must
1069 appoint an Election Supervisor. That Election Supervisor is empowered by the Board,
1070 through WAC 135-110-230, to conduct all operations of the election, including the
1071 determination and operation of automatically re-electing the incumbent (provided the terms
1072 of WAC 135-110-370 are met). Therefore, the appointed Election Supervisor can proceed to
1073 cancel an election provided all the conditions of WAC 135-110-370 are met and EF3
1074 completed. Ultimately, as WAC 135-110-230(3) notes, the Board is responsible for the
1075 actions of the Election Supervisor.

1076 ii) With formal board action: the board of supervisors may choose to proceed with cancelling
1077 an election (provided that all provisions of WAC 135-110-370 are met and EF3 complete), by
1078 passing a resolution so stating and in compliance with WAC 135-110-370.

1079 2. Undeclared write-in candidate may be elected if no person files. WAC 135-110-360.

1080 a) If no person has filed by the filing deadline, or if the election supervisor finds ineligible all persons
1081 who filed, then only undeclared write-in candidates may be elected.

1082 i) The undeclared write-in candidate, deemed the unofficial winner, must submit required
1083 candidate information to the conservation district, and

1084 ii) Within four weeks (twenty-eight calendar days) following the first date of election, the
1085 election supervisor must verify the eligibility of the unofficial winner to be elected and to
1086 serve.

1087 iii) If the conservation district is unable to verify eligibility of the unofficial winner within four
1088 weeks of the election, the unofficial winner is disqualified. The person receiving the next
1089 highest vote count must then submit required candidate information and the conservation
1090 district must verify his or her eligibility as described above.

1091 iv) If the undeclared write-in candidate who is the unofficial winner is found ineligible and no
1092 other persons received votes, the Conservation Commission will officially announce another
1093 full term of office for the incumbent on the third Thursday in May, but only upon verification
1094 by the conservation district of the eligibility of the incumbent to serve in the office of elected
1095 conservation district supervisor.

1096 b) Written marks made on a ballot for a write-in candidate shall be governed by the same standards
1097 as set out in WAC 434-261-086.

1098 3. Election results in a tie. WAC 135-110-730.

- 1099 a) In the case of two or more eligible candidates receiving the most votes, and each receives an
1100 equal number of votes, the conservation district must recount the ballots.
- 1101 b) Conservation district supervisors may perform the recount at a regular or special meeting of the
1102 conservation district board of supervisors, or may charge polling officers with this duty.
- 1103 c) If a tie is verified by the recount, the winner of the election must be determined by drawing of
1104 names as provided under RCW 29A.60.221 to ensure the drawing is equitable to all affected
1105 candidates.
- 1106 i) If no more than two candidates are tied, a coin toss may be used in lieu of drawing names to
1107 determine the unofficial winner.
- 1108 ii) If more than two candidates are tied, only a drawing of names may be used to determine the
1109 unofficial winner.
- 1110 iii) A representative of the Conservation Commission must be present for any drawing of names
1111 or coin toss.
- 1112 d) The candidate whose name is drawn (or who wins the coin toss) becomes the supervisor-elect.
- 1113 4. No eligible candidate elected. WAC 135-110-740.
- 1114 a) When no eligible candidate is elected, the Conservation Commission will officially announce
1115 another full term of office for the incumbent on the third Thursday in May, but only upon
1116 verification by the conservation district of the eligibility of the incumbent to serve in the office of
1117 elected conservation district supervisor.
- 1118 b) If the conservation district determines the incumbent conservation district supervisor is no
1119 longer eligible to serve in the office of elected conservation district supervisor, or if the
1120 incumbent has resigned, the position is deemed vacant and the conservation district may
1121 appoint an eligible successor following the official announcement by the Conservation
1122 Commission.

1123 K. Emergencies

- 1124 1. Emergency relocation or rescheduling of election
- 1125 a) A conservation district may not change the date(s) or location(s) of poll sites unless an
1126 emergency exists.
- 1127 b) A conservation district supervisor or the election supervisor may declare an emergency when
1128 adverse conditions may negatively affect the health or safety of voters or the timely return of
1129 absentee ballots. Such conditions may include, but are not limited to:
- 1130 i) Hazardous weather conditions;
- 1131 i) Damage to roads, buildings, or other infrastructure;

- 1132 ii) Chemical spills;
- 1133 iii) Fire and smoke; or
- 1134 iv) Volcanic eruption, earthquake, landslides, mudflows, and floods.
- 1135 c) When an emergency is so declared, the conservation district should attempt to inform all
1136 conservation district supervisors and candidates listed on the ballot.
- 1137 d) When a polling site is changed in response to an emergency, and the election date is not
1138 changed, signage sufficient to notify potential voters must be provided to redirect voters to the
1139 new polling site(s). Poll times should be extended to allow for additional travel time to the
1140 relocated polls.
- 1141 e) When the election date is changed in response to an emergency, the conservation district should
1142 first seek to provide due notice to inform the public of the change. If due notice is not possible,
1143 the conservation district should take reasonable measures to inform the public of the change.
1144 Reasonable measures may include, but are not limited to: announcements on local radio or
1145 television; posting on web pages; announcements in newspapers; and posting of handbills or
1146 flyers.
- 1147 f) When one or more polling sites are changed and the date is changed in response to an
1148 emergency, the conservation district should perform the actions described above in subparts (d)
1149 and (e).
- 1150 g) The Conservation Commission must be informed of all emergency changes to poll locations or
1151 dates before voting begins.

SECTION 3: APPOINTMENTS

A. Information required

1. Only an application forms provided by the Conservation Commission on its web site may be used to apply for the position of appointed supervisor. ~~The Conservation Commission will make these application forms available to conservation districts and interested citizens~~The application for appointed supervisor can be found at <http://scc.wa.gov/elections/>.
- ~~2.~~The appointed supervisor application must be filled out in its entirety in order for the applicant to be considered for appointment. information the Conservation Commission will require on the application form includes:
 - ~~a) The name of the conservation district.~~
 - ~~b) The name, residential address, mailing address, phone number, and email address (if available) for the applicant.~~
 - ~~c) Yes/No questions about the applicant being a registered voter, whether the applicant is a landowner or operator of a farm, whether the applicant resides inside the district, and whether the applicant owns land inside the district. An applicant must be a registered voter in the state of Washington.~~
 - ~~d) The applicant's current occupation.~~
 - ~~e) A description of the applicant's experience with boards and organizations.~~
 - ~~f) A description of special training, skills and experience that may help the applicant perform the duties expected of a conservation district supervisor.~~
 - ~~g) The name and phone number of at least one person the Conservation Commission may contact regarding the applicant's qualifications.~~
 - ~~h) Information about why the applicant is interested in serving as a conservation district supervisor.~~
 - ~~i) Information about whether the applicant has ever attended a meeting of the conservation district board of supervisors.~~
 - ~~j) Information about whether the applicant has ever served as a conservation district supervisor.~~
 - ~~k) Information about whether the applicant has reviewed the mission statement, annual plan, and long-range plan of the conservation district.~~
 - ~~l) Information about whether the applicant has a farm plan, and if so, what the applicant's thoughts are on the process to develop the plan, and the plan itself.~~

~~m) Information about what the applicant thinks the appropriate role is for district supervisors to engage with other entities active in the district area, such as the county or state agencies.~~

~~n) Information about what the applicant thinks the appropriate role is for the district supervisors to address natural resource concerns in the district area.~~

~~o) Information about whether the applicant has any prior experience reviewing contracts or other legal instruments.~~

~~p) Information about whether the applicant has any previous experience as a participant in a collaborative process.~~

~~q) Information about whether the applicant has any previous experience with installing practices on a farm.~~

~~r) 2. The dated signature of the applicant.~~

B. Forms and reports required

1. Conservation districts must provide proof to the Conservation Commission that it has complied with the requirement to copies of advertisements and publications used to notify the community of the opportunityability to apply for an appointed conservation district supervisor position. Proof must be documented on EF4. Copies of advertisements are no longer required to be sent to the Commission, but should be retained by the district.

