



# Washington State Conservation Commission

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## Meeting Packet

*September 17, 2020*

*\*\*Held virtually due to COVID-19\*\**

*Lacey, WA, 98503*

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*“To conserve natural resources on all lands in Washington,  
in collaboration with conservation districts and partners.”*

## Business Meeting

**\*\*Held virtually due to COVID-19\*\***

## Time

Please note that the times listed below are estimated and may vary. [Please visit the SCC website for the most up-to-date meeting information.](#)

## Meeting accommodations

Persons with a disability needing an accommodation to participate in SCC public meetings should call Stephanie Crouch at 360-407-6211, or call 711 relay service. All accommodation requests should be received no later than Wednesday, September 9, to ensure availability.

## Agenda

TIME	TAB	ITEM	LEAD
8:30 a.m.		<b>Call to order/Welcome/Introductions</b> a. Pledge of Allegiance b. Additions/Corrections to agenda items	<i>Chairman Longrie</i>
8:40 a.m.	1.	<b>Consent Agenda – call for public comment (Action)</b> c. July 16, 2020 draft meeting minutes d. August 12, 2020 draft meeting minutes	<i>Chairman Longrie</i>
9:00 a.m.	1.	<b>Policy &amp; Programs – call for public comment (Action)</b> e. Stevenson Conservation Easement	<i>Kate Delavan</i>
9:15 a.m.	1.	<b>Commission Operations – call for public comment (Action)</b> f. Temporary Interpretive Statement for SCC Member Election g. 2021 Commission Meetings Proposal	<i>Ron Shultz</i> <i>Shana Joy</i>
9:45 a.m.		<b>King Conservation District Election Presentation</b>	<i>Chris Porter</i>
10:15 a.m.		<b>BREAK</b>	
10:30 a.m.	1.	<b>District Operations – call for public comment (Action)</b> h. Election WAC Changes	<i>Bill Eller</i>

i. CD Elections & COVID-19

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**11:15 a.m. Presentation: South Douglas CD Virtual Tour + Q&A** Carol Cowling,  
South Douglas CD  
*\*\*\*Depending on time, items may be moved up for presentation until lunch break\*\*\**

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**12:00 p.m. – LUNCH BREAK**

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**1:00 p.m. 2. Budget (Information)** Sarah Groth  
a. 2021-2023 Budget Submittal  
b. Fiscal year end close: Update

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**1:25 p.m. 2. District Operations (Information)**  
c. District Operations and Regional Manager report Mike Baden  
• VSP five-year report template & database update Bill Eller  
d. Center for Technical Development September report Packet Item

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**1:50 p.m. 2. Policy and Programs (Information)** Ron Shultz  
e. Legislative Preview  
f. Food Policy Forum update

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**2:30 p.m. 2. Partner Updates (Information)**  
• Environmental Protection Agency update Lucy Edmonson  
g. National Association of Conservation Districts update Packet Items  
h. United States Department of Agriculture – NRCS update  
i. United States Forest Service update

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**2:45 p.m. 2. Commission Operations (Information)**  
• Tour of the new SCC website Laura Johnson  
• General Update Dir. Smith

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**3:00 p.m. Executive Session** as allowed per **RCW 42.30.110 (1) (f)**:  
To receive and evaluate complaints or charges brought against a public officer or employee. Commission members only  
*\*Note: Members of the public will remain on the line while Commissioners dial a separate phone line provided during this time\**

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**3:45 p.m. – ADJOURN**

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# TAB 1

## Regular Business Meeting

The Washington State Conservation Commission (Commission/SCC) met virtually on July 16, 2020. Chairman Longrie called the meeting to order at 8:32 a.m.

## COMMISSIONERS PRESENT

**Dean Longrie**, *Chairman and elected west region rep.*  
**Harold Crose**, *Vice-chairman and elected central region rep.*  
**Perry Beale**, *Department of Agriculture*  
**Larry Cochran**, *elected eastern region rep.*  
**Jeanette Dorner**, *Washington Association of Conservation Districts*  
**David Giglio**, *Department of Ecology*  
**Jim Kropf**, *Washington State University*  
**Jennifer Watkins**, *Department of Natural Resources*  
**Daryl Williams**, *Governor Appointee*

## COMMISSION STAFF PRESENT

**Carol Smith**, *Executive Director*  
**Mike Baden**, *NE Regional Manager*  
**Allisa Carlson**, *Central Regional Manager*  
**Stephanie Crouch**, *Administrative Assistant*  
**Kate Delavan**, *Office of Farmland Preservation Coordinator*  
**Bill Eller**, *Elections Officer and VSP Coordinator*  
**Josh Giuntoli**, *Southwest Regional Manager*  
**Lori Gonzalez**, *Executive Assistant*  
**Sarah Groth**, *Fiscal Manager*  
**Alison Halpern**, *Policy Assistant*  
**Laura Johnson**, *Communications Coordinator*  
**Shana Joy**, *District Operations Manager*  
**Ron Shultz**, *Policy Director*

## PARTNERS REPRESENTED

**Lucy Edmondson**, *US EPA Region 10*  
**Mike Kuttel, Jr.**, *Department of Fish and Wildlife*  
**Roylene Comes at Night**, *Natural Resource Conservation Service*  
**Sherre Copeland**, *US Forest Service*

## GUESTS ATTENDED

Please see "**Attachment A**" for full list of attendees.

## Consent Agenda

*Draft May 21, 2020 meeting minutes*

**Motion by Commissioner Crose to approve the May 21, 2020 draft meeting minutes. Seconded by Commissioner Cochran. Motion passes.**

## Budget and Finance

*Budget Packages & 15% Budget Reduction Plan for 21-23 Biennium*

Sarah Groth, SCC Fiscal Manager, presents the first item on the agenda. At the Commission meeting in May 2020, the budget proposal concepts for 2021-2023 were approved by the Commission. The Commission was also briefed on the process for the biennial budget development. At that time the budget package topics were approved, and work teams have since been formed around each of the budget proposals.

These teams consist of participants from conservation districts and are led by Commission staff. The work teams are continuing their efforts to provide additional detail to the budget proposals.

For this Commission meeting, SCC is seeking approval for each proposal as well as the proposed funding level. SCC is also seeking prioritization of the budget packages, which Ms. Groth presented and are listed below. Ms. Groth, as well as SCC, have been working with OFM in the hopes that any budget packages submitted won't ask for too much, and they have been working to make sure that SCC's, as well as CD's, stories are told through budget packages.

Ms. Groth also recommends a special meeting be held to hear presentations from staff on 21-12 biennium budget reductions. Ms. Groth is confident SCC can meet the reductions required, and clarifies that SCC will be realizing 11% of the budget reduction.

***Commissioner Dorner moves to approve budget packages as presented for the 21-23 biennium, with the \$5,000,000 for CTA. Seconded by Commissioner Cochran. Motion passes.***

***Motion by Commissioner Dorner to hold a special commission meeting in August 2020 (possibly week of August 10-14) to hear presentations from staff on budget reductions. Seconded by Commissioner Giglio. Motion passes.***

***Motion by Commissioner Dorner to prioritize the budget requests in the order as presented by staff (see below), which reflects the prioritization from conservation districts. Meeting packet pages (15-19) Seconded by Commissioner Williams. Motion carries.***

*Packages in priority order, based on district budget survey results 4/20/20:*

- 1. Conservation Technical Assistance (CTA) \$5,000,000*
- 2. Voluntary Stewardship Program (VSP) \$7,850,000*
- 3. Food Policy \$600,000*
- 4. Natural Resource Investments (NRI) \$11,905,000*
- 5. CREP Riparian Planning (Cost Share & TA) \$ 7,725,000*
- 6. Regional Conservation Partnership Program (RCPP) \$7,962,000*
- 7. CREP Riparian Planting (Practice Incentive Payment PIP Loan Program) \$ 500,000*
- 8. Shellfish Funding \$4,326,000*
- 9. Irrigation Efficiencies \$3,000,000*

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## Policy/Programs

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### *Kate Delavan Introduction*

Ron Shultz, SCC Director of Policy and Inter-governmental Relations welcomes Kate Delavan as SCC's new OFP Coordinator. Kate joined the Commission in June 2020. She comes to us most recently from PCC Farmland Trust where she worked on farmland preservation issues including conservation easements. While in this role she also worked closely with the Pierce Conservation District on the Puyallup RCPP, so she is very familiar with conservation districts and their role in farmland preservation.

Kate also brings a broad understanding of food systems to her work, with experience in farmland conservation transactions and policy, land-use planning, farmers markets, food assistance programs, and the grocery industry. Kate holds a B.S. in Global Business from the University of Redlands and a Master's in Public Administration from the University of Washington. Kate is a member of AgForestry class 42.

#### *Office of Farmland Preservation – Schuster Easement*

Kate Delavan, SCC OFP Coordinator, presents the next agenda item regarding the Schuster Ranch Easement. The Conservation Commission secured grant funding from the Washington Wildlife and Recreation Program, Farmland Preservation Account during the 2017-2019 biennium to acquire a permanent agricultural conservation easement on the Schuster Ranch property in Klickitat County. The Conservation Commission will hold the easement and assume primary legal and financial responsibility for stewarding and enforcing the easement in perpetuity. The project was developed in partnership with the Central Klickitat Conservation District.

Ms. Delavan provides an in-depth look at easements and SCC's current easement portfolio. SCC does not currently hold any agricultural conservation easements. Schuster Ranch Ag Conservation Easement was developed by Central Klickitat CD. Funding secured in 2016 WWRP grant round. SCC will hold easement and RCO will be 3<sup>rd</sup> party enforcement.

***Motion by Commissioner Crose to formally authorize the WSCC Executive Director to sign required documents to purchase an agricultural conservation easement on the Schuster Ranch property. Seconded by Commissioner Cochran. Motion carries.***

#### *District Elections Update*

Bill Eller shares the next agenda item pertaining to the SCC District Elections. At the December 5, 2019 regular business meeting, the Conservation Commission approved moving forward on the proposed WAC changes. The necessary forms were filed with the Code Reviser's Office, and public hearings set. The due date for comments is 5:00 pm on September 1, 2020.

In order to identify and refine these issues and others that came up during the past legislative session, the Commission will be hosting a meeting of Commission staff with WACD staff to discuss these issues. This group will also discuss the path forward for engagement with conservation districts. The goal is to bring suggested changes to the Commission by the December Commission meeting for consideration. These would include any potential legislation.

#### *Food Policy Forum Update*

Ron Shultz presents the next agenda item regarding the Food Policy Forum. In March of this year, after the Governor issued a series of proclamations shutting down business activity in response to the Covid-19 pandemic, the Governor's Office asked the Food Policy Forum to evaluate the recommendations from the 2017 report in light of the impact the COVID related shutdowns were having on the food system. Forum members met in 5 groups through April and May to develop recommendations for actions. The report was completed and finalized on June 25.

The actions recommended in the Food Policy Forum COVID Report are categorized in four challenges:

- ▶ Threat to near and long-term economic viability of ag and food enterprises.
- ▶ Public health elements of the food system need support to maintain capacity.
- ▶ Increased need for nutrition services and assistance due to unemployment and economic insecurity.
- ▶ Need to foster resilience in the face of a changing climate to ensure long-term food security.

The recommendations cover all aspects of the food system. Many of the recommendations do not impact the work of the Commission or conservation districts, but there are several recommendations relating to conservation district work. On June 16, during a briefing on the draft recommendations with the Governor's Office, OFM, and directors of SCC and WSDA, OFM requested a decision package related to the Food Policy Forum. To help identify activities of CDs for possible funding request, Commission staff put together a survey for CDs. The survey will help gather information on what CDs are currently doing relating to the food system, actions they may have initiated due to Covid-19, and actions they would be interested in taking if resources were made available.

Mr. Shultz shares that the next steps include: Finalizing the report, preparing and completing additional information addressing the inclusion of diversity, equity and inclusion in the food policy recommendations. Prepare and complete a decision package relating to the SCC food policy work, and complete and summarize conservation district responses to the survey.

### *Legislative Update*

Ron Shultz returns to share Legislative Updates with the Commissioners. The state response to the Covid-19 pandemic has negatively impacted our state's health care system, strained the state food system, and had devastating impacts to our state's economy. One result of these combined hits has been a dramatic revenue shortfall in the state's operating budget.

On June 17, the state Revenue Forecast Council released a revenue forecast for the remainder of the current fiscal biennium and for the 2021-23 biennium. This revenue forecast takes into account the economic impacts of the shutdown as a result of the Covid-19 pandemic. The Forecast Council projects a shortfall in state general fund revenues of \$4.5 billion in the current biennium, and \$4.4 billion in the 2021-23 biennium.

Previous discussions and communications from the Commission have detailed the OFM requested 15% reduction in the agency's FY 2021 state general fund budget. Subsequent to the 15% reduction exercise, it was requested non-cabinet agencies participate in furlough days for employees as well as a hold on 3% pay increases. The Commission chose not to participate in these reductions due to the adverse impacts they would have on staff. At this time, it's unclear whether more reductions will be required of state agencies.

## *Grant County CD- Annexation of Moses Lake*

Mike Baden, SCC Northeast and North Central Regional Manager, presents the next agenda item regarding the annexation of Moses Lake. Upon approval, in 2017, of the system of Rates and Charges by the Grant County Commissioners for the Grant County Conservation District, the City of Moses Lake withdrew from the Conservation District. The Commission approved the de-annexation request at the November 30, 2017 Commission meeting. The Grant County Conservation District has been diligently engaged in a long-term effort to work with the City of Moses Lake to rejoin the Conservation District. On May 12<sup>th</sup> the City of Moses Lake voted to approve Petition for Inclusion into the Grant County Conservation District in a split decision. The district has subsequently also approved the petition for inclusion.

***Motion by Commissioner Crose to approve the Petition of Inclusion of the City of Moses Lake into the Grant County Conservation District. Seconded by Commissioner Beale. Motion carries.***

## *Pend Oreille CD Supervisor Mid-term Appointment*

***Motion by Commissioner Cochran to appoint John Floyd to the Pend Oreille Conservation District Board of Supervisors. Seconded by Commissioner Crose. Motion carries.***

## *San Juan CD Mid-term Appointment*

***Motion by Commissioner Longrie Lynn Bahrych to the San Juan Island Conservation District Board of Supervisors. Seconded by Commissioner Crose. Motion carries.***

## *Snohomish CD Mid-term Appointment*

***Motion by Commissioner Longrie to appoint Marni Swart to the Snohomish Conservation District Board of Supervisors and David Edwards to the Whidbey Island Conservation District Board of Supervisors. Seconded by Commissioner Williams. Motion carries.***

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## Presentation: Pacific CD Virtual Tour by Mike Nordin

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Mike Nordin, of Pacific Conservation District, provides an update regarding this district's recent successes and current projects. Mr. Nordin shares the district's fish/water barrier projects, including the upcoming Smith Creek Project. Mr. Nordin shared many of the district's projects that are in process and planning, including the Salmon Creek Project is almost a mile of two-sided stream where they will plant trees. The second landowner wants to expand the project, and it is still in the planning stages, and on track for implementation next year. Rue Creek is the second half of a 16.4 salmon habitat that is opening back up, and next summer hope to have the east side completed (on the Willapa).

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## Commission Operations

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## SCC General Update

Director Carol Smith presents updates on VSP Thurston and Chelan. Director Smith has made a decision regarding the VSP concurrence of Thurston and Chelan Counties. That decision is to concur that they are meeting their goals and benchmarks stated in the five-year report. There are significant concerns on the technical panel about their reports. But, all of the technical panel members noted that these two counties only had two actual years to meet their five-year goals. The issue is that if there is not concurrence there are serious repercussions, which could lead to failure not only for these two counties, but could reflect poorly on the program as a whole. Since they are just starting the program, Dir. Smith didn't want to put the program in that deficit right away. Thurston and Chelan have made progress, and Dir. Smith wants to acknowledge that progress and encourage them to make additional progress, and especially acknowledge that they only had two years to work on these plans with a deficit in funding. Dir. Smith's letter is in concurrence, and highlighted the technical panel's concerns to set expectations that those concerns would be addressed in their ten-year report.

Now that SCC has almost a full staff, they are putting together a group to look at policies, see what needs to be updated, and create ones that may be missing. SCC will reach out to Commissioners for assistance in crafting, updating, and adding policies.

SCC is promoting and encouraging telework from staff until at least the end of the year. SCC will be holding virtual meetings for the rest of the calendar year, including both September and December SCC meetings.

## Website Redesign

Laura Johnson, SCC Communications Manager, presents on the upcoming launch of the redesigned SCC website. SCC learned they had some pretty serious security issues on our site, which already had accessibility issues. SCC get to redesign and address what we really want to feature. One thing they are excited about is that each CD will have an individual landing page.

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## Executive Session

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Chairman Longrie calls for an executive session per [RCW 42.30.110 \(1\) \(g\)](#) at 1:20 p.m. to discuss the performance of a public employee. The regular meeting will resume in 30 minutes.

***Motion by Commissioner Crose to recognize Executive Director Carol Smith's performance during the January 2020 – July 2020 performance period by awarding 80 hours of annual leave and recognize her at the WACD Convention with a plaque of recognition. Seconded by Commissioner Williams. Motion carries.***

Chairman Longrie adjourns the meeting at 2:02 p.m.

**Attendees**

Mike Baden  
Ryan Baye  
Perry Beale  
Jennifer Boie  
Allisa Carlson  
Alan Chapman  
Larry Cochran  
Brian Cochran  
Roylene Comes At Night  
Sherre Copeland  
Harold Crose  
Stephanie Crouch  
Kate Delavan  
Jeanette Dorner  
Lucy Edmonson  
Bill Eller  
Lori Gonzalez  
David Giglio

**Attendees (cont.)**

Josh Giuntoli  
Sarah Groth  
Alison Halpern  
Laura Johnson  
Shana Joy  
Jim Kropf  
Mike Kuttel Jr.  
Dean Longrie  
Mike Mumford  
Mike Nordin  
Tom Salzer  
Ron Shultz  
Carol Smith  
Meagan Stewart  
Nick Vira  
Jen Watkins  
Daryl Williams

## Special Meeting

The Washington State Conservation Commission (Commission/SCC) met virtually on August 12, 2020. Chairman Longrie called the meeting to order at 9:03 a.m.

## COMMISSIONERS PRESENT

**Dean Longrie**, *Chairman and elected west region rep.*  
**Harold Crose**, *Vice-chairman and elected central region rep.*  
**Perry Beale**, *Department of Agriculture*  
**Larry Cochran**, *elected eastern region rep.*  
**Jeanette Dorner**, *Washington Association of Conservation Districts*  
**David Giglio**, *Department of Ecology*  
**Jim Kropf**, *Washington State University*  
**Sarah Spaeth**, *Governor Appointee*  
**Jennifer Watkins**, *Department of Natural Resources*  
**Daryl Williams**, *Governor Appointee*

## COMMISSION STAFF PRESENT

**Carol Smith**, *Executive Director*  
**Mike Baden**, *NE Regional Manager*  
**Allisa Carlson**, *Central Regional Manager*  
**Stephanie Crouch**, *Administrative Assistant*  
**Kate Delavan**, *Office of Farmland Preservation Coordinator*  
**Bill Eller**, *Elections Officer and VSP Coordinator*  
**Josh Giuntoli**, *Southwest Regional Manager*  
**Lori Gonzalez**, *Executive Assistant*  
**Sarah Groth**, *Fiscal Manager*  
**Alison Halpern**, *Policy Assistant*  
**Laura Johnson**, *Communications Coordinator*  
**Shana Joy**, *District Operations Manager*  
**Ron Shultz**, *Policy Director*

## PARTNERS REPRESENTED

**Ryan Baye**, *Washington Association of Conservation Districts*  
**Mike Kuttel, Jr.**, *Department of Fish and Wildlife*  
**Ariel Rivers**, *National Association of Conservation Districts*  
**Tom Seltzer**, *Washington Association of Conservation Districts*

## GUESTS ATTENDED

Please see "[Attachment A](#)" for full list of attendees.

## Budget and Finance

*15% Budget Reduction Plan for 21-23 Biennium*

Sarah Groth, SCC Fiscal Manager, presents the agenda item pertaining to the 15% Budget Reduction Plan for the 2021-23 Biennium. At the May Commission meeting, approval was provided to submit a 15% budget reduction plan for FY 21, the current fiscal year. In June, OFM provided additional budget instructions for the 2021-2023 biennium starting July 1, 2021, which include a continued 15% reduction for our operating budget. SCC needs to include this reduction in our budget package submittals to OFM in September, prior to the next regular Commission meeting.

To meet the 15% reduction in the next biennium, SCC seeks approval to submit a plan to continue forward with the same savings that SCC is applying in the current fiscal years. These savings actions include: Shifting staff salaries to other fund sources to the greatest extent possible, not hiring an IT staff person, eliminating personal service contracts, and equipment purchases, and reducing travel.

In the current fiscal year, these actions are enough to provide a 15% reduction without impact to district implementation funds. However, SCC needs more savings to account for a continued 15% reduction in the next biennium, and seeks approval to submit a plan that not only includes the above actions, but that also shows a potential reduction in district implementation funds or adds additional cost-cutting measures.

On July 30, SCC staff held a budget webinar with districts to share information based upon two possible scenarios and present options that can minimize these impacts with the goal to collect district feedback. The webinar was well attended with 28 districts participating. Comments and feedback were taken into account for today's meeting.

Ms. Groth developed this reduction plan with two priorities in mind: maintaining WSCC staff at current levels and preserving district implementation funds to the greatest extent possible. They used two scenarios to estimate potential budget impacts and develop the reduction plan. Scenario 1 is based upon receiving the full ask of our capital budget packages. Scenario 2 is based upon receiving capital funding levels similar to the recent past. Scenario 1 results in district implementation funding at the same level as allocated prior to the CTA-Salmon/Orca add. Scenario 2 results in a 4.13% decrease in district implementation funds. The scenarios were based upon estimates of capital dollars received because SCC is shifting staff salaries from operating to capital funds to the greatest extent allowed.

To minimize these potential reductions in implementation funding, SCC asked for district feedback on additional cost-cutting measures. The effect of these savings options restores implementation funds to levels similar or above the levels that districts received prior to the CTA-Salmon/Orca add (see table below).

	Scenario #1	Scenario #1 with both additional savings options	Scenario #2	Scenario #2 with both additional savings options
FY20 \$84,489 (unrestricted)	\$84,489.00	\$88,239.00	\$81,000.00	\$84,750
FY20 \$11,111 (Salmon/Orca/CTA)				

Ms. Groth provides clarification to questions regarding exactly what OFM is looking for/requesting. They are not requesting line item budget cuts, but rather a broad, overall request that shows SCC is working to reduce the budget. SCC is currently asking for Commissioner input, and whether or not they want the additional savings options included. Since most things are constantly in flux and uncertain due to COVID-19, SCC will perform all of these budget cuts with no priority, and cuts within the agency will happen regardless of OFM's funding. The request being submitted to OFM is based on what SCC has been awarded in the past.

**Motion by Commissioner Crose to approve the submittal of a WSCC 15% budget reduction plan to OFM that includes:**

- *Shifting WSCC staff salaries and district engineering to other fund sources to the maximum extent possible.*
- *Delays hiring an IT staff person.*
- *Reduces personal service contracts, equipment purchases, and other expenses.*
- *Reduces WSCC travel expenses by 50%.*
- *Reduces or eliminates funding of Scholarships and Sponsorships.*
- *Reduces district implementation funds, if necessary, to fill in any remaining needed amount.*

**Seconded by Commissioner Williams. Motion carries.**

**Motion by Commissioner Dorner to amend the previously discussed motion by removing the bullet point reading “Eliminates funding of Orca Days, Sponsorships, WADE Scholarships, and Envirothon.” Seconded by Commissioner Spaeth.**

**Motion by Commissioner Dorner to amend the previously discussed motion by editing the bullet point to read “Reducing or eliminating funding for Sponsorships and Scholarships.” Seconded by Commissioner Spaeth. Motion carries.**

Chairman Longrie adjourns the meeting at 10:28 a.m.

**Attendees**

Brynn Brady  
Mike Baden  
Evan Bauder  
Ryan Baye  
Perry Beale  
George Boggs  
Allisa Carlson  
Alan Chapman  
Heather Christianson  
Larry Cochran  
Harold Crose  
Stephanie Crouch  
Laurie Crowe  
Kate Delavan  
Jeanette Dorner  
Becky Drenner  
Bill Eller  
Jean Fike  
Lori Gonzalez  
Sarah Groth  
Alison Halpern

**Attendees (cont.)**

Rodney Heit  
Laura Johnson  
Shana Joy  
Jim Kropf  
Mike Kuttel Jr.  
Rachel Little  
Dean Longrie  
Ryan Mello  
Rhonda Nydegger  
Zorah Oppenheimer  
Ariel Rivers  
Tom Salzer  
Jerry Scheele  
Ron Shultz  
Carol Smith  
Sarah Spaeth  
Shirley St. John  
Amanda Ward  
Jen Watkins  
Daryl Williams  
Nikki Wolf

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Kate Delavan, Office of Farmland Preservation

**SUBJECT:** Stevenson Farm Authorization to enter Purchase and Sale Agreement and Proceed to Closing

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Action Item	<input checked="" type="checkbox"/>
Informational Item	<input type="checkbox"/>

Summary:

The State Conservation Commission (“SCC”) secured grant funding from the Washington Wildlife and Recreation Program, Farmland Preservation Account in 2019 to acquire a permanent agricultural conservation easement on the Stevenson Farm property in Yakima County. SCC will hold the easement and assume primary legal and financial responsibility for stewarding and enforcing the easement in perpetuity. The project was developed and brought to the SCC by the North Yakima Conservation District (NYCD).

Requested Action:

Signature authority for the SCC Executive Director to enter into a purchase and sale agreement and to proceed to closing on a permanent agricultural conservation easement on the approximately 98 acre Stevenson Farm property in Yakima County.

Staff Contact:

Kate Delavan, Office of Farmland Preservation, [kdelavan@scc.wa.gov](mailto:kdelavan@scc.wa.gov), 360-280-6486

Background and Discussion:

The SCC is responsible for the implementation of the Office of Farmland Preservation (OFP) and those activities identified in the OFP statute (RCW 89.10). The SCC has identified agricultural conservation easements as an important tool to assist in farmland protection and to advance conservation with willing landowners. As a state agency, the SCC is explicitly authorized by RCW 64.04.130 to acquire and hold an interest in land for conservation purposes.

The SCC is an eligible applicant to the Recreation and Conservation Office’s (RCO) Washington Wildlife and Recreation Program (WWRP) Farmland Preservation category (RCW 79A.15.130). Eligible lands for this program must be devoted primarily to the production of livestock or agricultural commodities for commercial purposes. If the SCC applies for and receives funds to acquire an easement through WWRP, it assumes the legal liability as primary holder of the real property right.

### SCC’s Responsibilities as Easement Holder

The proposed agricultural conservation easement is a legally recorded deed restriction lasting in perpetuity. As the easement holder, the SCC is a party to the recorded document and assumes primary legal and financial responsibility for stewarding and enforcing the conservation easement on the protected property in perpetuity. Legal liabilities for the SCC include following procedures for notification (inspection, site visits), dispute resolution (preventive discussions, etc.), remedies (in the event of non-compliance), mediation (if parties disagree), amendment, enforcement (responding to violations), and extinguishment (in the event the easement is terminated).

### Easement Portfolio and Pipeline

RCO Grant #	Project Name	SCC Primary	County	Acres	Status
20-1546	Thornton Ranch	Yes	Yakima	108	WWRP application in process
20-1547	Hoch Farm	Yes	Benton	26	WWRP application in process
19-1527	Stevenson Ranch	Yes	Yakima	98	Funding secured, due diligence in process, seeking Commission authorization
16-1923	Lazy Cross Ranch	Yes	Klickitat	TBD	Funding secured, due diligence in process
16-1924	Schuster Ranch	Yes	Klickitat	1,902	Funding secured, due diligence in process, Commission authorization granted
16-1922	Blain Ranches	Yes	Klickitat	1,800	Funding secured, due diligence in process
	Lust Farm	No: NYCD	Yakima	285	Completed, SCC has 3 <sup>rd</sup> party rights

### SCC, RCO, and NYCD Roles

The SCC is the project sponsor and has a funding agreement with RCO for easement acquisition and eligible project costs. As noted above, the SCC will hold the easement and assumes primary responsibility for upholding the terms of the easement in perpetuity.

RCO will be a 3<sup>rd</sup> party beneficiary to the recorded easement. As such, RCO may exercise all of the rights and remedies provided to the SCC and is entitled to all of the indemnifications provided to Grantee in the easement. RCO and the SCC each have independent authority to enforce the terms of the easement; provided, however, that RCO expects the SCC shall have primary responsibility for monitoring and enforcement of the easement.

The project was developed by NYCD. NYCD is subcontracted to provide support on due diligence and landowner correspondence.

### **Stevenson Farm Project Description**

NYCD submitted a request for sponsorship in 2014 and again in 2019 to the Office of Farmland Preservation (OFP) to submit a grant to the WWRP Farmland Preservation Category. This project will preserve in perpetuity the agricultural conservation values of the approximately 98 acre Stevenson Farm. In 2018, SCC funded NYCD to acquire and manage an agricultural conservation easement on the neighboring 285 acre Lust Farm. Combined, these two projects would protect 375 contiguous acres in the Cowiche Valley. A third project, Thornton Ranch, is currently under funding consideration at RCO and would protect another 108 acres nearby, bringing the total permanently protected farmland in the valley to just over 480 acres.

This project is very accessible to the City of Yakima and the communities of Cowiche and Tieton. Protecting this property will have the dual benefit of protecting these viable farm operations from fragmentation and protecting listed fish and habitat in Cowiche Creek.

The landowner has proposed closing the Stevenson Farm easement by October 9<sup>th</sup>, 2020. The SCC is working closely with NYCD and RCO to accommodate this request. The following due diligence has been completed or will be completed prior to closing of the easement on the Stevenson Farm project:

<u>Completed</u>	<u>In Process</u>	<u>Outstanding</u>
Site Visit	Easement Drafting	Purchase and Sale Agreement
Funding Agreement	Title Review	
Appraisal	Review Appraisal	
	Baseline	
	Survey	

The Stevenson Farm project aligns with all three SCC easement priorities outlined in policy [#19-02](#):

Priority #1: The parcel proposed for preservation is expected to continue to be used for, and is large enough to sustain, commercial agricultural production.

Priority #2: The land is also in an area that possesses the necessary market, infrastructure, agricultural support services, and the surrounding parcel sizes and land uses that will support long-term commercial agricultural production.

Priority #3: Without preservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.

**Priority #1** - The farm is leased for irrigated alfalfa and livestock production. The current landowners wish to retire the development rights and preserve the land for future agricultural availability. Selling the development rights is a strategy to provide for retirement and ensure continued agricultural production. The family intends to maintain ownership through a trust which will provide leasing income long term to family heirs. The property contains several features that make it valuable farmland including a valid senior water right from the Tieton River and the necessary water conveyance infrastructure.

**Priority 2** – This area of Yakima County is predominantly intensive orchard and pasture mixed with hobby farms which are typically small pasture operations. The area has the necessary market, infrastructure, and agricultural support services. The property has excellent access to transportation corridors and is surrounded by similarly irrigated pasture, orchards, and berry operations. The surrounding parcel sizes and associated land uses compliment long term agriculture but are also well suited to fragmentation.

**Priority #3** – The property is zoned "agriculture" which allows one house per 40 acres with several caveats. However, several parcels of the farm abut "Valley Rural" zoning which allows one home in 10 acres and could be "petitioned" in due to the zoning criteria of that designation.

In the 2011 Yakima County farmland preservation report, fragmentation of farmland was seen as the largest threat to farmland in the county. New homes have recently been built on view lots and smaller acreages are being converted from irrigated agriculture to homes and hobby farms on neighboring properties. The accessibility to the surrounding communities makes this property highly desirable. Protection of this property, along with the neighboring Lust Family Farm and nearby Thornton Ranch, will ensure this area will not see the agricultural characteristics diminished or lessened. Protection will also build an agricultural buffer between rural residential and intensive agriculture.

### **Relationship with Commission Strategic Planning**

This easement supports the strategic direction of the SCC and districts to maximize their community-based business model to deliver effective natural resource and farmland preservation solutions across Washington that meet both local and state priorities. This easement will protect in perpetuity the agricultural conservation values of the property.

### Recommended Action and Options:

Staff recommend the Commission formally authorize, by motion, the SCC's Executive Director to sign required documents to purchase an agricultural conservation easement on the Stevenson Farm property.

### **Draft Motion Language**

The Commission has determined acquisition of a conservation easement on the property is consistent with the mission, duties, and purposes of the SCC.

The Commission hereby authorizes the State Conservation Commission's Executive Director to sign documents for acquisition of an agricultural conservation easement on the approximately 98 acre Stevenson Ranch in Yakima County.

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Ron Shultz, WSCC Policy Director  
Lori Gonzalez, WSCC Executive Assistant

**SUBJECT:** Temporary Interpretive Statement for Election of Elected Position to the Commission

---

Action Item

Informational Item

#### Summary:

Because the Washington Association of Conservation Districts (WACD) will be holding their 2020 annual meeting virtually, the Commission will need to change the existing Interpretive Statement (IS) regarding the process of electing the elected position to the Conservation Commission.

#### Requested Action (if action item):

The Commission is requested to approve a temporary interpretive statement which describes the process for electing the elected position to the Conservation Commission, limited to the 2020 election.

#### Staff Contact:

Ron Shultz, WSCC Policy Director	(360) 790-5994	rshultz@scc.wa.gov
Lori Gonzalez, WSCC Executive Assistant	(360) 791-0226	lgonzalez@scc.wa.gov

#### Background and Discussion:

In 2013 the Commission adopted an interpretive statement to clarify the process for election of the elected representatives on the Commission. The state statute indicates the timing of the election, establishes the district areas for representation, and how vacancies are filled. What was unclear was how the election was to be conducted. The Commission clarified this in the interpretive statement.

The interpretive statements establishes the election is to be held during the WACD annual meeting, how candidates are to provide notice of their candidacy, how the Commission will distribute candidate information for supervisor consideration, and how the election itself will be conducted during the WACD annual meeting.

The problem is, all of this was developed with the expectation that the WACD annual meeting would be held in-person. As we know, due to Covid-19 restriction, the annual meeting this year will be held remotely. Because of this, there's a need to provide for a temporary interpretive statement to cover this unique situation. The attached draft temporary interpretive statement will accomplish this purpose. It should be noted, the temporary interpretive statement expires December 31, 2020.

#### Recommended Action and Options (if action item):

Commission staff recommend adoption of the temporary interpretive statement.

#### Next Steps (if informational item):

After adoption of the temporary interpretive statement, Commission staff will implement the process outlined in the document.