~~2. Applicants for appointment must submit the appointment application using form AF1. The AF1 form can be obtained from the Commission's web site at <http://scc.wa.gov/elections/>. Documents provided by applicants for the office of appointed supervisor to the Conservation Commission in Lacey, Washington.~~

~~a) General~~

~~i) Applications must be originals, not copies.~~

~~ii) Applications and associated documents are to be delivered to the Conservation Commission in Lacey, Washington.~~

~~iii) An applicant should keep a copy of the application and associated documents until the Conservation Commission confirms receipt of submitted materials.~~

~~iv) Letters of recommendation, resumes, and other items do not need to be included with the application.~~

~~v) Late applications and associated documents cannot be considered.~~

1215 ~~v)~~ The Conservation Commission will not consider applications submitted by someone other than
1216 the applicant.

1217 ~~b)~~a) _____ For appointment to a full term of office

1218 i) Applications and supporting materials must be received by the Commission no later than
1219 March 31.

1220 ii) If an incumbent holding the office of appointed conservation district supervisor wishes to be
1221 reappointed, the incumbent must reapply for appointment. This clearly identifies to the
1222 Conservation Commission the wishes of the incumbent, and allows the Conservation
1223 Commission to verify the eligibility of the incumbent to continue his or her service.

1224 ~~e)~~b) _____ For appointment to a partial or mid-term term of office

1225 i) In consultation with the Conservation Commission, the conservation district will establish a
1226 deadline for applications and publicize that date.

1227 ii) ~~Applications and associated documents are to be delivered to the Conservation~~
1228 ~~Commission in Lacey, Washington.~~

1229 C. Conservation Commission duties

1230 1. The Conservation Commission must notify affected parties.

1231 a) The Conservation Commission must notify each conservation district of upcoming vacancies in
1232 the position of appointed conservation district supervisor by ~~January~~September 15 of the year
1233 prior to the in which terms expiratione.

1234 b) The Conservation Commission must notify each appointed supervisor whose term is expiring by
1235 January 15 of the year in which the term expires.

1236 2. The Conservation Commission must make these procedures and ~~appropriate the~~ application forms
1237 available on its web site~~to any interested person~~.

1238 3. The Conservation Commission must provide a list of prospective applicants ~~copies of applications~~ to
1239 the the conservation district prior to the Conservation Commission making an appointment.

1240 4. The Conservation Commission may supplement at its cost any conservation district notice or
1241 advertising for applicants for appointed supervisor.

1242 ~~4.5.~~ The Conservation Commission will vet each applicant with the Department of Ecology and
1243 Department of Agriculture. Applicants with prior or pending enforcement action against them may
1244 be ineligible to serve.

1245 ~~5. In the event an incomplete application is received, the Conservation Commission will attempt to~~
1246 ~~contact the applicant so the application can be corrected. However, the Conservation Commission is~~

~~not bound to perform any additional investigation or due diligence if an applicant does not respond or if the application remains incomplete.~~

- 1247
1248
- 1249 6. In the event no applications are submitted from qualified applicants for a conservation district, the
1250 Conservation Commission may seek qualified applicants from the community served by the
1251 conservation district. The Commission may contact each district which received no applications and
1252 offer an option to re-advertise the open appointed position for a four week period. If the district
1253 declines this option, the Commission will seek qualified applicants itself. Applications received as a
1254 result of the second round of advertising will be processed as soon as possible by the Commission.
- 1255 7. Conservation Commission procedures for full-term appointments.
- 1256 a) Full-term appointments will be made annually at the regular Conservation Commission meeting
1257 to be held the third Thursday in May of each year.
- 1258 b) The term of office will be three years. The term of office for a full-term appointment will expire
1259 on the third Thursday of May three years following the appointment.
- 1260 c) Prior to the May meeting of the Conservation Commission Board, the Conservation Commission
1261 will evaluate all applications received by March 31 in the year the position is open for
1262 appointment.
- 1263 d) The Conservation Commission will evaluate the suitability and capability of all applicants for the
1264 position of appointed supervisor.
- 1265 e) A Conservation Commission representative will contact the conservation district board chair,
1266 vice-chair, and district manager ~~a conservation district supervisor~~ from the affected conservation
1267 district prior to the Conservation Commission making the appointment.
- 1268 f) The Conservation Commission will notify all applicants, including those not appointed, of the
1269 appointments made at its May meeting.
- 1270 g) The Conservation Commission must notify each conservation district of the appointments made
1271 following the May meeting.
- 1272 8. Conservation Commission procedures for mid-term appointments.
- 1273 a) The term of office will be until the end of the original full-term.
- 1274 b) To assure continuity of district operations and effectiveness in administering the authorized
1275 conservation program of the conservation district, the Conservation Commission may act on an
1276 application for mid-term appointment at any time, as determined solely by the Conservation
1277 Commission.
- 1278 c) The Conservation Commission will evaluate the suitability and capability of all applicants for the
1279 position of appointed supervisor.

- 1280 d) A Conservation Commission representative will contact a conservation district supervisor from
1281 the affected conservation district prior to the Conservation Commission making the
1282 appointment.
- 1283 e) The Conservation Commission will notify all applicants, including those not appointed, of the
1284 mid-term appointments made.
- 1285 f) The Conservation Commission will notify each conservation district of the mid-term
1286 appointments made.

1287 D. Conservation District duties

- 1288 1. Conservation districts must provide due notice to citizens of the opportunity to apply for
1289 appointment to a full term of office as a conservation district supervisor.
- 1290 a) Notices should be published at least several weeks before the application deadline.
- 1291 b) Copies of published notices shall be retained at the district for at least one year, and may be
1292 inspected at any time during that year by ~~must be provided to~~ the ~~Conservation~~ Commission.
- 1293 c) Notices for elections and appointments may be combined.
- 1294 2. Notices to the public must include at least the following information:
- 1295 a) There is an upcoming vacant or unexpired appointed supervisor position.
- 1296 b) An applicant must be a registered voter in the state of Washington.
- 1297 c) Applicants may be required to be landowners or operators of a farm, depending on the current
1298 composition of the conservation district board of supervisors.
- 1299 d) A conservation district supervisor sets policy and direction for the conservation district.
- 1300 e) A conservation district supervisor is a public official who serves without compensation.
- 1301 f) Application forms may be obtained from ~~the conservation district or~~ the Conservation
1302 Commission website.
- 1303 3. Deadlines for applications vary
- 1304 a) For full-term appointments, the deadline for applications and associated materials to be received
1305 by the Conservation Commission in Lacey, Washington, is March 31.
- 1306 b) For partial or mid-term appointments, the conservation district must consult with the
1307 Conservation Commission to determine an appropriate due date, and then publish that date.

1308 ~~4. If a conservation district receives an original application or associated documents from an applicant,~~
1309 ~~the conservation district must forward to the Conservation Commission all such materials.~~

1310 ~~a) The Conservation Commission will not accept applications submitted by parties other than the~~
1311 ~~applicant, but if a conservation district forwards originals, the Conservation Commission will~~
1312 ~~confirm the application with the applicant.~~

1313 ~~b) If an applicant does not confirm his or her intent to apply, the application will be rejected by the~~
1314 ~~Conservation Commission.~~

1315 ~~5.4.~~ Conservation district procedures for a full-term appointment.

1316 a) The application period is January 1 through March 31 in the year the appointment is to occur.

1317 b) The conservation district must notify the newly appointed supervisor of the date and time of the
1318 next meeting of its board of supervisors.

1319 ~~6.5.~~ Conservation district procedures for mid-term appointments

1320 a) The conservation district must consult with the Conservation Commission in determining an
1321 appropriate application period and deadline for applications.

1322 b) The application period must be at least four weeks (28 calendar days) in duration.

1323 c) The conservation district must select a reasonable deadline for applications to be received by the
1324 Conservation Commission, preferably at least four weeks before the regular Conservation
1325 Commission meeting at which the conservation district wishes the appointment to be made.

1326 d) A conservation district is not required to provide due notice, but should strive to do so unless an
1327 emergency exists that calls for immediate filling of the vacant office.

1328 e) A conservation district may extend the deadline for applications upon consultation with, and
1329 agreement by, the Conservation Commission. Due notice of the extended deadline must be
1330 provided by the conservation district.