STATE OF WASHINGTON

## CONSERVATION COMMISSION

*PO Box 47721 • Olympia, Washington 98504-7721 • (360) 407-6200 • FAX (360) 407-6215*

### NOTICE OF ADOPTION OF A TEMPORARY INTERPRETIVE STATEMENT

**SCC IS 20-01      Temporary Election Process Due to Covid-19 Pandemic for  
Elected Members of the State Conservation Commission**

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**Effective Date:**                      September 17, 2020

**Statutory References:**      RCW 34.05.230(1) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive policy statements.

RCW 89.08.030 Provides for three members of the Commission to be elected each year by the district supervisors at their annual statewide meeting.

RCW 89.08.030 states, in relevant part:

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

## **FINDINGS**

The Conservation Commission finds:

1. The lack of specificity in the statute for the nomination and election of the elected members of the Commission has created confusion as to the process for individuals to be considered for the position.
2. Providing a description of the ministerial process by which persons declare their interest and the election of elected members of the Commission takes place will serve the district supervisors' and the Commission's interest in a sound process for such elections.
3. For the year 2020, Governor Inslee has issued several proclamations restricting the gathering of individuals in light of the Covid-19 pandemic. As a result, the Washington Association of Conservation Districts (WACD) will hold their annual meeting virtually, necessitating an alternative approach to the nomination and election of the elected members of the Conservation Commission.

## **INTERPRETIVE STATEMENT**

Based on these findings, the Conservation Commission hereby issues the following interpretive statement

The Conservation Commission interprets RCW 89.08.030 to require a clear and public process for nomination of candidates for the position of elected member of the Commission. Furthermore, the Conservation Commission determines Governor Inslee's emergency declarations regarding the Covid-19 pandemic require an alteration in the process for the elected Commission position for the 2020 election.

The Commission will provide for such a process to allow for secured online voting by conservation district supervisors as follows:

- The Commission shall issue a notice of opening for candidates for elected Commission member no later than October 1 of the year in which a candidate is to be elected.
- Interested candidates will submit their interest in the elected Commission position to Commission staff no later than November 13 in the manner detailed by the Commission.
- Commission staff will distribute the list of all candidates who submitted their interest to the district supervisors by November 16.

- The WACD annual meeting will be conducted virtually. Conservation district supervisors will have the opportunity to meet the candidates who submitted their interest in the position in a virtual setting during the lunch hour on Monday, November 30<sup>th</sup>.
- In place of nominations directly from the floor, nominations will be accepted during the lunch hour on Monday.
- The Conservation Commission interprets that RCW 89.08.030 requires an assurance that the process for electing the elected member of the Commission is be clear and impartial.

The Commission will provide for such a process as follows:

- The election of the elected member of the Commission shall take place during the annual statewide meeting of the board supervisors.
- Election shall be by the district supervisors. Associate supervisors are not eligible to vote.
- Commission staff shall conduct the election by distributing a secured online voting ballot to board members email addresses on record at the Conservation Commission. Board members will have until 6:00 p.m. following the annual meeting to cast their ballot. All ballots will be automatically tallied by the online voting system and results will be announced at 8:00 p.m. by the Commission Chair.
- Following announcement of the results, the elected member of the Commission shall be sworn-in to the position by the Chair of the Commission or designee.

This interpretive statement supersedes the existing Commission document: *SCC IS 13-01 Election Process for Elected Members of the Conservation Commission* for the period beginning with the enactment date of this the temporary interpretive statement and ending December 31, 2020. After this date, the document *SCC IS 13-01 Election Process for Elected Members of the Conservation Commission* shall remain in effect.

**Contact Person:** Ron Shultz, Policy Director  
 Washington State Conservation Commission  
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 Olympia, Washington 98504  
 (360) 790-5994  
 rshultz@scc.wa.gov

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Shana Joy, District Operations & Regional Manager Coordinator

**SUBJECT:** 2021 Commission Meetings Proposal

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Action Item

Informational Item

Summary:

Annually, the Regional Managers work with other Commission staff and conservation districts to propose meeting locations and host conservation districts for the upcoming year of Commission meetings. Now we are working through a pandemic and budget cuts and so the Regional Managers are proposing a more flexible approach to the Commission meetings for 2021.

Requested Action (if action item):

Staff is requesting that Commissioners approve the proposed Commission meeting dates and potential locations for 2021 in the event that in-person meeting(s) can be conducted safely and within budget constraints.

Staff Contact:

Shana Joy, [sjoy@scc.wa.gov](mailto:sjoy@scc.wa.gov), 360-480-2078

Background and Discussion:

For reference, Table 1 contains the dates and planned meeting locations for the current year 2020. Due to either severe weather or the pandemic, all of the Commission meetings in this current year have been or are planned to be conducted remotely.

Table 1: 2020 Dates and Locations

Date	Hosting District	Location
January 15 & 16, 2020	Skagit CD	Mount Vernon
March 18 & 19, 2020	North Yakima CD	Yakima

<b>May 19, 20, 21, 2020</b>	Lincoln CD	Davenport/Spokane
<b>July 15 &amp; 16, 2020</b>	Pacific CD	Long Beach/Other TBD
<b>September 16 &amp; 17, 2020</b>	South Douglas CD	E. Wenatchee
<b>December 3, 2020</b>	WACD Annual Meeting	Tacoma

If in-person Commission meetings are possible in 2021, the Regional Managers propose to offer the opportunity to host those meetings to the conservation districts that were not able to be hosts in 2020. We would not necessarily tie a particular meeting to a particular district to provide greater flexibility to account for time of year, weather factors, any safety considerations due to COVID, and district capacity to host at that time. Proposed dates for 2021 Commission meetings are found in Table 2.

*Table 2: Proposed 2021 Meeting Dates*

<b>Date</b>
<b>January 20 &amp; 21, 2021</b>
<b>March 17 &amp; 18, 2021</b>
<b>May 18, 19 &amp; 20, 2021</b>
<b>July 14 &amp; 15, 2021</b>
<b>September 15 &amp; 16, 2021</b>
<b>December 2, 2021</b>

Additionally, Regional Managers propose to work with other SCC staff and conservation districts to bring a presentation(s) to each Commission meeting that is held remotely to continue providing an opportunity to hear from the districts about successes, innovations, and challenges that we would otherwise have an opportunity to learn about on the tours hosted by the districts.

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Bill Eller, SCC Election Rule Coordinator, Election Officer  
Ron Shultz, SCC Policy Director

**SUBJECT:** Proposed Changes to District Elections WAC

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Action Item



Informational Item



#### Summary:

At the December 5, 2019 meeting the Conservation Commission directed staff to pursue changes to the Commission's Washington Administrative Code (WAC) elections rule. The proposed rule changes were filed with the state Code Reviser, the comment period opened on June 22, 2020 and closed on September 1, 2020, and public hearings were held in August 2020. Comments have been received, adjustments made based on those comments, and responsiveness document created, and a final version of the WAC changes is available for consideration.

#### Requested Action (if action item):

Motion to approve staff recommended changes and adoption of the final rule.

Motion to approve staff recommended changes and adoption of the election manual.

#### Staff Contact:

Bill Eller, SCC Elections Officer [beller@scc.wa.gov](mailto:beller@scc.wa.gov) (509) 385-7512

Ron Shultz, SCC Policy Director [rshultz@scc.wa.gov](mailto:rshultz@scc.wa.gov) (360) 790-5994

#### Background and Discussion:

In September 2018, the Commission created the Conservation District Election and Appointment Committee (CDEAC) to review the current WAC rules and elections manual relating to conservation

district elections. CDEAC met through 2019 and produced recommendations for proposed changes at the September 2019 Commission meeting. The Commission approved staff to seek comment from districts on the proposed changes. The district comments were received by staff from September 21, 2019 until November 8, 2019, and then brought to the Commission at the December 2019 meeting. At the December 5, 2019 Commission meeting, the Commission approved and authorized staff to advance the proposed rule changes through the WAC change process.

Steps taken to accomplish that directive included:

- April 24, 2020: Announcement of rulemaking ([CR-101 form / Announcement Notice filed](#))
- April-June 2020: Rule language and other information prepared
- June 22, 2020: Propose rule filed ([CR-102 filed](#)); notice of the proposed rulemaking action by the SCC (by notice in the *District Digest* on June 24, 2020 and again on August 1, 2020 through GovDelivery, posted on our web page on June 22, 2020, and on social media); start of the public comment period
- August 6, 2020: Public hearing held (webinar only)
- August 11, 2020: Public hearing held (webinar only)
- September 1, 2020: Deadline to receive public comments
- September 1-16, 2020: Staff review of public comments, prepared a responsiveness document for consideration by the Commission, which includes proposed revisions made to the proposed rule based on the comments, and preparation of the adoption packet for the Code Reviser
- (Anticipated) September 17, 2020: Commission adopts rule
- (Anticipated) September 21, 2020: File the CR-103 form and final WAC changes
- (Approximate) November 1, 2020: effective date of changes

## **Staff Recommended Changes to the Election WAC**

After the December 5, 2019 Commission meeting, but before the official list of proposed changes was submitted to the Code Reviser's Office for publication, Commission staff brought two possible changes to the Commission for consideration during the March 19, 2020 Commission meeting:

1. Whether to include the one-week election language in the conservation district election WAC for publication.
2. Whether to include changes to the single candidate elections in the conservation district election WAC for publication.

The first proposed amendment, to hold all conservation district elections during one week in March, was removed from package of proposed changes with this motion:

***Motion by Commissioner Dorner to remove the language regarding restricting elections to one week that is included in the current proposed WAC. Seconded by Commissioner Crose. Motion passed.***

The second proposed amendment related to cancelling an election if a single candidate applies was discussed during that March meeting in the context of legislative concerns over the number of times conservation district didn't hold an election because there was only one candidate on the ballot. The cancelling of an election causes great concern among legislators and others.

As a result of that discussion, the proposal to amend the rule and allow for cancellation of an election if only one candidate, regardless of whether the candidate is the incumbent, was left in the package of proposed changes. However, the public distribution of the proposed rule changes included a recommendation that it be removed before final adoption. This was based on a second motion from the Commission's March meeting:

***Motion by Commissioner Dorner to adopt Option 1: We keep the proposed WAC change for distribution and comment, but remove that provision after we've received comments. In this scenario we would provide comment as staff to the effect that given the legislative concern with this provision, we recommend it be removed. Seconded by Commissioner Beale. Motion passed.***

After the close of the public comment period, and based upon the Commission's motion above, Commission staff propose deleting the entire WAC 135-110-370 from the final election WAC. As a result, the effect of the proposed change is to not provide for the cancellation of a conservation district election. Since the inception of WAC Chapter 135-110 in November 2010, on average 70% of conservation districts (31 of 45) cancel their election due to the operation of WAC 135-110-370.

Arguments in favor of eliminating WAC 135-110-370 in its entirety include:

- It's responsive to legislative concerns that an election should not be cancelled simply because there's only one candidate on the ballot. Voters should be given the opportunity to include a write-in candidate if they desire and retaining the election allows them to do so.
- Although cancelling an election where only one candidate may reduce cost and work load for a conservation district, it goes against democratic principles of conducting elections for elected positions.

Arguments opposed to repealing WAC 135-110-370 in its entirety include:

- The effect of eliminating this WAC section means all 45 conservation districts will have an election, every year. This will increase the burden on Commission staff to provide guidance to the conservation districts and to prepare elections for certification.
- Requiring conservation districts to conduct an election every year with only one candidate will increase costs and work load for district staff.

Staff recommendation with respect to deleting WAC 135-110-370:

- Staff recommends the Commission delete WAC 135-110-370, with the effect of eliminating the ability to cancel an election due to only one candidate. This approach is reflected in the WAC changes before the Commission. The rationale for this recommendation is stated above in the arguments in support of repeal.

### Changing the Timing of the District Elections

Over the past several years, concerns have been raised by members of the public, the press, and legislators regarding the odd timing of conservation district elections. The concern has been with the district elections being held at various times between January and March, the public is not aware of the election because they are held at a time voters are not accustomed to elections, which they expect to be in November.

The Commission has discussed this issue several times over the intervening years with some members expressing interest in conducting district elections during one week or some other period of time. Most recently the Commission discussed the issue at the December 2019 meeting in the context of proposed legislation that would move conservation district elections to the general election statute. As a result of this discussion, the Commission passed the following motion with regard to legislative changes to district elections during the 2020 legislative session:

**Motion by Dorner that the SCC acknowledges the importance of the questions related to conservation district election processes. The SCC is concerned with the current legislative proposals and recommends more discussion with our constituents to avoid unintended consequences. The SCC commits to engage in evaluating potential improvements to the election process. Seconded by Longrie. Motion carried.**

Commission staff are currently engaged in a process of discussing potential broad election changes with conservation districts. In the meantime, there's still the issue of changing the timing of conservation district elections in the context of the WAC election changes. This issue was also addressed by the Commission at the December 2019 meeting when considering possible election WAC changes. After passing the motion to approve distribution of the proposed WAC changes, the Commission also passed the following motion:

**Motion by Commissioner Williams to start the Washington Administrative Code (WAC) process to consider limiting the election timeframe. Seconded by Commissioner Longrie. Motion carried.**

With respect to the conducting of the district elections during one week or some other designated time, any alteration of the timing of district elections that would be mandatory on districts would require a statutory change. Current statutory language requires a conservation district board to set the date of the election, such date being during the first quarter of the year. RCW 89.08.190. If the

Commission were to require the districts to hold their election at a particular time, the statute would have to be changed to give the Commission the authority to do so.

#### Staff Recommendation Regarding Changing the Timing of Elections:

- Commission staff recommend no change to the timing of district elections through the WAC as any such action would likely not survive a challenge that it's not allowed based on the statutory language of the timing of district elections.
- Commission staff recommend the Commission allow for the ongoing discussions to continue with conservation districts regarding potential election changes, with the results of this discussion being brought to the Commission at the December 2020 meeting.

### **Changes to the Proposed Rule Based on Public Comment**

Although we received a few comments during the official comment period, there are four recommended changes to the rule from the original package the Commission authorized to move forward for official adoptions at the December 2019 and March 2020 Commission meetings. Details on those changes can be seen in the attached version containing "track changes" and are described in the responsiveness summary, also attached. The changes are

1. Retaining the word "*must*" in all instances, rather than changing to "*shall*"
2. The proposed definition of *candidate required information* was clarified to read "*Candidate required information means the factual information a candidate must provide on the candidate information form to be eligible for election.*"
3. Repealing WAC 135-110-370, which would result in all CDs holding elections without the possibility of cancellation
4. The phrase "*as per the provisions in WAC 135-110-970*" was added to WAC 135-110-740 to make clear that a vacancy created when no eligible candidate is elected is governed by the procedure in WAC 135-110-970

### **Proposed WAC Changes**

Highlights of the changes in the original package that are still being proposed to the conservation district WAC chapter 135-110 include:

1. Removing the distinction between absentee, mail-in, or in-person ballots
2. Consolidating candidate types into just two – those who will appear on the ballot and those who will not
3. Eliminating the automatic disqualification of write-in candidates when a ballot contains a candidate whose name is pre-printed on the ballot
4. Eliminating nominators and the nominating petition
5. Creating a distinction between *candidate required* and *optional* information
6. Aligning the CD election retention schedule with the Secretary of State's schedule

7. Setting deadlines for certain notices, reporting, and form submittal
8. Requiring CD staff to be trained in conducting elections, as per the adopted EQAP
9. Explicitly allowing election supervisor duties to be delegated to others
10. Requiring poll sites to be open for a minimum of 4 consecutive hours
11. Setting out the procedure and effect of candidate withdraw
12. Clarifying who can serve as polling officers
13. Clarifying when electronic signatures and filing can be used
14. Setting out the procedure for complaining about or challenging an election
15. Setting out the procedure for filling vacancies in elected positions

A complete draft of the proposed changes is attached to this memo.

### **Updated Election and Appointment Guide**

As a companion aid to conservation districts in conducting their elections, the Commission has promulgated a new election and appointment manual that tracks with the proposed WAC changes under consideration here today. The new manual is now called the *Election and Appointment Guide*, and has been available for comment by conservation districts since July 15, 2020. The previous manual was intended to be the place where anyone who has a role to play in CD elections (CD staff, SCC staff, voters, candidates, poll officers, etc.) could go to get the information for their role, including much of what was already available in WAC Chapter 135-110. As a result, the document was quite large.

The CDEAC wanted the updated Guide to be as condensed as possible. They suggested taking out language that directly cites WAC Chapter 135-110 and keeping the appendices, sample notices, draft policies, and checklists. Necessary information for those involved in conservation district elections is retained in the *Guide*, but election supervisors (administrators) will need to supplement their reading with reference to WAC Chapter 135-110.

Key changes in the revised *Election and Appointment Guide* includes

- Entirely new format to improve readability
- Language that directly cites WAC Chapter 135-110 has been removed. Appendices, sample notices, draft policies, and checklists were kept
- A sample notice for filling mid-term appointed positions has been added
- The sample narrative for providing provisional ballots to voters has been put in Appendix G.

### Recommended Action and Options (if action item):

Motion to approve staff recommended changes to WAC Chapter 135-110 and adopt the changed rule as final.

Motion to adopt the revised *Election and Appointment Guide* as final.

### Next Steps (if informational item):

If the proposed changes are adopted today without any changes to the text, Commission staff anticipates that the necessary paperwork would be filed with the Code Reviser's Office on September 21, 2020. Thirty-one days after that, the new amendments become effective. This means that they would be in effect around November 1, 2020 – in time for the 2020-2021 conservation district election cycle.

If the proposed changes are adopted today with changes to the text, Commission staff would need time to draft those changes and include them with the paperwork back to the Code Reviser's Office. Depending on how soon that could occur, a delay would result of possibly one to two weeks. That would delay the effective date by the same amount. This means that the effective date would be around November 15, 2020 – in time for the 2020-2021 conservation district election cycle.

The proposed *Guide* may need revisions to align it with the final version of changes to WAC Chapter 135-110, if changes are made to the proposed WAC during the September 17, 2020 meeting. If changes are not needed, and if the *Guide* is adopted by the Commission, the *Guide* will be the available for use starting with the 2020-2021 election cycle.

**Responsiveness Summary  
and  
Concise Explanatory Statement**

**For proposed amendments to:**

**Chapter 135-110 WAC**

**Election and Appointment of Conservation  
District Supervisors**

**September 2020**

**Questions, comments or requests for publication of this document in another format should  
be addressed to:**

**Bill Eller  
Election Officer  
Washington State Conservation Commission  
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# Contents

<b>SECTION 1: INTRODUCTION</b> .....	<b>1</b>
A. Background .....	1
B. Statutory Authority For This Rule .....	4
C. Rule Schedule.....	4
<b>SECTION 2: CONCISE EXPLANATORY STATEMENT – DIFFERENCES BETWEEN THE PROPOSED AND FINAL RULE</b> .....	<b>6</b>
<b>SECTION 3: RESPONSIVENESS SUMMARY</b> .....	<b>8</b>

# SECTION 1: INTRODUCTION

## A. Background

The Washington State Conservation Commission (Commission) adopted Chapter 135-110 of the Washington Administrative Code (WAC) and it became effective in November 2010. The Commission is required by statute to adopt procedures for conservation district elections. In December 2019 and March 2020, the Commission proposed a number of changes to WAC Chapter 135-110. The Commission proposed changes in over 70 different areas of WAC Chapter 135-110.

### **Rule Review Process**

In September 2018, the Commission created the Conservation District Election and Appointment Committee (CDEAC) to review the current WAC rules and elections manual relating to conservation district elections. The CDEAC met in 2019 and produced recommendations for proposed changes at the September 2019 Commission meeting. The Commission approved staff to seek comment from districts on the proposed changes. The district comments were received by staff from September 21, 2019 until November 8, 2019, and then brought to the Commission for consideration at their December 5, 2019 meeting. At the December 5, 2019 Commission meeting, and again at the March 19, 2020 Commission meeting, the Commission approved and authorized staff to advance the proposed rule changes through the official WAC change process.

### **Commission Action**

Following the CDEAC review process, Commission staff presented recommended changes to the election WAC to the Commission at their December 5, 2019 meeting. The Commission considered the proposed changes. The Commission approved and authorized Commission staff to initiate the process for Washington Administrative Code (WAC) changes proposed by the CDEAC “with the exception of the timeframe of the election”.

*In March*, Commission staff brought two possible changes to the Commission for consideration during the March 19, 2020 Commission meeting. One change related to conducting all elections during one week in March was eliminated from the package put forth for official adoption.

The second change involved WAC 135-110-370 and cancelling an election when just one single candidate files by the filing deadline (number 11 in the summary list above). As a result of that discussion, this second proposed amendment was left in the package of proposed changes, but with a recommendation that it be removed before final adoption with this motion:

Motion by Commissioner Dorner to adopt Option 1: We keep the proposed WAC change for distribution and comment, but remove that provision after we've received comments. In this scenario we would provide comment as staff to the effect that given the legislative concern with this provision, we recommend it be removed. Seconded by Commissioner Beale. Motion passed.

The reasons for these proposed changes include:

- Establishing procedures to govern the election and appointment of conservation district supervisors,
- Providing guidance on the conduct of conservation district elections,
- Simplifying and clarifies administrative code language, and
- Provides statewide consistency in the election and appointment of conservation district supervisors.

### **Comment and Input on Proposed Rules**

The proposed rule reflects the recommendations of a number of different stakeholders, including:

- The Conservation District Election and Appointment Committee – a committee comprised of Commission staff, conservation district staff, and supervisors
- Conservation district staff and supervisors from the 45 Washington State conservation districts
- The Washington Association of Conservation Districts (WACD)
- The Commission
- Legislators
- Informal input from the public and interested parties

Proposed change highlights include:

1. Removing the distinction between absentee, mail-in, or in-person ballots
2. Consolidating candidate types into just two – those who will appear on the ballot and those who will not
3. Eliminating the automatic disqualification of write-in candidates when a ballot contains a candidate whose name is pre-printed on the ballot
4. Eliminating nominators and the nominating petition
5. Creating a distinction between *candidate required* and *optional* information
6. Aligning the CD election retention schedule with the Secretary of State's schedule
7. Setting deadlines for certain notices, reporting, and form submittal
8. Requiring CD staff to be trained in conducting elections, as per the adopted EQAP
9. Explicitly allowing election supervisor duties to be delegated to others
10. Requiring poll sites to be open for a minimum of 4 consecutive hours
11. Cancelling an election when just one single candidate files by the filing deadline
12. Setting out the procedure and effect of candidate withdraw
13. Clarifying who can serve as polling officers
14. Clarifying when electronic signatures and filing can be used
15. Setting out the procedure for complaining about or challenging an election
16. Setting out the procedure for filling vacancies in elected positions

## B. Statutory Authority For This Rule

The Washington State Conservation Commission is required by Chapter 89.08 Revised Code of Washington to adopt procedures for conservation district elections: “The commission shall establish procedures for elections, canvass the returns and announce the official results thereof.” RCW 89.08.190.

Authority to promulgate this rule resides generally in RCW Chapter 89.08 and in several statutes including:

RCW 89.08.040  
RCW 89.08.190  
RCW 89.08.200

## C. Rule Schedule

The Commission took public comments on the proposed rule from June 22, 2020 through September 1, 2020. The Commission held two public hearings to gather comments. Due to the ongoing COVID-19 pandemic, both hearings were held by webinar-only. The first public hearing was held on August 6, 2020, and the second on August 11, 2020.

*August 6, 2020 public hearing:* Thirteen persons attended the Thursday, August 6, 2020 hearing. Prior to the start of the official hearing and during the presentation portion of the meeting, a question was asked with regard to the proposal to change the word “must” to “shall” in some WAC Chapter 135-110 sections. Commission staff clarified that, though that was the original proposal, early non-hearing comments the Commission received will likely cause staff to recommend the Commission not make those changes.

During the official hearing on August 6, 2020, written testimony via the “Questions” box on the webinar dashboard was taken from just one person, representing the Washington Association of Conservation Districts. The comment was as follows:

The Washington Association of Conservation Districts appreciates the public process and inclusive approach that the Washington State Conservation Commission is taking in seeking input on proposed election rule changes. Thank you.

*August 11, 2020 public hearing:* Seven persons attended the Tuesday, August 11, 2020 hearing. No one testified.

Written comments were accepted from June 22, 2020 through September 1, 2020 using an online comment form.

The Commission will consider the proposed rule during their regular meeting scheduled for September 17, 2020. It is anticipated the effective date of the rule will be approximately November 1, 2020. Interested parties should check with the Commission for the final effective date of the rule.

## SECTION 2: CONCISE EXPLANATORY STATEMENT – DIFFERENCES BETWEEN THE PROPOSED AND FINAL RULE

There are four proposed changes from the rule published June 22, 2020 in the CR-102, and the rule adopted and published with the CR-103. The changes were made in response to public comment, Commissioner comment, and Commission staff input. The recommended changes are proposed in order to improve clarity. The changes made do not change the substance or intent of the rule. **Only those differences between the proposed and final rule are set out below.**

### *Substituting the word “shall” for “must” in a number of WAC 135-110 sections*

The CDEAC originally proposed changing instances of the word “must” in WAC Chapter 135-110 to “shall” as it was thought that would more clearly establish definitiveness. That change was included in the rule changes and package published June 22, 2020 in the CR-102. However, during the public comment period, comment was received (see comment 1 below) that pointed out that the modern understanding and usage is that the word “must” is more definitive than the word “shall.” After review by Commission staff, we agree. Therefore, the proposed final version of the rule (to be included with the filing of the CR-103) keeps the original language (retains the use of the word “must”) in all instances that were originally sought to be changed to “shall.” Sections affected are:

WAC 135-110-130, WAC 135-110-140, WAC 135-110-150, WAC 135-110-160, WAC 135-110-170, WAC 135-110-180, WAC 135-110-200, WAC 135-110-210, WAC 135-110-220, WAC 135-110-230, WAC 135-110-240, WAC 135-110-250, WAC 135-110-300, WAC 135-110-320, WAC 135-110-355, WAC 135-110-360, WAC 135-110-400, WAC 135-110-410, WAC 135-110-420, WAC 135-110-430, WAC 135-110-440, WAC 135-110-450, WAC 135-110-460, WAC 135-110-500, WAC 135-110-520, WAC 135-110-550, WAC 135-110-560, WAC 135-110-600, WAC 135-110-610, WAC 135-110-620, WAC 135-110-630, WAC 135-110-640, WAC 135-110-650, WAC 135-110-700, WAC 135-110-710, WAC 135-110-720, WAC 135-110-730, WAC 135-110-750, WAC 135-110-760, WAC 135-110-770, WAC 135-110-810, WAC 135-110-900, WAC 135-110-910, WAC 135-110-920, WAC 135-110-960

***WAC 135-110-110 Definitions.***

The proposed definition of candidate required information was clarified to read "Candidate required information" means the factual information a candidate must provide on the candidate information form to be eligible for election."

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

After the close of the public comment period, and in light of the Commission's motion described above, Commission staff removed the entire WAC 135-110-370 from the final package of proposed WAC changes and recommends WAC 135-110-370 be repealed in its entirety. As a result, the package of proposed changes described now does not provided for the cancellation of a conservation district election.

***WAC 135-110-740 When no eligible candidate is elected.***

The phrase "as per the provisions in WAC 135-110-970" was added to make clear that a vacancy created when no eligible candidate is elected in WAC 135-110-740 is governed by procedure for filling a vacant office in WAC 135-110-970.

## Section 3: Responsiveness Summary

Eight persons submitted eight written comments using our online comment form. One person submitted comments (Comment 9) informally by email. Comments 1-5 and 7-9 are actually composed of several comments. The commentator in Comment 3 wishes Comment 3 to supersede Comment 2 as Comment 3 includes one additional point of consideration. Commission staff included Comment 2 in the interest of full disclosure and documentation of all comments received. Table 1 lists the commenters and the reference number(s) for the comments submitted. All comments along with the Commission’s responses follow Table 1. The text in all comments below is exactly as submitted to the Commission.

Table 1 – Commenters and Reference Number

Commenter	Position	Conservation District	Reference Number
Alan Chapman	CD supervisor	Whatcom	Comment 1
Chris Porter	CD supervisor	King	Comment 2-3
Joe Holtrop	CD manager	Clallam	Comment 4
Carolyn Wilcox	CD supervisor	Clallam	Comment 5
No name provided	CD supervisor	King	Comment 6
No name provided	Member of the public	No CD identified	Comment 7
Craig Nelson	CD manager	Okanogan	Comment 8
Audrey Ahmann	Assistant CD Manager	Walla Walla	Comment 9
Linda Lyshall	CD Manager	Snohomish	Comment 10

### Comment Reference Number 1

**Commenter:** Whatcom CD supervisor

**Type:** Formal comment through our online comment form, July 2, 2020

**Comment:** My most important comment that there needs to be a clear distinction when there is a legal obligation to do something and when it is permissible. The justification for reversing a number of changes from must to shall and clarifying changes from may to shall. I offer the following comments for clarification.

I would also suggest reducing the amount of work and time required to certify an election by Conservation Commission staff that has been conducted and supervised under these code sections, unless there is a specific objection to the results reached by the district.

This definition is redundant:

"Qualified district elector" means a registered voter in the county where the district is located and who resides within the conservation district boundary. Qualified district elector means an individual residing

within the boundary of the conservation district and registered to vote in a county where the conservation district is located.

All changes from must to shall should be deleted because ""Must" is the only word that imposes a legal obligation on your readers to tell them something is mandatory. ...

The Federal Register Document Drafting Handbook (Section 3) states "Use 'must' instead of 'shall' to impose a legal obligation on your reader." The Federal Plain Language Guidelines (page 25) (PDF) referred to in the Federal Plain Writing Act of 2010, compel FAA and every federal department to "use 'must,' not 'shall'" to indicate requirements. FAA Writing Standards, order 1000.36, (page 4) says avoid the word "shall" and use "must" to impose requirements, including contracts.

Publication should be expanded to include other than publication in a newspaper.

There should be a clear identification of electronic signature, to include documents from a valid email containing legal documents containing signatures

#### WAC 135-110-355

The phrase indicated in parentheses is redundant and should be removed

(d) That at least two of the three elected conservation district supervisors on the conservation district board of supervisors will be landowners or operators of farms (if the person is elected).

#### WAC 135-110-410

This phrase should include as the last phrase "a ballot be picked up, sent or mailed to them for filing by mail."

#### WAC 135-110-520

The statement in parentheses should be deleted as absentee ballots are no longer defined.

Ballots must be provided on request. (1) Ballots shall be provided to eligible voters upon request, and voters need not provide proof of any special condition to obtain an (absentee) ballot.

#### WAC 135-110-520

Add the Phrase in parentheses for clarity and impartiality

(3) Ballot may be provided electronically if a suitable means (approved by the conservation commission) of determining voter eligibility and preventing voter fraud are utilized.

#### WAC 135-110-560

Perhaps the definition for a functional equivalent of a paper ballot should be clearly defined or qualified as defined by the conservation district and approved by the conservation commission. There should be clarification this section deals only with mail in or approved functionally equivalent ballots.

WAC 135-110-650

Add the words in parentheses for clarity accommodate voters (in line waiting to vote) the suggested new (2) become redundant

There should be some clarification between WAC 135-110-740 dealing when not supervisor is elected, WAC 135-110-970 where a vacancy is filled by a new election under similar conditions as the original election for the term of office remaining.

**Response:** Thank you for your comments.

The proposal to change the word “must” to “shall.” The Commission agrees that changing instances of the word “must” to “shall” in WAC Chapter 135-110 weakens the legal obligation in those instances. Therefore, the proposed final version of the rules keeps the original language (retains the use of the word “must”) in all instances that were originally sought to be changed to “shall.”

Reducing certification work and time. The Commission is always looking for ways to increase efficiency in its work, but will not compromise its obligation to thoroughly review and canvass election returns as part of election certification. We welcome any suggestions on how to reduce staff work load in this regard.

Definition of “qualified district elector.” There are no changes to the definition of qualified district elector proposed as part of the changes to WAC Chapter 135-110. However, the Commission feels that there is information in both sentences of the definition that serve to further clarify the definition.

Expansion of publication methods. There are no changes to the types of publication methods conservation districts can use to advertise election information as part of the changes proposed to WAC Chapter 135-110. However, notice of conservation district elections has been traditionally designed to account for large urban and small rural districts. The common form of available media in both urban and rural districts has been the availability of newspapers. That continues to be the case. However, the Commission acknowledges the availability of alternative media, and already allows for alternative methods of publication of election notices and information by conservation districts. Aside from the obligation to publish the first notice of the intent to adopt an election resolution in a newspaper of general publication in the area, the definition of “due notice” allows for the use of such alternative methods in subsequent publications.

Electronic signatures. The Commission is always looking for ways to increase voter access and ease the burden on candidates and voters to participate in conservation district elections. As part of that effort, the Commission acknowledges that electronic means of providing information and identification are

becoming more prevalent in society, and wishes to accommodate voters and candidates in that regard whenever possible, throughout WAC Chapter 135-110.

WAC 135-110-355. The Commission believes the phrase in parenthesis adds additional clarity and reinforces the requirement in statute that two of the three elected supervisors must be landowners or farm operators.

WAC 135-110-410. The change proposed in WAC 135-110-410 requires conservation districts to set a reasonable deadline for voters to request a ballot be mailed or sent to them by the district. It applies to the actions of the district, not the voter. Voters are free to request a ballot that the voter themselves will pick up from the district, but the obligation then shifts to the voter to pick up that ballot and return it by election day.

WAC 135-110-520. The Commission acknowledges the sovereignty of conservation districts as divisions of local government, and as such allows for a wide variety of variation of delivering elections, so long as those variations abide by the requirements in rule and statute. The change proposed in WAC 135-110-520 (3) confirms that flexibility without requiring prior approval by the Commission.

WAC 135-110-560. The Commission is always striving to balance the innovative methods of conducting conservation district elections with compliance with election rules and procedure. The Commission believes changes made in WAC 135-110-560 provide clarity on the use of ballots and the functional equivalent of a paper ballot during an electronic election without limiting possible innovative methods of conducting elections.

WAC 135-110-650. The Commission believes the changes proposed in WAC 135-110-650 (2) adds additional clarity and reinforces for conservation districts that voters who are in line at poll sites prior to the closure of the polls must be allowed to vote.

Clarity between WAC 135-110-740 and WAC 135-110-970. The Commission agrees and has added the phrase “as per the provisions in WAC 135-110-970.” The entire new proposed provision would read: When no eligible candidate is elected the position is deemed vacant and the conservation district may appoint an eligible successor, **as per the provisions of WAC 135-110-970,** following the official announcement by the conservation commission.