1331 f) The conservation district must notify a newly appointed supervisor of the date and time of the
1332 next meeting of its board of supervisors.

E. Applicant duties

1. Applicants for the position of appointed supervisor of a conservation district must be registered voters in Washington State.
2. Applicants may obtain ~~the an~~ application form ~~(AF1)s~~ from ~~any conservation district or from~~ the Washington State Conservation Commission's ~~, PO Box 47721, Olympia, Washington 98504-7721 or on the Conservation Commission~~ website at <http://www.scc.wa.gov/elections/>.
3. Applicant procedures for full-term appointments.
 - a) Applications and supporting materials must be received by the Commission no later than March 31.
 - ~~b) An applicant submitting an incomplete application or inaccurate application will not be considered for appointment until the application is corrected by the applicant.~~
 - ~~e)b)~~ _____ An applicant becomes a municipal officer of the conservation district upon formal appointment by the Conservation Commission.
 - ~~e)c)~~ _____ Newly appointed supervisors may begin performing the duties required of conservation district supervisors at the next regular or special meeting of the conservation district board of supervisors following appointment by the Conservation Commission.
4. Applicant procedures for mid-term appointments.
 - ~~a) An incomplete or inaccurate application will not be considered for appointment until and unless it is corrected by the applicant.~~
 - ~~b)a)~~ _____ An applicant becomes a municipal officer of the conservation district upon appointment to office by the Conservation Commission.
 - ~~e)b)~~ _____ Newly appointed supervisors may begin performing the duties required of conservation district supervisors at the next regular or special meeting of the conservation district board of supervisors following appointment by the Conservation Commission.

1358 SECTION 4: VACANCY, REMOVAL, AND REPLACEMENT

1359 A. Only vacant offices may be filled – WAC 135-110-900

- 1360 1. The office of conservation district supervisor may not be filled by election or appointment unless the
1361 term of office has expired, or the position has been immediately vacated as described in this section,
1362 or the Conservation Commission has declared the position vacant.

1363 B. Supervisors must be eligible to serve – WAC 135-110-910

- 1364 1. A conservation district supervisor must be eligible to serve in the office of conservation district
1365 supervisor throughout the term of office.
- 1366 2. If an incumbent no longer meets the minimum eligibility requirements to serve as a conservation
1367 district supervisor, the office is deemed vacant.

1368 C. Resignation from office – WAC 135-110-920

- 1369 1. A conservation district supervisor may resign from public office at any time, and for any reason.
- 1370 2. Resignations must be made in writing to the Conservation Commission or to the conservation
1371 district.
- 1372 3. Resignations are effective on the date received, unless the incumbent has specified a future date for
1373 the resignation to become effective.

1374 D. Ceasing to be a registered voter – WAC 135-110-930

- 1375 1. The office held by an elected conservation district supervisor is immediately vacant upon that
1376 supervisor no longer meeting the definition of a qualified district elector.
- 1377 2. The office held by an appointed conservation district supervisor is immediately vacant upon that
1378 supervisor no longer being a registered voter in the state of Washington.

1379 E. Death of the supervisor – WAC 135-110-940

- 1380 1. The office held by a conservation district supervisor is immediately vacant upon the death of the
1381 supervisor.

1382 **F. Declaration voiding an election or appointment – WAC 135-110-**
1383 **950**

- 1384 1. The office held by a conservation district supervisor is vacant upon the decision of a competent
1385 tribunal declaring void his or her election or appointment.

1386 **G. Removal from office – WAC 135-110-960**

- 1387 1. As provided in RCW 89.08.200, a conservation district supervisor may be removed from office by the
1388 conservation commission governing board upon notice and hearing for neglect of duty or
1389 malfeasance.
- 1390 2. The conservation commission must provide notice to the supervisor detailing the specific elements
1391 of the neglect of duty or malfeasance for which removal is sought. The supervisor shall be given the
1392 opportunity to respond in writing to the elements contained in the notice within thirty days of the
1393 notice to the supervisor from the conservation commission. Notice to the supervisor from the
1394 conservation commission shall be by certified mailing to the address of record for that supervisor.
- 1395 3. The conservation commission must hold at least one public hearing no earlier than sixty days from
1396 the date of certified mailing to the supervisor in the area served by the conservation district
1397 supervisor before acting to remove the incumbent from office.
- 1398 4. Following the public hearing, the conservation commission shall vote on the removal of the
1399 supervisor based on official findings of fact detailing the cause or causes of removal.

1400 **H. Replacement – WAC 135-110-970**

- 1401 1. A vacancy in the office of elected conservation district supervisor is filled by the conservation district
1402 board of supervisors for the remainder of the unexpired term, subject to the verification of
1403 supervisor qualifications by the conservation commission. While due notice to the affected
1404 community is strongly recommended, it is not required. Notice must be given of the appointment as
1405 soon as practicable by the District to the Commission. Please remember that any appointee to a
1406 vacant elected supervisor position must still be eligible to serve under WAC 135-110-910. Therefore,
1407 depending on the current make-up of the board of supervisors, an appointee to a vacant elected
1408 supervisor position may be required to be a landowner or farm operator at the time of appointment.
1409 Districts should make this determination before appointing someone to fill the vacant elected
1410 supervisor position by using form AF2. At least two of the three elected conservation district
1411 supervisors on the conservation district board must be landowners or operators of farms. The
1412 definition of landowner and farm operator is set out in WAC 135-110-110.

- 1413 2. A vacancy in the office of appointed conservation district supervisor is filled by the Conservation
1414 Commission for the remainder of the unexpired term. The conservation district may publish due
1415 notice of the vacancy.
- 1416 a) Conservation Commission requirements are identified in Section 3.C.8 of these procedures.
1417 b) Conservation district requirements are identified in Section 3.D.6 of these procedures.
1418

Appendix A

[INSERT DISTRICT NAME] Conservation District
[INSERT ADDRESS, PHONE, EMAIL]

PLEASE READ THESE IMPORTANT VOTING INSTRUCTIONS

Dear registered voter:

Thank you for participating in our election by requesting an absentee ballot for the [INSERT DISTRICT NAME] Conservation District Board of Supervisor Election, which will be held on [INSERT DATE].

TYPES OF CANDIDATES:

Per WAC 134-110-350, there are three types of candidates:

(1) A declared candidate is a qualified district elector who has submitted a candidate information form to the conservation district by the filing deadline, but has not submitted a qualified nomination petition signed by 25 registered voters. The name of this type of candidate will not appear on the ballot.

(2) A declared nominated candidate is a qualified district elector who has submitted a candidate information form and a qualified nominating petition signed by 25 registered voters to the conservation district by the filing deadline. The name of this type of candidate will appear on the ballot.

(3) An undeclared write-in candidate is a qualified district elector who has not submitted a candidate information form nor a qualified nomination petition signed by 25 registered voters to the conservation district by the filing deadline. Per WAC 135-110-360 an undeclared write-in candidate may only win if no candidates have filed by the candidate filing deadline or all the candidates who have filed have been found ineligible.

CANDIDATES IN THIS ELECTION:

[INSERT DESCRIPTION OF CANDIDATES IN THIS ELECTION].

BALLOT SYSTEM:

Our absentee ballot system is a two-envelope system to ensure the confidentiality of your vote. Complete the ballot and the attest statement and voter information form. Place only your completed ballot inside the smaller secrecy envelope being sure there are no identifying markings on the outside of the envelope then seal the envelope. If there is more than one ballot in the secrecy envelope or the secrecy envelope is not sealed, the ballot ~~will~~ may be disqualified.

Place the sealed secrecy envelope and the attest statement and voter information form into the larger envelope, which has our address preprinted in the addressee area of the envelope. The information on the attest statement and information form will be used to verify whether or not you are a registered Washington state voter living in [INSERT COUNTY NAME] County. If we cannot find your name on the voter rolls because you have used a nickname or you have moved and not updated your registration with the County, your ballot will be contested. Seal the outer envelope and write your name and return address in the upper left corner of the envelope.

Your absentee ballot must be received by the Conservation District by mail or in person no later than [INSERT TIME] on [INSERT DATE] (WAC 135-110-110). Ballots post marked earlier, but received in the mail after [INSERT TIME] on [INSERT DATE] cannot be counted.

Conservation district election procedures are set by the Washington State Conservation Commission and are governed under WAC Chapter 135-110. If you have any further questions about the election procedures, please call the conservation district.

Sincerely,
[INSERT NAME]
Election Supervisor

[Page 1 of 3]

[INSERT DISTRICT NAME] Conservation District

1. Complete the ballot.
2. Place your completed ballot into the smaller secrecy envelope with no identifying marks.
3. Seal the secrecy envelope with only your ballot in it.
4. Complete the attest statement and voter information form.
5. Place the sealed secrecy envelope and the attest statement and voter information form into the larger white envelope with the [INSERT DISTRICT NAME] Conservation District address in the addressee area of the envelope.
6. Write your name and address in the upper left hand corner of the larger white envelope.
7. Bring or mail the larger white envelope ~~ballot~~ to the [INSERT DISTRICT NAME] Conservation District office at [INSERT ADDRESS]. It must be received no later than [INSERT TIME] on [INSERT DATE].

[Page 2 of 3]

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[INSERT DISTRICT NAME] Conservation District

Attest Statement and Voter Eligibility Information

I swear under penalty of perjury under the laws of the State of Washington that I reasonably believe that I am a registered voter of Washington state and that I reside within the [INSERT DISTRICT NAME] Conservation District boundaries.

Signature

Voter Eligibility Information:

Print your name clearly as it appears on your County voter registration:

First Name Middle Initial Last Name

Print your address as it appears on your County voter registration:

Physical home address:

House number Street Unit #

City

Mailing address (if different from physical home address):

PO Box Number or House Number Street Unit #

City Phone Number

We will only call you if we are having difficulty verifying that you are a registered Washington state voter living in _____ County.

We ~~will~~ may not be able to count your vote if

- You are not a registered Washington state voter living in [INSERT COUNTY NAME] County. (This will be verified by checking the [INSERT COUNTY NAME] County Auditor's voter rolls.)
- We cannot read your name and address on this form.
- Anything except the ballot is inside the secrecy envelope.
- The secrecy ballot is not sealed.
- The name or address on this form is different from the one on the [INSERT COUNTY NAME] County Auditor's voter rolls.

Appendix B

Due Notice Compliance Notice Examples

Please refer to Section 2.D.2.e and Section 3.D.2 for specific requirements about minimum content in notices published for elections and appointments.

We recommend providing notices to the pool of potential candidates long before the election, announcing vacancies and seeking candidates.

Sample announcement of a vacancy:

The Ledgerwood Conservation District is pleased to announce an opportunity to contribute to conservation and your community by serving on the Board of Supervisors. Supervisors are public officials who direct the activities of the conservation district. Although they serve without compensation, they are eligible to be reimbursed for appropriate expenses. For more information, please contact the Ledgerwood Conservation District or visit the Washington State Conservation Commission website at <http://www.scc.wa.gov/>

Sample notice of intent to adopt an election resolution that meets the traditional minimum requirements:

The Ledgerwood Conservation District Board of Supervisors will hold a meeting at [time] on [month] [day], [year] at [address] location to adopt a resolution setting the date, time, and location of an election to fill a Conservation District Supervisor's expiring term.

Sample notice of intent to adopt an election resolution that meets the NEW web site requirements:

The Ledgerwood Conservation District Board of Supervisors will hold a meeting at [time] on [month] [day], [year] at [address] location to adopt a resolution setting the date, time, and location of an election to fill a Conservation District Supervisor's expiring term. Please note: future election information will be posted ONLY on the Ledgerwood Conservation District web site (INSERT WEB SITE URL).

Sample adopted election resolution notice that meets minimum requirements:

A [insert type: mail, poll-site, electronic] election for a board seat on the Ledgerwood Conservation District will be held on [month] [day], [year] at [address] location. Polls will open at [time] and close at [time]. Registered voters who reside within the Conservation District boundary are eligible to vote. Candidates must registered voters residing in the conservation district, and may be required to own land or operate a farm. The candidate filing deadline is [date] at [time]. Elections procedures are

available at the district office. Absentee ballots are available upon request for eligible voters, but must be requested on or before [time] on [month] [day], [year]. Please contact the District office at [phone] or at the District office at [address] for absentee ballots or if you have any questions.

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Sample appointment announcement that meets minimum requirements for a full-term appointment:

A board seat on the Ledgerwood Conservation District is available for appointment by the Washington State Conservation Commission. Conservation district board supervisors are public officials who serve without compensation and set policy and direction for the conservation district. An applicant must be a registered voter in Washington State, and may be required to own land or operate a farm. Applicants for appointed positions do not have to live within the district to apply. For more information, or to obtain an application form, please contact the Ledgerwood Conservation District or visit the Conservation Commission website at <http://www.scc.wa.gov/>. Applications and supporting materials must be received by the Commission no later than March 31, [year].

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Sample Board-Authorized Automatic Re-Election of the Incumbent notice. Note: use this notice only if your Board of Supervisors, at a regular or special meeting, passed a resolution cancelling the election due to the automatic re-election of the incumbent, in compliance with WAC 135-110-370:

The Ledgerwood Conservation District Board of Supervisors resolved on [day], [year] to proceed with informing the voting public that the incumbent has been re-elected to the currently open seat by reason of being the only person filing for the position by the filing deadline. Therefore, no poll site, absentee balloting or mail balloting will be performed pursuant to WAC 135-110-370. For further information, please contact the District at [phone].

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Sample Automatic Re-Election of the Incumbent notice. Note: use this notice if your Election Supervisor has chosen to cancel the election due to the automatic re-election of the incumbent without a formal resolution from your Board of Supervisors, in compliance with WAC 135-110-370:

The Ledgerwood Conservation District Board of Supervisors hereby informs the voting public that the incumbent has been re-elected to the currently open seat by reason of being the only person filing for the position by the filing deadline. Therefore, no poll site, absentee balloting or mail balloting will be performed pursuant to WAC 135-110-370. For further information, please contact the District at [phone].

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1621 Below are two different examples of signs to post on election day, in order for a district to comply with WAC 135-110-370:

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1623 Example #1 (use this sign if your Board of Supervisors, at a regular or special meeting, issued a resolution regarding the
1624 automatic re-election of the incumbent):

1625 "Pursuant to WAC 135-110-370, no poll site, absentee balloting or mail balloting will be performed. The XYZ Conservation
1626 District Board of Supervisors resolved on [day], [year] to proceed with informing the voting public that the incumbent has been
1627 re-elected to the currently open seat by reason of being the only person filing for the position by the filing deadline. For further
1628 information, please contact the District at [phone]."

1629

1630 Example #2 (use this sign if your Election Supervisor has chosen to proceed without a formal resolution from your Board of
1631 Supervisors regarding the automatic re-election of the incumbent):

1632 "Pursuant to WAC 135-110-370, no poll site, absentee balloting or mail balloting will be performed. The XYZ Conservation
1633 District Board of Supervisors hereby informs the voting public that the incumbent has been re-elected to the currently open seat
1634 by reason of being the only person filing for the position by the filing deadline. For further information, please contact the District
1635 at [phone]."

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1648 Appendix C
1649 Sample Candidate Information Template
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1651 Background:
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1653 WAC 135-110-430 allows a district to publish candidate-provided information (a candidate statement). To assist voters in the
1654 selection of a candidate during voting, a conservation district may publish information provide by a nominator or declared write-
1655 in candidate. See also this manual, pg 21. Further, if the district chooses to publish information about candidates, it must
1656 provide equal opportunity for publication and equivalent space to each candidate. WAC 135-110-430. The full text of WAC
1657 135-110-430 is below:

1658 WAC 135-110-430

1659 Conservation district may publish candidate-provided information.

1660 (1) To assist voters in the selection of a candidate during voting, a conservation district may publish information provided by
1661 nominated and declared write-in candidates.

1662 (2) If a conservation district chooses to publish information about candidates, it must provide equal opportunity for publication
1663 and equivalent space to each nominated and declared write-in candidate.