## Comment Reference Number 2

**Commenter:** Conservation District supervisor

**Type:** Formal comment through our online comment form, July 29, 2020

**Comment:** Though many of the proposed changes are good and would be helpful, I do not see anything that would increase voter participation or would spur CDs to work to increase voter participation. Fundamental change must be considered at some point soon. I have tried to address this before. Here are some issues not settled despite the changes proposed:

1. CD and commission's planning if COVID does not allow in-person balloting
2. Consideration to change the election period away from the most difficult months to hold an election and campaign
3. Consideration to change the RCW around the election period
4. Any attempt to get CDs to consider mail-in-ballots as the overwhelming practice in this state
5. Outreach to communities of color/ People of Color ( POC) concerning elections and prompting CDs to plan and organize a plan to include underrepresented minorities in CD elections across the state.
6. Calling an end to requesting a ballot to vote from any CD
7. Calling on funding from the state and county to restructure the election process in all CDs
8. Stronger language to get CDs to increase voter participation across the state. NO CD has had greater than one percent of registered voters in any CD participate in the elections
9. Consideration of appointed slots to increase diversity if elections have not done so. Other than gender, many CDs, now the exception being King county, lack diversity on their BOS
10. Stronger language that CDs use two methods to alert all voters about elections and the commission doing a state-wide announcement as well. One of the methods that CDs use to alert voters about the elections has to be mail - remember that mail-in-ballots are used across the state.
11. Winners of the elections should receive a certificate of their elected position with a seal on it from the commission. This has become a standard for many elected positions and is not expensive.
12. I disagree with the proposal of in the case of only one candidate, then cancel the election. If voters really knew about the election, there is still the possibility of write - in candidates since the commission is going to better recognize this type of candidate. Also it protects the seat for the incumbent and in a way that is not done so for may other candidates, and still has the sense that only those who know about it or are invited can or should participate.
13. Stronger language to get CDs to make the positions regional within the counties and make the term 4 years. This would allow the position to be better aligned with other elections that happen throughout the state and across counties. This may also require an RCW change or change by the voters in the counties.

Upon being elected to the Board of Supervisors ( BOD) in King County, it was clear to me that, across the state, there is little or no diversity in the CDs. The CDs are stuck in an old method that favored farmers in these elections. Any while I would never consider that farmers not be represented in the CDs, there must be some balance between those interest and the interests of the voters that pay for many of the

CDs to exist. Repeatedly as I campaigned across the King county, voters keep asking when will there be fundamental change int the election process that keeps so many voters in the dark. I can only answer: Soon. I have spoken out against racial injustice and in support of social justice, equality and access. However I feel as though I am being a hypocrite when in comes to the office that I have been elected to as so few POC , across the state, participated in these elections.

When I attend the last regional meeting for CDs in the Puget Sound area, it was made quite clear, along with the vote at the state-wide meeting, that election reform was not going to happen. I am faced with the long-held line that " someday" your turn will come. This is what spurred so many protests and demands for change in our history and certainly recently. Today I am demanding this change. The commission can no longer afford to be complacent about the elections and fall back on the statement: "CDs are in charge of their elections " when doing so continues to leave the many people I advocate for, on a daily basis, out of the election. I urge the commission to reconsider its recommendation in light of full meaningful reform and recommendations that will move CDs out of a process of isolation and silence around its elections and into full transparency .

I am a Precinct Committee Officer ( PCO) in my community, and I will sit down and remind every voter in my precinct to return their ballot before August 4th. I do not have the opportunity to tell them to do this concerning CD elections because of the old and antiquated process being protected and used. At no point can I continue to stand and yell about the injustice of any system, systemic racism, and how it marginalized communities of color without now bringing up the CDs and the commission. The time to act is now.

**Response:** Please see response to comment 3 below.

### **Comment Reference Number 3**

**Commenter:** Conservation District supervisor

**Type:** Formal comment through our online comment form, July 30, 2020

**Comment:** PLEASE ACCEPT MY EDITED VERSION AND INCLUSION OF #14 SUGGESTION OVER THE PREVIOUS SUBMISSION FROM ME. THANK YOU.

Though many of the proposed changes are good and would be helpful, I do not see anything that would increase voter participation or would spur CDs to work to increase voter participation. Fundamental change must be considered at some point soon. I have tried to address this before. Here are some issues not settled despite the changes proposed:

1. CD and commission's planning if COVID does not allow in-person balloting

2. Consideration to change the election period away from the most difficult months to hold an election and campaign
3. Consideration to change the RCW around the election period
4. Any attempt to get CDs to consider mail-in-ballots as the overwhelming practice in this state
5. Outreach to communities of color/ People of Color ( POC) concerning elections and prompting CDs to plan and organize a plan to include underrepresented minorities in CD elections across the state.
6. Calling an end to requesting a ballot to vote from any CD
7. Calling on funding from the state and county to restructure the election process in all CDs
8. Stronger language to get CDs to increase voter participation across the state. NO CD has had greater than one percent of registered voters in any CD participate in the elections
9. Consideration of appointed slots to increase diversity if elections have not done so.
10. Stronger language that CDs use two methods to alert all voters about elections and the commission doing a state-wide announcement as well. One of the methods that CDs use to alert voters about the elections has to be mail - remember that mail-in-ballots are used across the state.
11. Winners of the elections should receive a certificate of their elected position with a seal on it from the commission. This has become a standard for many elected positions and is not expensive.
12. I disagree with that proposal of, in only one candidate, then cancel the election. If voters really knew about the election, there is still the possibility of write - in candidate since the commission is going to better recognize this type of candidate. Also is protects the seat for the incumbent is a way that is not done so for may other candidates and still has the sense that only those who know about it or are invited can or should participate.
13. Stronger language to get CDs to make the positions regional within the counties and make the term 4 years. This would allow the piston to be better aligned with other elections that happen throughout the state and across counties. This may also require an RCW change or change by the voters in the counties.
14. Changing our title from Supervisor to either Commissioner or Director.

Upon being elected to the Board of Supervisors ( BOS) in King County, it was clear to me that, across the state, there is little or no diversity in the CDs. The CDs are stuck in an old method that favored farmers in these elections. Any while I would never consider that farmers not be represented in the CDs, there must be some balance between those interest and the interests of the voters that pay for many of the CDs to exist. Repeatedly as I campaigned across King county, voters kept asking when will there be fundamental change in the election process that keeps so many voters in the dark. I could only answer: Soon. I have spoken out against racial injustice and in support of social justice, equality and access. However , I feel as though I am being a hypocrite when it comes to the office that I have been elected to as so few POC , across the state, participated in these elections.

When I attend the last regional meeting for CDs in the Puget Sound area, it was made quite clear, along with the vote at the state-wide meeting, that election reform was not going to happen. I am faced with the long - held line that " some day" your turn will come. This is what spurred so many protests and demands for change in our history and certainly recently. Today I am demanding this change. The commission can no longer afford to be complacent about the elections and fall back on the statement: "CDs are in charge of their elections " when doing so continues to leave the many people I advocate for on a daily basis out of the election. I urge the commission to reconsider its recommendation in light of full meaningful reform and recommendations that will move CDs out of a process of isolation and silence around its elections and into full transparency .

I am a Precinct Committee Officer ( PCO) in my community, and I will sit down and remind every voter in my precinct to return their ballot before August 4th. I do not have the opportunity to tell them to do this concerning CD elections because of the old and antiquated process being protected and used. At no point can I continue to stand and yell about the injustice of any system, systemic racism, and how it marginalized communities of color without now bringing up the CDs and the commission. The time to act is now.

**Response:** Thank you for your comment. Your comment essentially covers three areas of conversation currently underway regarding possible changes to conservation district elections.

The first are the changes to the election rules. The second area of comment relates to the discussions between the Commission, WACD, and conservation districts about more holistic improvements to the CD election system. And finally, you provide comment on how conservation districts intend to conduct their upcoming elections in light of the COVID-19 pandemic.

First, with regard to the portion of your comment that relates to the proposed changes to the WAC, Commission responses are below:

Changing the election period. RCW 89.08.190 requires that conservation districts conduct their elections “during the first quarter of each calendar year....” Changing the RCW is beyond the scope of the changes proposed to WAC Chapter 135-110. However, we will include your comment for further consideration with the other options for change described below.

Encouraging conservation districts to conduct mail-in elections. The Commission acknowledges the sovereignty of conservation districts as divisions of local government, and as such allows for a wide variety of variation of conducting elections, so long as those variations abide by the requirements in rule and statute. WAC 135-110-240 (1) states that “[t]he conservation district supervisors must choose the method of the election using physical poll sites, or by remote methods, or by any combination of these methods that assures fair treatment of candidates and voters, provides privacy in voting, and complies with all other parts of this rule.” Conservation district election rules allow for elections to be conducted by mail-in ballot, poll-site, electronic, or any appropriate combination. Thus far in setting the rules and procedures for conservation district elections, the Commission has not advocated for one method over another, respecting the sovereignty of each district as a division of local government to choose their method.

Election winners should receive a certificate. While beyond the scope of the proposed WAC 135-110 changes, the Commission would like to address this comment. The Commission has traditionally provided certificates to newly elected conservation district supervisors at a special ceremony during the Washington State Association of Conservation District convention in late November – early December of each year. The Commission is open to a dialogue about changing this tradition.

WAC 135-110-370 and cancelling an election. Agreed. Before the package of proposed changes was submitted to the Code Reviser’s Office for publication, there were two proposed amendments to the WAC package that staff offered for discussion at the March Commission meeting. One of those was the proposal to allow for the cancellation of an election in WAC 135-110-370. At that time the Commission decided to keep that proposal in the package, but directed staff to note during the public comment process that there was legislative concern with this provision, and that the Commission recommends it be removed before final adoption.

After receiving public comment related to this proposed change, and in light of the Commission’s motion above, Commission staff removed the entire WAC 135-110-370 from the final package of proposed WAC changes for final adoption. As a result, the package of proposed changes no longer allows for the cancellation of a conservation district election.

Changing the title of supervisor. The term “supervisor” derives from the original enabling statute, RCW Chapter 89.08, for the Commission and conservation districts, and has been in place since its adoption in 1939. A change to the RCW would be needed to effectuate a change to another title, which is beyond the scope of the amendments to WAC Chapter 135-110. However, the Commission acknowledges your comment and will include it in further discussions as described below.

Second, in your comment you made several suggestions regarding the overall conduct of CD elections and raise important points about ways in which the current system falls short. The Commission is currently engaged on a path toward discussing potential larger-scale changes with all conservation districts. Our first step has been a conversation between Commission staff and WACD staff to review the discussions from the past legislative session, identify key issues that were raised, and discuss how best to approach to engaging all conservation districts in light of the social distancing constraints we are under during this pandemic. Your comment will be included in this process and we hope you will continue to engage with us when we go out to the broader community to discuss a wider range of possible changes to elections.

Third, you raise questions regarding how conservation districts will conduct their elections - assuming we are still dealing with the COVID-19 pandemic during this upcoming election season and what direction the Commission will give conservation districts given this context. Commission staff brought this topic up for consideration during the last election season in late March 2020, and again at the May 21, 2020 Commission meeting. The Commission will be taking up this subject again at their September meeting. Commission staff will make sure your issues are raised before the Commission, but we encourage you to add your perspective to the Commission during that meeting.

#### **Comment Reference Number 4**

**Commenter:** Conservation District manager

**Type:** Formal comment through our online comment form, August 3, 2020

**Comment:** WAC 135 110 I think most of the proposed changes help make an extremely complicated and confusing elections rule a little easier to understand and comply with. However, I think the burden and responsibility that this elections rule puts on conservation districts is unacceptable. To require small districts with very limited staff capacity to comply with these rules is ridiculous and sets them up for failure. This should be left for professional elections supervisors or the Conservation Commission. Or better yet, just put conservation districts on the general ballot, change the term of office to four years, only hold elections in even numbered years, and require counties to absorb the cost of adding districts to their elections. Finally, allowing right-ins to be elected will take us back to the flawed elections we had prior to this WAC. With such low turnout for district elections, right-ins that

would otherwise be unlikely to win a contested election, can easily do so because the general public is unaware.

**Response:** Thank you for your comment. The enabling statute for both the Conservation Commission and conservation districts (RCW Chapter 89.08) specifically requires conservation districts conduct elections and the Conservation Commission set rules and procedures for those elections:

Each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year at which time it shall conduct an election, except that for elections in 2002 only, the board shall set the date during the second quarter of the calendar year at which time it shall conduct an election. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The commission shall establish procedures for elections, canvass the returns and announce the official results thereof.

RCW 89.08.190. Within that framework, the Commission strives to allow conservation districts options to conduct their elections by a variety of means, including receiving assistance from County auditors and / or county elections departments. The scope of the proposed changes to the election procedure and rules applies only to WAC Chapter 135-110. To remove the obligation of the conservation district to conduct the election and the Commission to set rules and procedure for elections is beyond the scope of these proposed rule changes.

However, the Commission is investigating a variety of options related its role and statutory obligations and conservation districts' roles in elections. The Commission is currently engaged on a path toward discussing potential larger-scale changes with all conservation districts. Our first step has been a conversation between Commission staff and WACD staff to review the discussions from the past legislative session, identify key issues that were raised, and discuss how best to approach to engaging all conservation districts in light of the social distancing constraints we are under during this pandemic. Your comment will be included in this process and we hope you will continue to engage with us when we go out to the broader community to discuss a wider range of possible changes to elections.

With regard to allowing write-in candidates, RCW 89.08.190 requires that a space be made available on every ballot that allows for write-in votes to be cast. The amendment to WAC 135-110-360 gives effect to that RCW provision. The Conservation District Election and appointment Committee proposed this revision and the Commission agrees that it relaxes previous requirements to allow for more candidates to effectively participate. If a write-in receives enough votes to become the supervisor-elect, they must

still file with the conservation district the candidate required information within 28 days of the election and otherwise be eligible to be elected and serve or face disqualification.

### **Comment Reference Number 5**

**Commenter:** Conservation District supervisor  
**Type:** Formal comment through our online comment form, August 11, 2020  
**Comment:** Change the conservation district supervisor election to be on the November ballot so that it is already a popular election with high voter turnout. Districts should not have to cover the costs of the election, election costs should be fully covered by Washington State. All board supervisors should be elected and there should be a term limit of 12 years total for any one supervisor.

**Response:** Thank you for your comment. The comment goes beyond the scope of the changes the Commission has proposed in WAC Chapter 135-110. The Commission is investigating a variety of options related its role and statutory obligations and conservation districts' roles in elections. The Commission is currently engaged on a path toward discussing potential larger-scale changes with all conservation districts. Our first step has been a conversation between Commission staff and WACD staff to review the discussions from the past legislative session, identify key issues that were raised, and discuss how best to approach to engaging all conservation districts in light of the social distancing constraints we are under during this pandemic. Your comment will be included in this process and we hope you will continue to engage with us when we go out to the broader community to discuss a wider range of possible changes to elections.

### **Comment Reference Number 6**

**Commenter:** Conservation District supervisor  
**Type:** Formal comment through our online comment form, August 13, 2020  
**Comment:** I urge the commission to vote no on this proposed change:  
Setting all CD elections during a full calendar week in March, excluding Sunday

Setting all conservation district elections during one random week in March prevents districts from being on the regular ballot (the special election set by the state of Washington during the first quarter is the second Tuesday in February)

This change will further restrict conservation districts and their ability to conduct open and transparent elections. This will also further hinder voter access to conservation district elections. This is a step backward not forward.

The commission instead should allow conservation districts election date flexibility and the commission should advocate to the legislature to remove the first quarter requirement for elections.

**Response:** Thank you for your comment. Prior to the filing of these proposed changes to WAC Chapter 135-110, the Commission removed the proposed change to WAC 135-110-200. That proposed change would have required all conservation districts to hold elections during one week in March. That proposed change was removed by the Commission at their March 2020 meeting, prior to filing the official documents with the Code Reviser's Office. That proposed change is the subject of your comment. The package of proposed changes to WAC Chapter 135-110 no longer contains that provision, therefore conservation districts are free to hold their elections under the existing WAC 135-110-200, which allows for elections during the first quarter of the year – January through March.

#### **Comment Reference Number 7**

**Commenter:** Member of the public

**Type:** Formal comment through our online comment form, August 24, 2020

**Comment:** I am a member of the public who has a "policy disagreement" with a supervisor. I actively looked for the opportunity to vote in the 2020 Cowlitz County conservation district election, but I missed the one announcement in the local newspaper. There was nothing on the CD's website nor the Broader CD website. How do people vote when only "insiders" know about the election? and then it is cancelled. This is just a old-boys club rubber stamped pseudo-election. Write in candidates should be allowed, elections must be better advertised, or the whole process scrapped.

**Response:** Thank you for your comment. Some parts of your comment go beyond the scope of the changes the Commission has proposed in WAC Chapter 135-110. The Commission is investigating a variety of options related its role and statutory obligations and conservation districts' roles in elections. The Commission is currently engaged on a path toward discussing potential larger-scale changes with all conservation districts. Our first step has been a conversation between Commission staff and WACD staff to review the discussions from the past legislative session, identify key issues that were raised, and discuss how best to approach to engaging all conservation districts in light of the social distancing constraints we are under during this pandemic. Your comment will be included in this process and we hope you will continue to engage with us when we go out to the broader community to discuss a wider range of possible changes to elections.

With regard to allowing write-in candidates, RCW 89.08.190 requires that a space be made available on every ballot that allows for write-in votes to be cast. The amendment to WAC 135-110-360 gives effect to that RCW provision. The Conservation District Election and appointment Committee proposed this revision and the Commission agrees that it relaxes previous requirements to allow for more candidates to effectively participate.

There are no changes to the types of publication methods conservation districts can use to advertise election information as part of the changes proposed to WAC Chapter 135-110. The Commission encourages conservation districts to advertise beyond the minimum requirement in WAC Chapter 135-110, including traditional media like newspapers and radio, but also through social media and other means.

### **Comment Reference Number 8**

**Commenter:** CD manager

**Type:** Formal comment through our online comment form, August 25, 2020

**Comment:** 1. Definition of "Declared Vacant" - I'm curious why CD boards are not included in the declaration of a vacant position. Conservation District boards have the full statutory authority to appoint someone to fill a vacant elected supervisor position. This authority to declare such positions as vacant should rest solely with individual conservation districts.