1664 (3) Candidate information provided by candidates and published by the conservation district may be mailed or delivered to
1665 voters before election day, but may not be provided to voters at poll sites on election day.

1666 Districts who wish to allow candidates to publish candidate statements should consider a number of questions, including:

- 1667 ● How will the statement be published (web site only, posted at the district's office, other forums)?
- 1668 ● How long will the statement be?
- 1669 ● What information is required in the statement (if any)?
- 1670 ● What information is prohibited in the statement (if any)?
- 1671 ● What happens if there are inaccurate, erroneous, or offensive statements or language in the statement?
- 1672 ● When must the statement be provided by the candidate to the district?
- 1673 ● Will the statement be provided with absentee ballot requests and/or mailed to prospective voters?
- 1674 ● If a candidate wishes to rescind a submitted statement, will the district allow that?
- 1675 ● Who decides if the statement meets the parameters set by the district (i.e. it was submitted on time, it meets the length
1676 requirements, etc)?
- 1677 ● Will the statement be edited by the District in any way?
- 1678 ● What procedure would the district use to approve the publication of a candidates' statement?

1680 Ultimately, it is the responsibility of the candidate to inform voters of the candidate's desire and qualifications to be elected to the
1681 office of conservation district supervisor. Candidates are free to run campaigns as they see fit and can provide voters with any
1682 information they choose, so long as they are lawful and otherwise comply with the Revised Code of Washington, Washington
1683 Administrative Code, and Commission elections policies and procedures.

1684 It is up to the District to modify the template below so that it meets the District's current policy:

1685

1686 Sample Candidate Information Template:

1687 Thank you for your interest in running for the office of elected supervisor of the [DISTRICT] Conservation District!

1688 Prior to Election Day, we encourage you to take the opportunity to tell voters about who you are and how you are connected to
1689 the District and county. Please keep in mind though, that such information must not be provided within 300 feet of polls on
1690 Election Day.

1691 There's another chance to tell voters about yourself – that is when you turn in your candidate information. The candidate
1692 information is similar to your biography – it allows you to inform voters of your desire and qualification to be elected to the office
1693 of conservation district supervisor.

1694 If all candidates participate by the filing deadline, the District will produce a voter pamphlet with candidate information. The
1695 voter pamphlet will be posted as soon as practicable on the Districts' web page.

1696 Your statement should be no more than 200 words. Statements must be typed. You may submit a photograph of yourself with
1697 your statement. Photos must be digital (JPEG or TIFF format), current (within 5 years), head and shoulders only portrait, light
1698 colored on plain background. Photos with scenery, flags, or other background settings will not be accepted. Color photos are
1699 preferred, black and white is acceptable. Judicial robes, law enforcement or military type uniforms are prohibited. No photo
1700 may reveal clothing or insignia suggesting that you hold a public office. Submitted photos become the property of the District.

1701 The statement must be limited to information only about you. The District retains the right to eliminate information for space
1702 availability or content appropriateness, at the sole discretion of the District. Once submitted, the District has sole discretion to
1703 publish that information as it sees fit, provided that each candidate's statement is treated equally. Inaccurate, erroneous, or
1704 offensive statements or language in the candidate information, as determined by the District's delegated Election Supervisor,
1705 will result in the non-publication of the candidate statement.

1706 Things to think about when you write your candidate statement:

- 1707 • Describe your current occupation/employer (suggested).
- 1708 • Describe your position interest (suggested).
- 1709 • Describe your education (suggested).
- 1710 • Information about your family (optional).
- 1711 • Include a photo of yourself (suggested).
- 1712

1713 Candidate statements must be returned in the proper format, as outlined above, no later than the candidate filing deadline of
1714 [DATE], to the District at [ADDRESS]. As determined by the District, the failure to properly submit the statement will result in
1715 the non-publication of the statement. Any issue a candidate has surrounding a candidate's submitted statement must be made
1716 in writing [electronic or paper] to the District's Election Supervisor. As the delegated agent of the District, the District's Election
1717 Supervisor will resolve the issue as soon as practicable and inform the candidate of the decision in writing [electronic or paper].

1718



September 17, 2015

TO: Conservation Commission Members

FROM: Shana Joy, Puget Sound Regional Manager

SUBJECT: Petition for Annexation of Territory into the Pierce Conservation District

Background summary: The City of Bonney Lake (City), in Pierce County, originally opted out of inclusion in the Pierce Conservation District (District). The City of Bonney Lake now wishes to be annexed into the Pierce Conservation District. The District and City, pursuant to RCW 89.08 and established procedure, have submitted the attached *Petition for Inclusion of Additional Territory within the Pierce Conservation District*.

Action requested: I formally request, on behalf of the Pierce Conservation District and the City of Bonney Lake, that the Commission formally approve the inclusion of the incorporated City of Bonney Lake into the territory of the Pierce Conservation District.

Staff Contact: Please contact me, Shana Joy, Puget Sound Regional Manager, with any questions. Phone: 360-480-2078 or Email: sjoy@scc.wa.gov

PIERCE CONSERVATION DISTRICT

Resolution NO. 2015-07-01

A RESOLUTION OF THE PIERCE CONSERVATION DISTRICT, APPROVING THE CITY OF BONNEYLAKE'S INCLUSION IN THE PIERCE CONSERVATION DISTRICT PURSUANT TO STATE LAW; REQUESTING THAT THE PIERCE COUNTY COUNCIL APPROVE THE CONSERVATION DISTRICT RESOURCE CONSERVATION FEE OR OTHER AUTHORIZED FUNDING WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BONNEY LAKE.

WHEREAS, various Federal and State government laws and regulations mandate local governmental action relative to protection and enhancement of natural resources; and

WHEREAS, the City of Bonney Lake is required to plan and implement programs and projects in response to these Federal and State mandates, including the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) and the Endangered Species Act (ESA); and

WHEREAS, outside funding for said programs and projects is often insufficient to meet the needs of local government, including local government needs from "unfunded mandates" of the State and Federal governments; and

WHEREAS, the Pierce Conservation District, a locally-led agency of Washington State government offers significant assistance to local governments and private citizens in response to Federal and State mandates; and

WHEREAS, the City of Bonney Lake has significant natural resources that are important for the quality of life of the region; and

WHEREAS, the City of Bonney Lake wishes to take advantage of the Pierce Conservation District programs for water quality improvement, river bank clean ups, natural habitat restoration, urban flooding reduction, river bank stabilization, water quality monitoring, lake water quality improvement, rain garden and rain barrel program development, rain garden and rain barrel program development and community garden and local food access project development; and

WHEREAS, the City of Bonney Lake unanimously approved Resolution No. 2459 on June 16, 2015 approving the city's inclusion in Pierce Conservation District and requesting that the Pierce County Council approve the conservation district resource conservation fee or other authorized funding within the corporate boundaries of the City of Bonney Lake; and

WHEREAS, the Pierce County Council possesses the authority under Chapter 89.08. RCW to enhance the ability of the Pierce Conservation District to assist local governments by enacting an annual Resource Conservation Fee or Rate or Charge of up to Ten Dollars (\$10.00) per parcel within the Pierce Conservation District's boundaries for a period of not greater than ten (10) years;

NOW THEREFORE, BE IT RESOLVED by the PIERCE CONSERVATION DISTRICT BOARD OF SUPERVISORS, as follows:

Section 1. The Board of Supervisors hereby approves the inclusions of the City of Bonney Lake to be included in and a part of the Pierce Conservation District (The "District"). The Petition for inclusion in the District shall be submitted to the Washington State Conservation Commission ("commission"), as provided in RCW 89.08.010(4). The Commission is requested to approve the Petition. Upon approval by the District and the Commission, the District is authorized to file such documents with Pierce County as may be necessary to implement this authorization.

Section 2. The District Executive Director is hereby authorized to take any action necessary to facilitate this approval on behalf of the Board of Supervisors.

Section 3. Any act prior to and consistent with the authority of this Resolution is hereby ratified and confirmed.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE PIERCE CONSERVATION DISTRICT AT A REGULAR, OPEN MEETING THEREOF ON THE 2nd DAY OF July, 2015.