2. Definition of "Qualified district elector" - The definition is worded twice but slightly different. This is confusing to me. I recommend deleting one of the definitions.

3. WAC 135-110-150 - I believe needs to be re-worded because district supervisors, municipal officers, or employees would be in violation if they told other people they preferred one candidate over another while doing so on their own time and without the use of District resources. To bar that is a violation of employees rights and a violation of RCW 41.06.250 §2.

4. WAC 135-110-380 - What happens if all eligible candidates withdraw their candidacy? What happens if there is only one eligible candidate who withdraws after the District has declared as elected per WAC 135-110-370. I recommend that an item 5 be added to this section stating that if all eligible candidates withdraw after the filing deadline that the provisions of WAC 135-110-740 shall apply.

5. WAC 135-110-790 §6 (b) refers to WAC 135-110-950. I can't find that section, nor could I find a section that addresses how a conservation district will hold another election if their original election is deemed non-compliant. The closest section this now refers to is WAC 135-110-780. However, that section doesn't offer a process, but just a simple statement that a court can declare a person's election to be void. The problem is that if there wasn't an actual election but the election itself was handled

improperly the court can't be asked to declare a person's election void. The court must declare the election itself void and therefore any candidates that received votes are to not be seated. Then there's the issue of procedure to hold a special election. I can find no section that specifies the timeline, advertising, or procedure that must be followed in such cases. This must be explicitly identified. Even if the procedure is to follow the procedures of this WAC except 134-110-200.

6. WAC 135-110-800 I recommend adding "Civil disturbances" and "Significant adverse health and safety conditions" as causes for declaring an emergency.

7. WAC 135-110-910 §1 - Does this statement conflict with the ability of the Commission to remove a District Supervisor in the case of malfeasance or neglect of duty? I believe §2 of this section covers the issue clearly and should stand-alone by changing "incumbent" to "district supervisor" and deleting §1.

8. WAC 135-110-970 - I oppose the addition of requiring Districts to consult with the Conservation Commission to fill a elected supervisor vacant position. Conservation districts have long utilized associate (non-voting) supervisors to provide a wide breadth of knowledge and experience to their deliberative process. Many of these volunteer associate supervisors would make and often become excellent voting (elected or appointed) supervisors. I believe requiring the district to consult the commission is an abrogation of the district supervisor's authority in RCW 89.08.200 and therefore unlawful. There is no indication in state statute that requires a length of time or process for filling such vacancies, only requirements that persons holding such office be eligible per statute and rule to hold said office. The process by which the Commission seeks may be a best practice but it is unnecessary in some cases as the best candidates can often be found serving with the board in non-voting positions and can be appointed immediately to ensure a smooth continuity of operations.

9. WAC 135-110-970 - Should the language requiring the consultation with the Commission and subsequent process detailed in § 1 and § 2 be retained, I suggest that the timeline be shortened to allow the entire process to be conducted in 30 days or less so District supervisors may appoint someone to the vacant position at the next board of supervisors meeting thereby reducing impacts to the continuity of operations.

**Response:** Thank you for your comment.

Definition of "declared vacant." There are no changes to the definition of "declared vacant" proposed as part of the changes to WAC Chapter 135-110. However, the Commission's position is that this definition is used in conjunction with WAC 135-110-920 and does not abrogate a conservation district's ability to fill a vacant elected supervisor position.

Definition of "Qualified district elector." There are no changes to the definition of "qualified district elector" proposed as part of the changes to WAC Chapter 135-110. However, the Commission feels that there is information in both sentences of the definition that serve to further clarify the definition.

WAC 135-110-150. The prohibition in WAC 135-110-150 applies only when a supervisor, municipal officer or employee takes an official position on a candidate that promotes or is prejudicial to a candidate. Conservation district employees do not give up their First Amendment right to free speech upon employment at a conservation district. However, they must remain impartial when acting in their official capacity during a district election.

WAC 135-110-380. If all eligible candidates withdraw after the filing deadline, the election will occur, but only write-in candidates will be eligible to be elected, as per WAC 135-110-360. If there is only one eligible candidate, and that candidate withdraws after the filing deadline, the election will occur, but only write-in candidates will be eligible to be elected, as per WAC 135-110-360. WAC 135-110-370 is proposed to be repealed in this document and in staff's recommendation to the Commission.

WAC 135-110-790. WAC 135-110-790. WAC 135-110-950 has been renumbered as WAC 135-110-780, and grouped together with other sections that deal with actions after the election is over. There has been no change to the text of WAC 135-110-950 when it was renumbered as WAC 135-110-780. The Commission has the authority to set the rules and procedures for conservation district elections, and has noted that the effect of significant noncompliance with those rules and procedure may result in non-certification of the election, as set out in WAC 135-110-790-795. The Commission does not have the authority to declare an election void and require a new election be held, but a court of competent jurisdiction does and can so order an election notwithstanding WAC 135-110-200.

WAC 135-110-800. The Commission believes the statement in WAC 135-110-800 (2) which reads in part "Such conditions may include, but are not limited to: ..." inclusively contemplates other possible emergencies, such as civil disturbances and significant adverse health and safety conditions.

WAC 135-110-910. The changes contemplated by the Commission to this section was to change the instance of the word "must" to "shall." After further review, the Commission has rejected that proposed change. Therefore, the net result is that the Commission is not contemplating any change to this provision. However, the Commission feels that there is information in both sentences of the definition that serve to further clarify the definition as it applies to both new supervisors and incumbents.

WAC 135-110-970. The procedure set out in WAC 135-110-970 codifies procedure previously placed in the Commission's Elections and Appointment's Manual. The Conservation District Election and Appointment Committee proposed moving the procedure for the replacement of elected supervisors from the Manual to the WAC in order to promote clarity and uniformity. The requirement for the conservation district to consult with the conservation commission before filling a vacant elected position does not abrogate the sovereignty of the conservation district, but serves to emphasize the cooperative nature of the replacement process. Associate supervisors are not prohibited by WAC 135-110-970 from serving on conservation district boards. The process in WAC 135-110-970 provides for an inclusive, transparent replacement process, open to all eligible in the district who are willing to serve. The

changes to WAC 135-110-970 do create some additional requirements on conservation districts when filling elected position vacancies, but the burden created by those additional requirements is outweighed by the application of the open, inclusive, and transparent process.

## Comment Reference Number 9

**Commenter:** Assistant CD Manager

**Type:** Informal comment received by email, August 28, 2020

**Comment:** WAC 135-110-110 Definitions

Maybe add this: "Candidate optional information" means information provided by the candidate about their candidacy ***in addition to required information.***"

Suggested rewording: "Candidate required information" is the information candidates must provide on the candidate information form in order to be eligible for election.

WAC 135-110-140

(2) Perhaps it would be advisable to specify that the required candidate information is what needs to be kept as opposed to optional "...all candidate filing records (including ***required*** candidate information, verification of eligibility...)..."

**WAC 135-110-200** Maybe add at the end of the sentence, "**....or within a time frame set by the State Conservation Commission if extreme circumstances warrant the change.**" I am not sure what might cause such a delay (global pandemic?) but this addition could allow for those never-never situations. Although maybe no one would care if such a situation developed so the addition would not be necessary.

WAC 135-110-360

Add the word "if" as follows: (2) The write in candidate, **if** deemed the unofficial winner, must submit...

WAC 135-110-370

I think the word "single" is unneeded. "Candidate automatically elected if no other person files." If no other person files, then there is only one. However, if you want to add another word to drive home that there was only one person filing, I would go with **Sole** as the word more commonly used in this context.

(a) Due notice of the adopted.....information in that resolution **have** been

WAC 135-110-380

(4) There is a little confusion here based on using the word "including" when referring to counting the votes for candidates who have withdrawn. On first reading I thought it would be better to say, "...the unofficial winner will be the remaining candidate... receiving the highest vote count...after all the votes are tallied for each candidate, **excluding** those candidates who have withdrawn but remain on the

ballot...”. That sort of adds emphasis to the fact that even if the withdrawn candidates have the most votes they can’t win the seat. Since you need those votes counted too, then maybe replace **including** with **excluding**, and add a note:

(4) In the event that some, but not all candidates withdraw, the unofficial winner of the election will be the remaining eligible candidate receiving the highest vote count after all the votes are tallied for each candidate, **excluding** those candidates who have withdrawn but remain on the ballot as per subsection (3) of this section. **Votes for candidates who have withdrawn will be tallied only for record keeping purposes.**

WAC 135-110-530

(3) ...if a suitable means.....**is** utilized, not **are** utilized

WAC 135-110-560

(7)

“....during a poll-site election by an individual **who** has been verified...” not **that** has been verified

WAC 135-110-700

Are all ballots placed in envelopes, even those cast at the poll-site?

WAC 135-110-790

So normally I am not a comma police person but here it might be important. Sort of. The comma highlighted has the effect of, (I think) making informing the chair and vice chair of the length of the investigation also on an “as needed” basis. Whereas if you drop the highlighted comma and the next one, the sentence means the ED will take the first action and then provide updates on an as needed basis.

(4) The executive director will inform the chair and vice chair of the conservation commission of the estimated length of the investi-gation, and will provide updates on the status of the investigation, as needed.

The next two also refer to WAC 135-110-790:

Change as shown (appropriate and necessary is vague)

(4) (a) ...conservation commission's elections officer will investi-gate the complaint. The investigation shall include personal inter-views with the person filing the complaint, the conservation district board, appropriate conservation district staff, polling officer, and members of the public, as appropriate and necessary as needed to complete the investigation.

This took me awhile because at first read it sounded like the ED would be requesting **the district** to hold another election. So add words as shown:

6(b) The complaint does rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, the executive director **shall inform the conservation commission and recommend that the election not be certified or announced, and request that the conservation district be required to hold another election as per the procedure in WAC 135-110-950.**

**WAC 135-110-795 This may seem nitpicky but I think it helps understanding.**

(2) The conservation commission may decline to certify an election found in significant noncompliance. **Alternatively**, if the conservation commission certifies an election **that was** found to be in significant noncompliance, the conservation commission shall provide written rationale.

**Response:** Thank you for your comment.

WAC 135-110-110. We agree that more clarity can be provided, and propose to make the following clarification to the definition of candidate required information. "Candidate required information" means the factual information candidates must provide on the candidate information form to be eligible for election. Believe the suggested change to the definition of candidate optional information is unnecessary.

WAC 135-110-140. The Commission believes that the statement in WAC 135-110-140 is broad enough as-is to inform the conservation districts to retain all election materials as per the local government retention schedule.

WAC 135-110-200. The Commission views this provision of the WAC as directly re-iterating the directive in RCW 89.08.190 to hold elections within the first quarter of each year, between January and March. A statutory change would be needed for any change proposed and that is beyond the scope of these proposed WAC changes.

WAC 135-110-360. The Commission feels that when WAC 135-110-360 (1) is read in conjunction with WAC 135-110-360 (2), the meaning is clear from the context and the addition of the word "if" to WAC 135-110-360 (2) isn't necessary.

WAC 135-110-370. Commission staff recommend repealing this section in its entirety, so any suggested changes are moot.

WAC 135-110-380. The Commission feels that WAC 135-110 380 (4) as written sufficiently explains that all candidates who remain on the ballot, even those who've withdrawn, must have votes tallied, but only the remaining eligible candidate with the most votes will win the election.

WAC 135-110-530. WAC 135-110-530. Commission staff recommend repealing this section in its entirety, so any suggested changes are moot.

WAC 135-110-560. The proposed addition of WAC 135-110-560 (7) reads “The provisions listed above shall not apply to a ballot cast during a poll-site election by an individual that has been verified to be eligible to vote in the election.” The Commission believes that statement is clear as-is.

WAC 135-110-700. WAC 135-110-700 applies to ballots that utilize the double-envelope system. Regular ballots cast at poll-site elections do not utilize the double-envelope system.

WAC 135-110-790. The Commission believes that the proposed addition of WAC 135-110-790 contemplates providing status updates on investigations in subsection (4) on an as-needed basis and allows the director the option to recommend the election be re-done, as written.

WAC 135-110-795. WAC 135-110-795 is the result of taking the entire definition of significant noncompliance from WAC 135-110-110 and placing it here, in WAC 135-110-795, along with the two new sections .780 and .790 which deal with the related topics of election investigation and certification. The Commission believes the definition explained in WAC 135-110-795 is clear as-is.

#### **Comment Reference Number 10**

**Commenter:** CD Manager

**Type:** Formal comment through our online comment form, September 1, 2020

**Comment:** The Snohomish Conservation District board discussed the proposed changes and agree with all of them except for one. They would like to maintain the requirement for nominators and the nominating petition. This requirement adds a level of accountability to the election process. Thank you for considering our input.

**Response:** Thank you for your comment. The CDEAC proposed removing the nominator requirement as it was viewed as a potential barrier to some candidates from getting on the ballot, especially people of color and low socio-economic status, and because it added complexity to CD elections due to adding another type of candidacy. The Commission agrees. In conjunction with the elimination of nominators and the nominating petition, the Commission has proposed the elimination of declared, nominated candidates in WAC 135-110-355 in favor of just two types of candidates – those whose names will be pre-printed on the ballot (declared candidates) and those whose names will not appear on the ballot (write-in candidates). The Commission believes that removing barriers and simplifying the election process should increase participation for candidates and lessen confusion for voters.



**CONSERVATION DISTRICTS**  
OF WASHINGTON STATE  
*your window to healthy lands*

# Election and Appointment Guide

General Requirements

3

Election Duties

5

Appointment

10

Appendices and Checklists

12



**In Washington, conservation districts hold a unique position in the conservation of our natural resources. They serve as the local contact for landowners, farmers, and ranchers as they seek to conserve our natural resources.**

Conservation districts are governed by a board of supervisors, three of whom are elected and two of whom are appointed by the Conservation Commission. Conservation districts function best when they are filled with elected and appointed board members who care about and are involved in the conservation of natural resources.

When created in 1939, conservation districts in Washington State were given the ability to conduct their own elections by the Washington State Legislature, and that process continues to this day. The Conservation Commission is required to set conservation district election policies and procedures to promote fair and open elections.

This publication explains the election law relating to the election and appointment for the office of conservation district supervisor. Please note, this publication is not a substitute for the statutes and regulations governing this process but rather should be read in conjunction with them.

If you have questions or need additional information, please contact the Commission's Election Officer.

We will be happy to assist you.

Carol Smith  
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Alternate document formats are available upon request.

Guide may be subject to change. Washington State Codes are currently under review.

# General Requirements

## Purpose

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. Not all requirements for election compliance are addressed in this Guide. CDs are directed to the WAC Chapter 135-110, forms, and other materials available on the [Commission's web page](#)<sup>1</sup> to ensure full compliance with election policy and procedures.

## Authority

The Washington State Conservation Commission (Commission) is authorized in Revised Code of Washington<sup>2</sup> (RCW) 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.

The Commission is tasked<sup>3</sup> to appoint two supervisors who are qualified by training and experience to serve as conservation district supervisors. Conservation district supervisors are required<sup>4</sup> to conduct conservation district elections annually. Such elections must comply with these procedures.

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. In circumstances where these rules and/or procedures are silent or in conflict, the Commission will look to general election law<sup>5</sup> rules and procedures for guidance.

## Failure to comply with these procedures

Failure to meet the requirements of these procedures may affect a conservation district's status on the [Conservation Accountability and Performance Program](#). If the Commission chooses not to certify an election, the conservation district must seek judicial review of the election in Superior Court.

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

## General requirements

Each year, either during the last quarter of the calendar year preceding an election or immediately in January or February of the year in which the election will be held, each conservation district Board of Supervisors must adopt a resolution setting an election date within the first quarter of the year in which the election will be held.<sup>6</sup> The date the Board of Supervisors chooses to hold the election will determine when the resolution must be adopted.<sup>7</sup> Each conservation district Board of Supervisors must also appoint one election supervisor to organize, coordinate, and perform functions required of the conservation district in the election and appointment of conservation district supervisors.<sup>8</sup> This information, plus a list of conservation district supervisor positions expiring in the year of the election, published and must be posted conspicuously in the conservation district office.

Due notice in print media, as defined in WAC 135-110-110, must be provided for every full-term conservation district election and every full-term conservation district appointment process.<sup>9</sup> Notices for both processes may be combined if the conservation district so chooses. Conservation districts are strongly encouraged to exceed the minimum due notice requirements to reach the maximum number of potential candidates and voters.

For poll site elections, the conservation district Board of Supervisors must specify the location(s) for polling and the hours in which polling will occur.<sup>10</sup> Every poll site must be open for at least four consecutive hours at a time convenient for voters.<sup>11</sup> Every poll site must have at least two polling officers present during the hours the polls are open.<sup>12</sup> Polling places selected must have sufficient parking to accommodate the

<sup>1</sup> <https://scc.wa.gov/cd/elections-administrators>

<sup>2</sup> RCW 89.08.190

<sup>3</sup> RCW 89.08.160

<sup>4</sup> RCW 89.08.190

<sup>5</sup> RCW Chapter 29A

<sup>6</sup> WAC 135-110-210

<sup>7</sup> WAC 135-110-220

<sup>8</sup> WAC 135-110-230

<sup>9</sup> WAC 135-110-110 and WAC 135-110-220

<sup>10</sup> WAC 135-110-210 (2) (b)

<sup>11</sup> WAC 135-110-240 (2)

<sup>12</sup> Ibid. and WAC 135-110-620

# General Requirements

expected number of voters and must be accessible to voters.<sup>13</sup> If the election will be held only by mail, the date set by the conservation district is the end date for receiving ballots from voters, and the location will be where ballots are counted. Included in the notice is the deadline (the day, time, and where the ballots need to be mailed to) for ballots to be returned by mail.