Jeanette Dorner, Chair

Attest:



Selena Corwin, Clerk of the Board

PETITION FOR INCLUSION OF ADDITIONAL TERRITORY
WITHIN THE
PIERCE CONSERVATION DISTRICT

TO: The Washington State Conservation Commission

Pursuant to the Conservation Districts Law (Chapter 89.08 RCW) the undersigning government authorities of the City of Bonney Lake and the Pierce Conservation District, respectfully represent:

- First: That heretofore the Pierce Conservation District was duly organized as a governmental subdivision of this state, and a public body corporate and politic.
- Second: That there is need, in the interest of the public health, safety, and welfare, for the inclusion of the territory hereinafter described within the said Pierce Conservation District.
- Third: That the territory proposed for inclusion within the said district includes substantially the following:

Incorporated City of Bonney Lake

WHEREFORE, the undersigned petitioners respectfully request that the State Conservation Commission duly define the boundaries of the additional territory; and that the State Conservation Commission determine that such additional territory be so included and made a part of the Pierce Conservation District.

Pierce Conservation District


Chair

Vice Chair

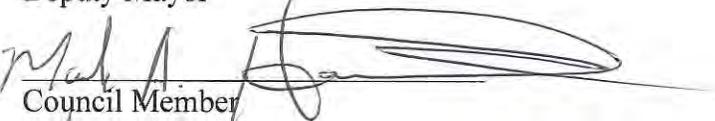
Auditor

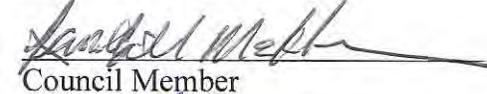
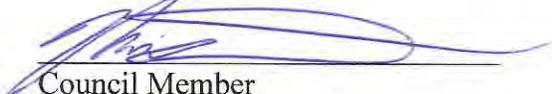
Member

Member

City of Bonney Lake


Mayor

Deputy Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Date: June 16, 2015

RESOLUTION NO. 2459

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, APPROVING THE CITY'S INCLUSION IN PIERCE CONSERVATION DISTRICT PURSUANT TO STATE LAW; AND REQUESTING THAT THE PIERCE COUNTY COUNCIL APPROVE THE CONSERVATION DISTRICT RESOURCE CONSERVATION FEE OR OTHER AUTHORIZED FUNDING WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BONNEY LAKE.

WHEREAS, various Federal and State government laws and regulations mandate local governmental action relative to protection and enhancement of natural resources; and

WHEREAS, the City of Bonney Lake is required to plan and implement programs and projects in response to these Federal and State mandates, including the National Pollutant Discharge Elimination System (NPDES) and the Endangered Species Act (ESA); and

WHEREAS, outside funding for said programs and projects is often insufficient to meet the needs of local government, including local government needs from "unfunded mandates" of the State and Federal governments; and

WHEREAS, the Pierce Conservation District, a locally-led agency of Washington State government offers significant assistance to local governments and private citizens in response to Federal and State mandates; and

WHEREAS, the City of Bonney Lake has significant natural resources that are important for the quality of life of the area; and

WHEREAS, the City of Bonney Lake wishes to take advantage of the Pierce Conservation District programs such as water quality improvement, river bank clean ups and natural habitat restoration, urban flooding reduction, river bank stabilization, water quality monitoring, lake water quality improvement, rain garden and rain barrel program development, and community garden and local food access project development; and

WHEREAS, the Pierce County Council possesses the authority under Chapter 89.08 RCW to enhance the ability of the Pierce Conservation District to assist local governments by enacting an annual Resource Conservation Fee or Rate or Charge as authorized by law within the Pierce Conservation District's boundaries for a period of not greater than ten (10) years.

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington hereby resolves as follows:

Section 1. The City of Bonney Lake hereby requests to be included in and a part of the Pierce Conservation District (The "District"). The Petition for inclusion in the District shall be submitted to the Washington State Conservation Commission ("commission"), as provided in RCW 89.08.010(4). The Commission is requested to approve the Petition. Upon approval by the District and the Commission, the District is authorized to file such documents with Pierce County as may be necessary to implement this authorization.

Section 2. The City of Bonney Lake requests the Pierce Conservation District Board of Supervisors include eligible properties within the City limits within the Resource Conservation Fee or Rate or Charge (or other lawful funding) to fund said programs in accordance with Chapter 89.08 RCW or other applicable law.

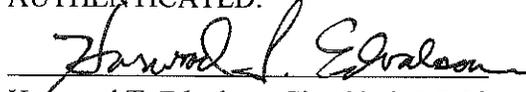
Section 3. No further action of the City shall be necessary following approval by the Commission. The Mayor is authorized to execute on behalf of the City any additional documents necessary to carry out the authorizations and approvals of this Resolution.

PASSED BY THE CITY COUNCIL this 9th day of June 2015.



Neil Johnson, Jr., Mayor

AUTHENTICATED:



Harwood T. Edvalson, City Clerk, MMC

APPROVED AS TO FORM:



Kathleen Haggard, City Attorney

September 2015 Commission Meeting

District Operations Staff Report (July 2015 to September 2015)

Conservation District Assistance

Topics included:

- District development
- Shellfish funding webinar assistance
- Public records requests and inquiries
- Engineering cluster issues
- Fiscal year close-out questions and issues
- Scheduling planning meetings with boards and staff
- Payroll internal review
- Recommendations on weed control program
- Public works/building considerations
- Process annexation of city into district
- Long range and strategic planning
- Capacity building
- Board meeting preparation
- HCP promotion and operational support
- Voluntary Stewardship Program questions and presentations
- Livestock operations
- Discussing partnering with Ecology on cost share
- Opportunities for CREP
- ArcGIS training
- Top-two non-shellfish projects
- Data entry on a wildfire damages spreadsheet
- District CPDS data entries for their priority #1 and priority #2 projects were correct
- Substantial election issues this cycle
- Commission communications policy related to supervisors who don't have internet access
- New employee orientations (3)
- New supervisor orientations (2)
- Fire recovery assistance & cultural resources
- Quick Notes
- Area & SCC meetings logistics
- Project implementation monitoring
- Funding for shellfish, non-shellfish, and CREP
- Grant related questions
- New supervisor orientations
- Annual reports to the SCC
- Proposed election manual changes
- District development
- Resolutions
- Financial matters
- Coordinating regional training with the TPDW
- Implementation monitoring
- Engineering cluster questions
- Territory annexation
- Review of a Request for Quotes

Looking Ahead

- Fire Recovery Assistance
- Cultural Resources Assistance
- District Operations Issues
- Resolution Assistance
- Orientation & Open Government Training of new Supervisors
- Good Governance District Assistance
- District Capacity Building Assistance
- CPDS & Project Development
- Sharing of Examples, Templates, Information

- Reviewed appointment to an elected board position policy and WAC
- GovDelivery rollout
- CD name change procedures
- Scheduling of two facilitated work sessions for CDs regarding district development and team building
- Cost share rates policy
- See Listing on page 4 for summary of Regional Managers in-person assistance and follow-up with Conservation Districts

Fires/Emergency Management:

Bill Eller and Mike Baden worked throughout the reporting period on fire related tasks including; information collection, monitoring and data gathering from conservation districts related to fire damage and coordination of information including cultural resources messaging to CD's affected by the fires. Bill Eller, Mike Baden and Larry Brewer worked on emergency cultural resources procedure including coordinating with Cascadia CD for services. Bill Eller worked on an MOA that districts could use to share employees during emergencies.

The State Emergency Management Division (EMD) put out a call for qualified volunteers to serve as relief staff for EMD staff working in the State Emergency Operations Center (EOC) at Camp Murray. Bill Eller staffed the EOC on Friday and expects to staff the EOC for part of all of next week to assist in fire response coordination. Bill Eller assisted in the preparation of the Command and General Staff briefing on the State Emergency Operations Center (EOC) floor. And assisted in compiling Situation Reports (SITREP) #16 and #17 for the 2015 Washington State fires. Bill also coordinated with all Emergency Support Functions (ESF's) in the EOC to provide current and accurate information for the SITREP and entered data and information into the EOC WebEOC computer system. Provided relief and support to EOC staff. Bill Eller also attended a governmental agency fire recovery coordination meeting in Okanogan that Okanogan CD hosted related to the Okanogan Complex fire.

Mike Baden participated in the NE WA Fire Recovery Team meeting in Colville. Bill Eller attended the Northeast Washington Disaster Recovery teleconference to discuss fire recovery efforts in Ferry, Stevens, and Pend Oreille counties. The group wants to organize a long term recovery group similar to what happened last year with the Carlton Complex Long-Term Recovery Group (CCLTRG) so that this group can mirror the CCLTRG's success. Bill also coordinated 2015 Washington State fires recovery efforts with other Commission and CD staff and finalized a communication to CD's affected by the fires on the Commission's new cultural resources policy. For more information contact [Mike Baden](#) or [Bill Eller](#)

Emergency Management and Districts & Disasters:

Bill Eller attended the EMD State Agency Liaison (SAL) meeting in Tumwater. EMD is still working on a credentialing matrix for SAL's and others who might serve in the state EOC. They hope to have it together in six months. Bill Eller hosted the 7.24.15 web-meeting of the Districts and Disasters Workgroup. Bill crafted a draft master mutual aid agreement for all Washington State CDs to use during disasters. For more information contact [Bill Eller](#)

Area Award Letters:

All staff were invited to submit nominations for 2015 Area Awards for outstanding district, manager, employee and supervisor from each of the six areas. Area awards were selected and RMs began work on letters to accompany the awards. For more information contact [Ray Ledgerwood](#)

Cultural Resources:

Larry Brewer developed and presented the cultural resources policy, procedures, and materials including templates for use by districts at a 7.9.15 webinar. Over 60 people participated in the two-hour webinar. The webinar was recorded for future use and availability. Shana Joy and Larry Brewer organized a cultural resources webinar this reporting period for Puget Sound CDs. Larry Brewer provided assistance to the following districts: Lincoln CD with additional projects as well as dealing with the responses received; Franklin CD with a question on a practice 643; Pomeroy CD with an EZ1 form review and decision; Foster Creek CD with an exemption question; Palouse Rock lake CD with a CR question; Grant Co. CD on CR process; King CD on an exemption condition interpretation question. Larry also added Cascadia CD to the Archeologist consultant list; sent out the first exemption list; drafted up a second set of exemptions (Archeologist Reviewed) and cover letter to submit later this fall; Participated in an state agency 0505 meeting (by phone); prepared CR exemption news article for the TPDW newsletter; had a short teleconference with Karla and Melissa on CR process; updated several cultural resource documents on the web site and developed one new one page UDP; provided some input on the Emergency Fire work and Cul Resources. For more information contact [Larry Brewer](#) or [Shana Joy](#)

Shellfish Funding:

Shana Joy worked with Ron Shultz and Karla Heinitz this reporting period on shellfish funding grant awards and reviewed funding requests for several conservation districts, following up with them on missing information and questions. For more information contact [Shana Joy](#)

All-District Policy Meeting:

Regional Managers participated in the 8.12.15 and 8.13.15 all-districts policy meeting in Ellensburg. Topics included legislative session review and follow-up, conservation district supervisor elections, long-term sustainable funding, Voluntary Stewardship Program, tracking BMPs and showing our work, Final Ecology nonpoint program plan, draft CAFO permit, Ecology landowner guidance document, stormwater and CD activities & opportunities. Strategies and actions for the topics were identified by the group of 70 people attending. For more information contact [Ron Shultz](#)

September 21 All Districts Work Session:

Ray Ledgerwood worked with WACD leaders, Ron Shultz and Mark Clark on a session design and invitation to the all districts work session on long term sustainable funding and supervisor elections. For more information contact [Bill Eller](#)

Supervisor Elections & Appointment:

Bill Eller presented the proposed election and appointment manual changes and on-line forms for to the Conservation Commission Members at their July meeting, and at the Commission members request sent to all districts for comment. With the help of Alicia Johnson, created a web page on the Commission's elections web site to house all the materials related to the proposed changes. Bill answered questions from districts and compiled the responsiveness document for the responses received on the elections and appointment policy changes. Bill made edits to the election manual and new forms, as needed, in response to comments received and continued to work on the elections and appointments webinar PowerPoint presentation. Bill Eller coordinated with Commission staff on eliminating the Commission's election email account and posting updated content to our elections and appointment webpage after the September Commission meeting. Bill also responded to continued requests for comment and information on the Whatcom CD election from Whatcom Watch. He also assisted in locating some background materials related to the issues raised in the Thurston CD election. For more information contact [Bill Eller](#)

Good Governance:

Ray Ledgerwood gave the annual report to the Commission Members on Good Governance status of the 45 conservation districts as of July 1st, including a summary of work being done with districts that have elements in a yellow area (opportunity for improvement). All forty-five districts are in Tier 1 with eighteen that have been working, or need additional work with WSCC staff on elements needing improvement. Some of the improvement included very minor items such as deadlines missed by a day or incorrect procedures that were corrected soon after they occurred but will not be reflected until next fiscal year...missed deadlines as an example. For more information, contact [Ray Ledgerwood](#)

Public Records Requests:

Regional managers responded to two all WSCC public records requests...totaling approximately 20 hours staff time. For more information contact [Ray Ledgerwood](#)

State Audits:

Debbie Becker organized a meeting with SAO staff and Regional Managers to coordinate the 2015, 2016, 2017 state audit work in conservation districts. 18 to 20 districts will be audited each year to assure one out of each 3 years an audit is conducted; to address special circumstances with staff changes, audit letters and/or findings. For more information contact [Ray Ledgerwood](#)

Supervisor Leadership Development:

Stu Trefry continues to receive responses from supervisors completing the Supervisor Needs Assessment Form. The results are being compiled to be used for development of supervisor training events and materials. Work continues on the publishing of the updated Supervisor Pocket Reference. Stu Trefry facilitated a 8.26.15 net meeting of the Supervisor Leadership Development Work Group. For more information contact [Stu Trefry](#)

Chehalis Basin Flood Budget:

Stu Trefry worked with Lewis County, Grays Harbor, and Thurston Conservation districts to identify projects and needs for the current budget year. Stu Trefry also worked this reporting period on the Chehalis Basin Flood budget issues with the Flood Authority and effected districts. For more information contact [Stu Trefry](#)

Envirothon:

Stu Trefry participated in the conference call of the Washington State Envirothon. For more information contact [Stu Trefry](#)

GovDelivery:

Laura Johnson and Lori Gonzalez organized a staff webinar on the operation of GovDelivery system to allow district supervisors and employees to select communications they would like and need to receive from the Commission. For more information contact [Laura Johnson](#)

Regional Manager Meeting:

Regional Managers met in a strategic thinking and planning session 8.10.15 and 8.11.15 on the following topics; Commission tour planning, pebbles, rocks and boulders for organizational effectiveness, Good Governance upgrade, cultural resources, implementation monitoring, training & capacity building, program delivery, WSCC meeting locations, leadership team update, area awards nominations, NASCA idea sharing session, fiscal updates, Dropbox organization and use for district operations information For more information contact [Ray Ledgerwood](#)

Voluntary Stewardship Program:

Mike Baden worked with Ron Shultz on arrangements to meet with the Lincoln County Commissioners on 7.29.15 and while in the Spokane area conduct a VSP overview for Eastern WA Conservation District staff and supervisors. Eleven Eastern and Central WA Conservation Districts staff participated in the briefing session.