Every candidate in a conservation district election must be a qualified district elector.<sup>14</sup> A qualified district elector is a registered voter residing within the boundary of the conservation district where the candidate wishes to serve. In addition, some positions may be required to own land or operate a farm to be eligible.<sup>15</sup>

The filing deadline for candidates is four weeks before Election Day, unless, by formal action, the conservation district supervisors choose a filing deadline greater than four weeks before Election Day.<sup>16</sup>

All ballots or computer voting records must be retained by the conservation district for twelve months after the election has been certified, at which time they may be destroyed, unless the election has not been certified by the Commission or the election has been challenged.<sup>17</sup> Conservation Districts must retain the original version of all election forms until ballots may be discarded.<sup>18</sup>

Elections are final when certified and the official results are announced by the Commission in May of each year or later as deemed necessary by the Commission.<sup>19</sup> A supervisor-elect takes office and can begin official duties as a board supervisor when the election is final, which is after the May Commission meeting.<sup>20</sup>

<sup>13</sup> WAC 135-110-250 and WAC 135-110-580

<sup>14</sup> WAC 135-110-300

<sup>15</sup> WAC 135-110-310

<sup>16</sup> WAC 135-110-330

<sup>17</sup> WAC 135-110-140

<sup>18</sup> WAC 135-110-130

<sup>19</sup> WAC 135-110-770

<sup>20</sup> Ibid. and RCW 89.08.190. Read together, the RCW and WAC are linked. The phrase “following the election” in the

RCW is linked to the initial phrase “the commission shall establish procedures for elections...” which is linked to the meaning of “final” for election purposes in [WAC 135-110-770\(1\)](#). Elections are final when they are certified by the Commission and the official results are announced by the Commission in May of each year or later as deemed necessary. Therefore, a supervisor-elect takes office and can begin official duties as board supervisor when the election is final, which is after the May Commission meeting.

# Election Duties

## Information standards

### Notice of the Adopted Election Resolution (NAER)

The information in the NAER must be published twice, at least six days between each publishing, no later than seven days after the hearing at which the NAER is adopted. The purpose of the NAER is to inform the public, voters and potential candidates of the date, time, place and manner of the election. Certain information must be provided by the CD in the NAER.<sup>21</sup> The information in the adopted election resolution must be provided to the Commission no later than the candidate filing deadline.<sup>22</sup>

### Candidate required information

Specific information must be submitted by each candidate to the conservation district.<sup>23</sup>

### Eligibility determination

The election supervisor must verify the eligibility of each person who submits candidate required information.<sup>24</sup>

### Poll list

Conservation districts use poll lists<sup>25</sup> and voters must provide certain information so that the polling officer can determine voter eligibility.<sup>26</sup> For each voter, a polling officer must determine whether the voter is eligible to vote, and if eligibility is contested, each such determination must be initialed by the polling officer.<sup>27</sup>

### Ballot results report

Polling officers and the election supervisor must record ballot results for each polling location.<sup>28</sup> Conservation districts and polling officers must record certain information in the ballot results report.<sup>29</sup>

## Required information

Conservation districts must provide the information described in the previous section to the Commission. Conservation districts must use electronic or paper forms provided by the Commission.

<sup>21</sup> A complete list is in WAC 135-110-210 (2)

<sup>22</sup> WAC 135-110-210 (3). This is accomplished by filing out form [EF1 - CD Election Information](#), available on the Commission's elections web page at <https://scc.wa.gov/cd/elections-administrators>

<sup>23</sup> WAC 135-110-320. The form provided for this purpose is [Form PF-A](#).

<sup>24</sup> Ibid. See Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

## Due dates

Conservation Districts must submit [EF1](#) no later than the candidate filing deadline.

Information sufficient for the Commission to certify and announce a conservation district election is due to the Commission no later than fourteen days following the conservation district's last published election date. This is done by submitting [EF2](#). The conservation district retains all original documents. Other due dates are set out in Table 1.

Name of Election Form	Due to CD from candidate	Reported Electronically to Commission from CD
<a href="#">EF1 - CD Election Information</a>	N/A	No later than the candidate filing deadline
<a href="#">PF-A - Candidate Required Information</a> (one form per candidate)	At candidate filing deadline	N/A (information included in <a href="#">EF2</a> below)
<a href="#">EF2 - Election Report</a>	N/A	No later than 14 days after Election Day
<a href="#">PF-C - Poll list</a> (all pages)	N/A	N/A (poll lists are to be kept by the CD and made available upon request of the Commission)
<a href="#">PF-D - Ballots</a> : As many ballots as needed, to be printed by the CD	N/A	N/A (ballots to be kept by the CD and made available upon request of the Commission)
<a href="#">Election Feedback Form</a>	N/A	N/A

<sup>25</sup> WAC 135-110-550. The form provided for this purpose is [PF-C](#).

<sup>26</sup> A complete list is in WAC 135-110-550

<sup>27</sup> WAC 135-110-460 and WAC 135-110-610

<sup>28</sup> WAC 135-110-750. Please use Checklist 2: Ballot Results

<sup>29</sup> Ibid.

# Election Duties

## Conservation district duties

Conservation districts are strongly encouraged to exceed the minimum due notice requirements so that interested parties may be informed of the opportunity to serve as a conservation district supervisor.

Each conservation district must appoint an election supervisor. For each candidate, the election supervisor must verify that specific eligibility requirements have been met.<sup>30</sup>

Such determinations must be made separately for each candidate. A county auditor or the Commission may assist a conservation district in determining the eligibility of a candidate, upon request of the conservation district.

If a candidate is found by the conservation district to be ineligible, the conservation district must inform the candidate of the reasons. To assist voters in the selection of a candidate during voting, a conservation district may publish candidate optional information provided by candidates. Conservation districts should adopt a policy to set the parameters for publishing such candidate optional information.<sup>31</sup>

A conservation district must create a ballot and provide a ballot to each person who wishes to vote in the conservation district election.<sup>32</sup>

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.

The conservation district must be able to show or describe the legal boundary of the conservation district to any voter or to any representative of the Commission, upon demand.

Campaigning versus recruiting candidates. Campaigning is not the same as recruiting candidates. Conservation district staff and supervisors may recruit candidates to serve on the conservation district board in either elected or appointed positions. Candidates for elected positions can come from any segment of society, provided they are qualified district electors and otherwise eligible to serve on the conservation district board. Candidates for appointed positions can come from any segment of society, provided they are registered voters in

Washington State and otherwise eligible to serve on the conservation district board. ***While conservation district supervisors and staff may recruit candidates to serve on the conservation district board, they must not take an official position on an active candidate for an elected position***<sup>33</sup>. An active candidate is someone who has submitted PF-A to the conservation district in the current election.<sup>34</sup>

Ballots must be offered to potential voters within the conservation district boundary. To receive a ballot, the voter must request a ballot prior to the current election.<sup>35</sup>

## After the candidate filing deadline

The District should verify the eligibility of each candidate to appear on the ballot and serve as a conservation district supervisor.<sup>36</sup>

## During a poll-site election

Conservation district supervisors or staff may assist polling officers, but may not directly issue ballots or count ballots, unless such person is also the election supervisor appointed by the conservation district board of supervisors. Each poll site must have a ballot box, signage, and be accessible to voters. The conservation district must provide polling officers at each poll site.

Polling officers must be independent third parties who are not supervisors, employees, interns or municipal officers of the conservation district holding the election.<sup>37</sup> While there is no prohibition against a relative or spouse serving as a polling officer, it is recommended that polling officers not be immediate family members or live in the same household of such supervisors, employees, interns or municipal officers. Individuals hired temporarily to serve as polling officers are not considered employees for the purposes of the prohibition in WAC 135-110-440.

Before the polls open, the conservation district must review with polling officers the procedures for verifying voters, issuing ballots, issuing contested ballots, and tallying and recording election results.

<sup>30</sup> This is done using Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

<sup>31</sup> A sample template is in Appendix C – Sample Candidate Information Template

<sup>32</sup> See form [PF-D](#)

<sup>33</sup> WAC 135-110-150

<sup>34</sup> A sample candidate recruitment policy can be found in Appendix F

<sup>35</sup> Unless a district is utilizing WAC 135-110-515 (4)

<sup>36</sup> Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

<sup>37</sup> WAC 135-110-440

# Election Duties

## CDs must assure privacy in voting

The ballot choice made by a voter must not be seen by any other person during the act of voting or the placing of the ballot in the ballot box. Paper ballots must be placed into ballot boxes. Electronic ballots must assure at least the same level of security and privacy as provided by paper balloting.

## After the polls close

The election supervisor, must receive from polling officers the following:

- All poll list pages;
- All ballots;
- A completed [Checklist 2: Ballot Results](#) for each polling site, and for each type of election held (poll-site or mail-in); and
- All working papers and notes made by polling officers.

When polling officers have transferred all properly completed forms and documents, and all ballots, to the election supervisor, the polling officers may be excused from their official duty.

## Election supervisor duties

Before an election, the election supervisor should

- Confirm that the information in the election resolution has been provided to the Commission by the candidate filing deadline by submitting the EF1.
- Confirm due notice requirements have been satisfied.
- Confirm two polling officers will be present at each poll site. One polling officer and the election supervisor may substitute for the two polling officer requirement at one poll site.
- Prepare polling officers to perform the tasks required of them by reviewing these procedures, the poll list form, the ballot results form, and contested balloting, and confirm all required resources are available at each polling place.
- Provide ballots and information (instructions, deadlines, etc.) to voters<sup>38</sup> upon request.

Immediately after the candidate filing deadline, the election supervisor should

- Verify the eligibility of each candidate to appear on the ballot and serve as a conservation district supervisor.<sup>39</sup>

The election supervisor may assist polling officers, but may not count ballots, unless the election supervisor is serving as a polling officer.

One or more conservation district supervisors, conservation district employees, Commission representatives, or members of the public may observe the handling of ballots and the counting of votes, but may not interfere or disrupt the proceedings in any way.

During a mail-in election and / or for requested ballots

- The election supervisor receives and safeguards mail-in or ballots returned by voters.
- The election supervisor performs all the tasks as for a poll-site election, and determines if ballots are cast by qualified district electors.
- The election supervisor does not count ballots unless the election supervisor is serving as a polling officer. Mail-in and ballots returned by mail or by hand are to be delivered to the election supervisor.
- The election supervisor determines if ballots votes are submitted by qualified district electors.
- As ballots are received from voters, the election supervisor may verify each ballot as eligible or disqualified based on the information provided on or in the outer envelope of the mail-in or returned ballot. Alternatively, the election supervisor may wait until all ballots are received, at which time the eligibility of each voter must be verified before outer envelopes are opened.
- When a voter cannot be verified as eligible to vote in this election from information provided on the outer envelope, the outer envelope should be opened. If, after opening the outer envelope, a voter still cannot be verified as eligible to vote in this election, the ballot must be counted as a disqualified ballot.
- The election supervisor may enlist the help of polling officers in verifying mail-in and returned ballots as eligible or disqualified.
- Polling officers must open and count each ballot that has been verified as having been cast by a qualified district elector.
- The inner envelope for each mail-in or returned 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

<sup>38</sup> See Appendix A – Sample Ballot Request Instructions

<sup>39</sup> Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

# Election Duties

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.

## Polling officer duties

Before an election, the polling officer should review the poll list form,<sup>40</sup> and confirm these resources are available at each poll site:

- Sufficient ballots for the expected number of voters;
- A reasonable supply of provisional ballots (double-envelope system);
- A ballot box;
- Voting booth or other means of assuring votes can be cast privately;
- A list of registered voters (voter list);
- A map or description of the conservation district legal boundary;
- A copy of these procedures; and
- Poll list forms.

During a poll-site election, polling officers must monitor the voting place for compliance with these procedures, and also serve as guardians of all issued and unissued ballots. Polling officers verify voters and issue ballots. A polling officer must verify a voter is a qualified district elector before issuing a ballot to the voter and record that determination on the poll list.<sup>41</sup> At least one polling officer must be present and in control of any ballot boxes at all times while the polls are open.

At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined may only vote on a provisional ballot. Provisional balloting should be explained to the voter by the polling officer.<sup>42</sup> Polling officers use the poll list to track the identity and number of voters, to identify determinations made by polling officers as to voter eligibility, and to identify voters issued provisional ballots.

After the polls close, polling officers open the ballot box or boxes and count the votes cast for each candidate. If the election had more than one polling place, polling officers may transport uncounted ballots in the ballot boxes to a central location for counting. Ballots must remain in the custody of

polling officers until counted. Polling officers count all votes cast. Ballots returned by mail or hand should be tallied separately from poll-site ballots.

All votes must be tallied, including eligible votes and disqualified votes. A vote on a provisional ballot where the voter is found to be ineligible to vote is to be counted as a disqualified vote. Written marks made on a ballot for a candidate shall be governed by Washington State state-wide standards.<sup>43</sup> When verifying a voter who cast a provisional ballot, compare the name and address provided by the voter with the voter list obtained from the County Auditor or Secretary of State. The ballot count results are recorded.<sup>44</sup> Poll officers surrender all poll list documents, all ballots, and all working notes and papers to the election supervisor.

During a mail-in election, polling officers receive each ballot from the election supervisor. Each ballot should be sealed inside an envelope. Only one ballot may be in an envelope. If more than one ballot is found inside a single envelope, all such ballots must be disqualified. A ballot in an unsealed inner envelope may be disqualified. Polling officers count votes and verify the ballot count in writing. All ballots must be tallied: eligible, and disqualified. There are no contested ballots in a mail-in election. Written marks made on a ballot for a candidate shall be governed by Washington State state-wide standards.<sup>45</sup> Ballot counts are recorded.<sup>46</sup>

If the conservation district holds a poll-site election and a mail-in election, polling officers must count and record ballots separately for each type of election and for each poll location. This means a separate [Checklist 2: Ballot Results](#) must be completed for each type of election, and poll site location.

## Candidate duties

Before an election, any person wishing to be a candidate must file candidate required information ([PF-A](#)) with the conservation district by the candidate filing deadline. It is the responsibility of a candidate to inform voters of the candidate's desire and qualifications to be elected to the office of conservation district supervisor. A conservation district may provide equal opportunity and equivalent space to candidates for this purpose but are not required to do so. Such information must not be provided within 300 feet of polls on Election Day. Every candidate must be eligible to be elected to, and hold the

<sup>40</sup> Checklist 2: Ballot Results

<sup>41</sup> Please see "Voter Duties" on page 9 for details

<sup>42</sup> An example dialogue can be found in Appendix G

<sup>43</sup> WAC 434-261-086

<sup>44</sup> on Checklist 2: Ballot Results

<sup>45</sup> WAC 434-261-086

<sup>46</sup> on Checklist 2: Ballot Results

# Election Duties

office of, conservation district supervisor on the day of the filing of candidate required information with the conservation district.

During a poll-site election, candidates may not seek to influence voters to vote for or against a specific candidate within 300 feet of ballot boxes. Candidates may observe an election while the polls are open but may not interfere with voters or polling officers. After the polls close, candidates may not disrupt or interfere with polling officers. Candidates may observe vote counting.

## Voter duties

During a poll-site election, no voter may seek to influence any other voters within 300 feet of the ballot boxes. A voter may observe an election but may not interfere with voters or polling officers. A voter must sign in on a poll list and provide sufficient information for a polling officer to determine the individual's eligibility to vote. Before receiving a ballot, the identity of a voter must be verified by a polling officer. Acceptable forms of voter identification include:

- Valid Washington State driver's license or Valid Washington State identification card; or
- Any other identification allowed for registering to vote by the Auditor of the County where the conservation district is located.

A voter who cannot be confirmed at the polling place as eligible to vote may vote, but only on a provisional ballot issued by a polling officer. After the polls close, voters and other citizens may not disrupt or interfere with polling officers.

## Non-standard election outcomes

A write-in candidate may be elected if no person files.<sup>47</sup> The write-in candidate, deemed the unofficial winner, must submit required candidate required information to the conservation district within 28 days of the election, and within that 28 days, the election supervisor must verify the eligibility of the unofficial winner to be elected and to serve.<sup>48</sup>

No eligible candidate elected.<sup>49</sup> When no eligible candidate is elected, the position is deemed vacant and the conservation district may appoint an eligible successor following the official announcement by the conservation commission.

<sup>47</sup> WAC 135-110-360

<sup>48</sup> Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

<sup>49</sup> WAC 135-110-740

## Replacement of elected supervisors

The conservation district must consult with the Commission before filling a vacancy in an elected supervisor position. Any appointee to a vacant elected supervisor position must be eligible to serve under WAC 135-110-910. Therefore, depending on the current make-up of the board of supervisors, an appointee to a vacant elected supervisor position may be required to be a landowner or farm operator at the time of appointment. Districts must make this determination before filling the elected position.<sup>50</sup> Districts should adopt a policy for mid-term replacement of elected supervisors.<sup>51</sup>

<sup>50</sup> By using form AF2 - Mid-Term Elected Position Appointment Verifications of Qualifications

<sup>51</sup> A sample policy is provided in Appendix E: Filling Mid-Term Elected Positions

# Appointment

## Information required

Only an application form provided by the Commission on its web site may be used to apply for the position of appointed supervisor.<sup>52</sup> The application must be filled out in its entirety in order for the applicant to be considered for appointment. Letters of recommendation, resumes, and other items do not need to be included with the application. Late applications and associated documents cannot be considered. The Commission will not consider applications submitted by someone other than the applicant.