Ray Ledgerwood provided a presentation designed by Ron Shultz at the 8.6.15 Asotin CD Board Meeting and 8.7.15 meeting for Whitman County Conservation Districts and County Planning Staff, and the 9.8.15 Pomeroy CD Board Meeting. Ron Shultz joined the Whitman County Meeting by phone and presented at the 9.10.15 Whitman CD Board Meeting. For more information contact [Ron Shultz](#), [Mike Baden](#), or [Ray Ledgerwood](#) or

Conservation Practice Data System & CD Project Priorities:

RMs worked throughout the reporting period with conservation districts regarding confirming the top 2 priorities for non-shellfish and shellfish capital funded projects and related data needed. Debbie Becker and Mellissa Vander Linden continue to work with ENKON on security upgrades, reports, software improvements, and assistance to districts with questions on the new program procedures. Shana Joy worked with Puget Sound Districts on all projects including shellfish and non-shellfish. For more information contact [Ray Ledgerwood](#), [Melissa Vander Linden](#) or [Debbie Becker](#)

Professional Development Workgroup:

Leadership Team staff met with Nicole Embertson and James Weatherford to discuss the Technical & Professional Development Workgroup charter, Commission role and relationship, plans for technical work in the next biennium. Nicole and James briefed the LT on planned certification programs, training events, coordination with NRCS, changes in accounting for work done by technical staff, communications tools such as a newsletter and list serve to reach CD technical staff and discussed workload and staffing needs. For more information contact [Ray Ledgerwood](#)

Employee Training & Orientations:

New employee orientations were provided in Lincoln County CD (Mike) and Asotin County CD (Ray). For more information contact [Stu Trefry](#)

Coordinated Resource Management Task Group:

Ray Ledgerwood facilitated a net meeting of the CRM Task Group on 8.4.15 and on 9.8.15. Topics included updates on current CRM project, logistics and tour stops for the CRM Executive Committee Meeting and Tour at a change in venue to the Teanaway area. Alicia Johnson and Mark Clark completed and distributed an invitation letter and registration form for the September 23 CRM Executive Committee Meeting and Tour For more information contact [Ray Ledgerwood](#)

Conservation Reserve Enhancement Program (CREP):

Regional Managers worked with Brian Cochrane on CREP funding disbursement matters related to districts with CREP project work in their service area. For more information contact [Brian Cochrane](#)

State Technical Advisory Committee:

Mike Baden represented WSCC at the 7.28.15 STAC meeting in Spokane. Topics included timeline for Local Work Group input in the next fiscal year, status updates on Farm Bill Conservation Programs including RCPP, EQIP, and Farmland Preservation. For more information, contact [Mike Baden](#)

Regional Conservation Partnership Program:

Ray Ledgerwood reviewed the proposed practice listing for the WRIA 34 RCPP program and continued discussions regarding any WSCC assistance with administration of the program. This RCPP has three major elements; riparian health practices, Farmed Smart practices and easements for farm land preservation. For more information, contact [Ray Ledgerwood](#)

NACD Summer Fly-in:

Ray Ledgerwood moderated the national and regional panels on soil health and conservation at a 7.12.15 afternoon information session at the NACD Summer Fly-in. Commission staff participated in the Sunday session, Monday tour and presentations. For more information, contact [Ray Ledgerwood](#), [Mike Baden](#), [Shana Joy](#), or [Bill Eller](#)

Contribution Agreement & Task Orders with NRCS:

Mark Clark, Debbie Becker and Ray Ledgerwood met with NRCS leaders regarding potential task orders for critical work by Conservation Districts on Farm Bill Conservation Program implementation via a Cooperative Agreement. The agreement would be capped at \$75,000 and work began before the end of the federal fiscal year. Ray Ledgerwood drafted a request for 50% contribution waiver justification paper in an effort to have NRCS fund 60% of the work to a 40% state match. For more information, contact [Debbie Becker](#), [Mark Clark](#) or [Ray Ledgerwood](#)

Participation in State & National Groups:

Stu Trefry participated in on a NASCA webinar on conservation funding systems that had a presentation by Ray Ledgerwood on our states funding system. Stu also represented WSCC on a conference call of the State Envirothon Committee and represented WSCC on a conference call of the RCO's Farmland Preservation Advisory Committee to provide comment on their new criteria for the next round of farmland preservation grants. For more information, contact [Stu Trefry](#)

Stu Trefry also participated in a rehearsal for the July NACD Urban & Community webinar in he introduced a presentation by the Whidbey Island Conservation District. Stu also represented NASCA in a special telephone meeting of the NACD Urban & Community Resource Policy Group. A NASCA webinar on State Conservation System will be held on 7.30.15 with Washington State as one of the systems presented. Stu also sent our district evaluation tools to WSCC counterpart in Missouri. For more information, contact [Stu Trefry](#) or [Ray Ledgerwood](#)

National Conservation Partnership Planning (NCP) Training, Development and Certification Committee:

Nicole Embertson (Whatcom) is a member of and Ray Ledgerwood a co-chair of the National Conservation Partnership Planning Training, Development and Certification Committee that had four web meetings this reporting period

NCP represents a national effort by the key national conservation partners to reinvigorate conservation planning by building the ability of field conservationists to work with clients in developing and implementing conservation plans. The planning process includes identifying client business objectives, inventorying resources, identifying and assessing resource concerns, evaluating conservation problems and opportunities, utilizing science-based tools and information, and developing conservation alternatives.

Three overarching objectives for the initiative are: 1. Reinvigorate conservation planning; 2. Improve NRCS and its conservation partnership capacity to deliver conservation planning assistance; 3. Ensure Science-based Assistance. NRCS and its conservation partnership have initiated a conservation planning effort, led by the Leadership Team and several action teams, of which, training is a component.

The Training, Development, and Certification Action Team role is to provide a forum where conservation planning training including planner certification will be analyzed, discussed, and implementation strategies to be recommended to the Leadership Team.

For more information, contact [Ray Ledgerwood](#)

Implementation Monitoring:

Regional Managers are conducting implementation monitoring visits of conservation district projects this summer. Bill Eller conducted implementation monitoring of a project in Dallesport for Central Klickitat CD and of a project in Eltopia for Franklin CD and Ray Ledgerwood conducted an implementation monitoring visit of a project on the Grande Ronde River with Asotin County CD.

For more information, contact [Bill Eller](#) or [Ray Ledgerwood](#)

In-Person & Follow-up Work with Districts:

Regional Managers provided in-person assistance this reporting period with South Douglas, Pend Oreille, Thurston, Cascadia, Cowlitz, Foster Creek, Grant County, Underwood, Grays Harbor, Lewis, Palouse, Palouse Rock Lake, Lincoln County, Jefferson County, Pierce, Okanogan, San Juan, Skagit, Whidbey Island Jefferson, Whitman, Kitsap, Spokane, Stevens County, Eastern Klickitat, Kittitas, Pomeroy, Asotin County, and Clallam Conservation Districts.

Follow-up assistance on district operations issues and needs with Clark, Underwood, Lewis County, Pacific, Pend Oreille, Grant County, Pierce, Okanogan, Spokane, Thurston, Lincoln, Cascadia, Ferry, South Douglas, Stevens County, Foster Creek, Grays Harbor, Cowlitz, Pacific, Asotin County, Palouse, Whitman, Whidbey Island, Palouse Rock Lake Thurston, South Yakima, Wahkiakum, Pacific, Foster Creek, Pomeroy, Adams, Whatcom, Benton, Skagit, San Juan, Franklin, Pomeroy, Eastern Klickitat, Clallam, Kittitas, and Cascadia Conservation Districts.

For more information contact [Ray Ledgerwood](#).

TAB 5

September 17, 2015

To: Conservation Commission Members
 Mark Clark, Executive Director

FROM: Ray Ledgerwood, District Operations Manager

SUBJECT: 2016 Proposed Conservation Commission Meeting Dates

Summary: Staff has prepared a summary of recommendations for Commission meeting locations for 2016.

Action Requested: To approve the proposed 2016 Conservation Commission Meeting locations listed.

Staff Contact: Ray Ledgerwood, yledgerwood@scc.wa.gov or Lori Gonzalez lgonzalez@scc.wa.gov

2016 REGULAR MEETING DATES	2016 PROPOSED LOCATIONS
January 20 & 21	Bremerton: Kitsap CD Host
March 16 & 17	Colville: Stevens County CD Host
May 17, 18, & 19	Eastern and Central Klickitat CDs Host
July 20 & 21	Grays Harbor CD Host
September 14 & 15	San Juan Island: San Juan Island CD Host
December	Blaine: after WACD Annual Convention

Western Washington
 Central Washington
 Eastern Washington