## Timelines and deadlines

Conservation districts must provide proof to the Commission that it has complied with the requirement to notify the community of the opportunity to apply for an appointed conservation district supervisor position. Proof must be documented.<sup>53</sup>

For appointment to a full term of office, applications and supporting materials must be received by the Commission no later than **March 31**. If an incumbent holding the office of appointed conservation district supervisor wishes to be reappointed, the incumbent must reapply for appointment. This clearly identifies to the Commission the wishes of the incumbent, and allows the Commission to verify the eligibility of the incumbent to continue his or her service.

For appointment to a partial or mid-term term of office, in consultation with the Commission, the conservation district will establish a deadline for applications and publicize that date for at least four weeks.

## Qualifications

An applicant for the position of appointed supervisor of a conservation district must be a registered voter in Washington State.

Applicants may be required to be landowners or operators of a farm, depending on the current composition of the conservation district board of supervisors. The Commission may examine the makeup of the conservation district board, including the applicants' location and the balance of landowners and farm operations on the board in its decision.

The 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.

Applicants are encouraged to attend conservation district board meetings before making application for an appointed position on a board.

## Conservation Commission duties

The Commission must notify each conservation district of upcoming vacancies in the position of appointed conservation district supervisor by October 1 of the year prior to the terms expiration. The Commission must notify each appointed supervisor whose term is expiring by January 15 of the year in which the term expires.

The Commission must provide a list of prospective applicants to the conservation district prior to the Conservation Commission making an appointment.

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

In the event no applications are submitted from qualified applicants for a conservation district, the Commission may seek qualified applicants from the community served by the conservation district. The Commission may contact each district which received no applications and offer an option to re-advertise the open appointed position for a four week period. If the district declines this option, the Commission will seek qualified applicants itself. Applications received as a result of the second round of advertising will be processed as soon as possible by the Commission.

## Full-term appointments

Full-term appointments will be made annually at the regular Commission meeting to be held the third Thursday in May of each year. The term of office will be three years. The term of office for a full-term appointment will expire on the third Thursday of May three years following the appointment. Prior to the May meeting of the Commission Board, the Commission will evaluate all applications received by March 31 in the year the position is open for appointment.

The Commission will evaluate the skills and qualifications of all

<sup>52</sup> [AF1 – Conservation District Appointed Supervisor Application](#)

<sup>53</sup> on [EF2](#)

# Appointment

applicants for the position of appointed supervisor. A Commission representative will contact the conservation district board chair, vice-chair, and district manager from the affected conservation district prior to the Commission making the appointment.

The Commission will notify all applicants, including those not appointed, of the appointments made at its May meeting. The Commission must notify each conservation district of the appointments made following the May meeting.

## Mid-term appointments

The term of office will be until the end of the original full-term. To assure continuity of district operations and effectiveness in administering the authorized conservation program of the conservation district, the Commission may act on an application for mid-term appointment at any time, as determined solely by the Commission.

The Commission will evaluate the skills and qualifications of all applicants for the position of appointed supervisor. A Commission representative will contact a conservation district supervisor from the affected conservation district prior to the Commission making the appointment. The Commission will notify all applicants, including those not appointed, of the mid-term appointments made. The Commission will notify each conservation district of the mid-term appointments made.

## Conservation district appointment duties

Conservation districts must provide due notice to citizens of the opportunity to apply for appointment to a full term of office as a conservation district supervisor. Notices should be published at least four weeks before the application deadline. Copies of published notices shall be retained at the district for at least one year, and may be inspected at any time during that year by the Commission. Notices for elections and appointments may be combined.

Appointment notices to the public must include at least the following information:

- There is an upcoming vacant or unexpired appointed supervisor position.
- An applicant must be a registered voter in the state of Washington.
- Applicants may be required to be landowners or operators of a farm, depending on the current composition of the conservation district board of

supervisors.

- A conservation district supervisor sets policy and direction for the conservation district.
- A conservation district supervisor is a public official who serves without compensation.
- Application forms may be obtained from the Commission website.
- The deadline (March 31<sup>st</sup> for full terms, and as determined with the Commission for mid-terms) to submit applications.

Deadlines for applications vary. For full-term appointments, the deadline for applications and associated materials to be received by the Commission is **March 31**. For partial or mid-term appointments, the conservation district must consult with the Commission to determine an appropriate due date, and then publish that date.

## CD procedures for a full-term appointment

- The application period is January 1 through March 31 in the year the appointment is to occur.
- The conservation district must notify the newly appointed supervisor of the date and time of the next meeting of its board of supervisors.

## CD procedures for mid-term appointments

- The conservation district must consult with the Commission in determining an appropriate application period and deadline for applications.
- The application period must be at least four weeks (28 calendar days) in duration.
- The conservation district must select a reasonable deadline for applications to be received by the Commission, preferably at least four weeks before the regular Commission meeting at which the conservation district wishes the appointment to be made.
- A conservation district may extend the deadline for applications upon consultation with, and agreement by, the Commission. Due notice of the extended deadline must be provided by the conservation district.
- The conservation district must notify a newly appointed supervisor of the date and time of the next meeting of its board of supervisors.

# Appendices and Checklists

## Appendix A: Sample Ballot Request Instructions

**[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 a ballot by mail 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 two types of candidates:

- (1) A declared candidate is a qualified district elector who has submitted candidate required information form to the conservation district by the filing deadline. The name of this type of candidate will appear on the ballot.
- (2) A write-in candidate is a person who has not submitted candidate required information to the conservation district by the filing deadline.

#### **CANDIDATES IN THIS ELECTION:**

[INSERT DESCRIPTION OF CANDIDATES IN THIS ELECTION].

#### **BALLOT SYSTEM:**

Our 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 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 mail-in 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 to the [INSERT DISTRICT NAME] Conservation District office at [INSERT ADDRESS]. It must be received no later than [INSERT TIME] on [INSERT DATE].

[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 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 envelope 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 WAC 135-110-110, WAC 135-110-210, and WAC 135-110-220 for specific requirements about minimum content in notices published for elections and appointments.

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

### Sample announcement of a vacancy:

*The Teton 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 Teton Conservation District or visit the Washington State Conservation Commission website at <http://www.scc.wa.gov/>*

### Sample notice of the adopted election resolution that meets minimum requirements:

*A [insert type: mail, poll-site, electronic] election for a board seat on the Teton 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 be 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. 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 a ballot or if you have any questions.*

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

*A board seat on the Teton 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, please contact the Teton Conservation District or read the Guide to Appointment for Conservation District Applicants ([https://assets.website-files.com/5ec2d4f7da309c68cdc0655a/5f36cfa9fb8e3e5d59ceae9\\_CD-appointment-guide.pdf](https://assets.website-files.com/5ec2d4f7da309c68cdc0655a/5f36cfa9fb8e3e5d59ceae9_CD-appointment-guide.pdf)) which can be found on the Conservation Commission website (<https://scc.wa.gov/elections-and-appointments>). To apply, use this direct link (<http://www.formstack.com/forms/?1918463-JfwJs6JKCL>) or please visit the Conservation Commission website (<https://scc.wa.gov/elections-and-appointments>). Applications and supporting materials must be received by the Commission no later than March 31, [year].*

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

*A board seat on the Teton 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, please contact the Teton Conservation District or read the Guide to Appointment for Conservation District Applicants ([https://assets.website-files.com/5ec2d4f7da309c68cdc0655a/5f36cfa9fb8e3e5d59ceae9\\_CD-appointment-guide.pdf](https://assets.website-files.com/5ec2d4f7da309c68cdc0655a/5f36cfa9fb8e3e5d59ceae9_CD-appointment-guide.pdf)) which can be found on the Conservation Commission website (<https://scc.wa.gov/elections-and-appointments>). To apply, use this direct link (<http://www.formstack.com/forms/?1918463-JfwJs6JKCL>) or please visit the Conservation Commission website (<https://scc.wa.gov/elections-and-appointments>). Applications and supporting materials must be received by the Commission no later than [INSERT DATE].*

## Appendix C: Sample Candidate Optional Information Template

### Background

A district may publish candidate optional information (a candidate statement).<sup>54</sup> If a district chooses to publish information about candidates, it must provide equal opportunity for publication and equivalent space to each candidate.

Districts who wish to allow candidates to publish candidate statements should consider a number of questions, including:

- How will the statement be published (web site only, posted at the district's office, other forums)?
- How long will the statement be?
- What information is required in the statement (if any)?
- What information is prohibited in the statement (if any)?
- What happens if there are inaccurate, erroneous, or offensive statements or language in the statement?
- When must the statement be provided by the candidate to the district?
- Will the statement be provided with ballot requests and/or mailed to prospective voters?
- If a candidate wishes to rescind a submitted statement, will the district allow that?
- Who decides if the statement meets the parameters set by the district (i.e. it was submitted on time, it meets the length requirements, etc.)?
- Will the statement be edited by the District in any way?
- What procedure would the district use to approve the publication of a candidates' statement?

Ultimately, it is the responsibility of the candidate to inform voters of the candidate's desire and qualifications to be elected to the office of conservation district supervisor. Candidates are free to run campaigns as they see fit and can provide voters with any information they choose, so long as they are lawful and otherwise comply with the Revised Code of Washington, Washington Administrative Code, and Commission elections policies and procedures.

It is up to the District to modify the template below so that it meets the District's current policy:

#### Sample Candidate Optional Information Template:

Thank you for your interest in running for the office of elected supervisor of the [DISTRICT] Conservation District!

Prior to Election Day, we encourage you to take the opportunity to tell voters about who you are and how you are connected to the District and county. Please keep in mind though, that such information must not be provided within 300 feet of polls on Election Day.

There's another chance to tell voters about yourself – that is when you provide candidate option information (a candidate statement). The candidate optional information is similar to your biography – it allows you to inform voters of your desire and qualification to be elected to the office of conservation district supervisor.

If all candidates participate by the filing deadline, and all candidate optional information complies with the District's policy, the District will publish the candidate optional information as soon as practicable on the Districts' web page. In the event that one candidate provided optional information does not comply with this policy, no candidate optional information will be published by the District.

<sup>54</sup> WAC 145-110-430

Your statement should be no more than 200 words. Statements must be typed. You may submit a photograph of yourself with your statement. Photos must be digital (JPEG or TIFF format), current (within 5 years), head and shoulders only portrait, light colored on plain background. Photos with scenery, flags, or other background settings will not be accepted. Color photos are preferred, black and white is acceptable. Judicial robes, law enforcement or military type uniforms are prohibited. No photo may reveal clothing or insignia suggesting that you hold a public office. Submitted photos become the property of the District.

The statement must be limited to information only about you. The District retains the right to eliminate information for space availability or content appropriateness, at the sole discretion of the District. Once submitted, the District has sole discretion to publish that information as it sees fit, provided that each candidate's statement is treated equally. Inaccurate, erroneous, or offensive statements or language in the candidate statement, as determined by the District's delegated Election Supervisor, will result in the non-publication of the candidate statement.

Things to think about when you write your candidate statement:

- Describe your current occupation/employer (suggested).
- Describe your position interest (suggested).
- Describe your education (suggested).
- Information about your family (optional).
- Include a photo of yourself (suggested).

Candidate statements must be returned in the proper format, as outlined above, no later than the candidate filing deadline of [DATE], to the District at [ADDRESS]. As determined by the District, the failure to properly submit the statement will result in the non-publication of the statement. Any issue a candidate has surrounding a candidate's submitted statement must be made in writing [electronic or paper] to the District's Election Supervisor. As the delegated agent of the District, the District's Election Supervisor will resolve the issue as soon as practicable and inform the candidate of the decision in writing [electronic or paper].

# Appendix D: Sample Election Resolution

**[DISTRICT NAME]** Conservation District  
Resolution # **[NUMBER]**  
**[DATE]**

WHEREAS, the Board of Supervisors of the **[DISTRICT NAME]** Conservation District (“District”) operates under the laws of the State of Washington applicable to conservation districts.

WHEREAS the District is governed by a five-member board, as set out in RCW Chapter 89.08 and WAC Section 135-110.

It is RESOLVED that a **[INPUT TYPE OF ELECTION]** election for an open position on the District board of Supervisors will be held on **[DATE]** from **[START TIME]** until **[END TIME]** at the **[PHYSICAL ADDRESS OF ELECTION]**.

The elected position whose term is expiring in May **[YEAR]** is currently held by **[ELECTED SUPERVISOR NAME]**.  
The appointed position whose term is expiring in May **[YEAR]** is currently held by **[APPOINTED SUPERVISOR NAME]**.

Interested candidates must be registered voters who reside within the boundaries of the District. Candidates may be required to be landowners or operators of a farm, depending on the current composition of the District board of supervisors. The filing deadline for candidates to file their candidate required information is **[DATE AND TIME]**. Interested candidates must file their candidate required information at the following location **[ADDRESS]**.

Eligible voters are registered voters who reside within the boundaries of the District. The last day and time that voters can request ballots from the District is **[DATE AND TIME]**. Ballots can be requested from **[NAME OF DISTRICT / STAFF PERSON, LOCATION, PHONE NUMBER, ETC]**. If a voter is returning a ballot by mail, the voter must account for the time it will take for the ballot to be returned to the district by mail.

The election supervisor will be **[NAME]**.

A conservation district supervisor is a public official who serves without compensation and who sets policy and direction for the conservation district. The published election procedures can be viewed at the District office and are available from the Washington State Conservation Commission.

Adopted at a regular board meeting of the District Board of Supervisors on **[DATE]**.

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Board member

\_\_\_\_\_  
Board member

\_\_\_\_\_  
Board member

\_\_\_\_\_  
Board member

## Appendix E: Filling Mid-Term Elected Positions

**Purpose:** To establish a policy outlining the process and procedures for filling mid-term elected position vacancies on the Conservation District Board of Supervisors (Board).

**Policy:** A vacancy in the office of elected conservation district supervisor is filled by the conservation district board of supervisors after consultation with the Conservation Commission, for the remainder of the unexpired term, subject to the verification of supervisor qualifications by the conservation district and notification to the Commission. Due notice to the affected community shall be required.

- (1) The application process shall require, at a minimum, that the board of supervisors pass a resolution:
  - (a) Acknowledging that the office is vacant;
  - (b) The dates of the four-week period for applicants to apply; and
  - (c) Describing the minimum requirements of applicants.
- (2) The resolution shall then be advertised to the public at least one week prior to the commencing of the four-week period, and in the same manner as the due notice of an election resolution.<sup>55</sup>

**Procedure:** Determining Candidate Skills, Qualifications and Requirements

The Board shall determine the skills and qualifications needed to fill the vacated position in such a way that meet current organizational needs and fills statutory requirements for board make-up, prior to advertising the opening. However, the following skills, qualifications, and expectations will be consistently required of any candidate seeking a board position:

- a) Willingness and ability to work and communicate effectively with a team;
- b) Willingness to fully participate in board discussions and decisions in open, public meetings;
- c) Willingness and ability to be respectful of Staff and other Supervisors;
- d) Functional knowledge of Conservation Districts;
- e) Willingness and ability to meet all Supervisor requirements set forth in appropriate Board of Supervisors policies;
- f) Willingness and ability to participate in various leadership roles, if needed, such as special committees or board officer position;
- g) Willingness and ability to represent the District to other public entities and policymakers upon request of the board;
- h) Willingness and ability to complete a Washington State Conservation Commission (Commission) orientation within 90 days of assuming office;
- i) Willingness and ability to complete the Open Public Meetings Act and Public Records Management training within 90 days of assuming office;
- j) Having a basic working knowledge of email and internet; and,
- k) Willing and able to serve the best interest of the citizens of the District and County, with the ability to put aside personal issues and grievances.

Any appointee to a vacant elected supervisor position must be eligible to serve.<sup>56</sup> Depending on the current make-up of the board, an appointee may be required to be a landowner or farm operator at the time of the appointment. The District will make such determination before appointing a person to fill the vacant elected supervisor position by using Commission's form.<sup>57</sup> At least two of the three elected conservation district supervisors on the board must be landowners or operators of a farm.

### *Candidate Recruitment*

<sup>55</sup> [WAC 135-110-970](#); [RCW 42.12.070](#).

<sup>56</sup> WAC 135-110-910

<sup>57</sup> [AF2- Mid-Term Elected Position Appointment Verification of Qualifications](#)

When an elected seat is vacated, the remaining board members, with input from staff, will determine skills and qualifications necessary to meet organization needs and fill statutory requirements. Once qualifications are determined by the Board, a candidate recruitment process will commence.

The Board will enact a proactive candidate recruitment plan, as follows:

- The Board will discuss viable candidates that stand out in our community as potential assets to the Board and our organization.
- The Board will decide if there are any candidates they would like to reach out to, and the Board will create an outreach plan for conducting these efforts.

District staff will enact a passive candidate recruitment plan, as follows:

- Prepare and issue an advertisement in the legal section of the local newspaper, physically post a notice at the District Office, electronically post via social media, and electronically post on the District's website. The announcement on the website will include the requirements necessary to hold office, time to be served in vacant position, election information, basic duties, and instructions for submitting applications.

Board and staff can augment this advertising plan to include additional marketing outlets, as needed.

The District Manager will prepare an application form that requests the appropriate information for the Board of Supervisors' consideration of the candidates. Instructions for applying will be available on the District's website. Candidates must provide an application packet that includes:

- A completed application form
- A resume (no longer than two pages)
- A list of at least three community references (prefer organizations that have collaborative partnerships with the District).

Application packets must be submitted electronically to the District Office, to the attention of the District Manager by a deadline designated by the Board. Candidates submitting the required Application Packets materials by the deadline will be circulated to the Board and the District's assigned Commission Regional Manager. The decision as to which candidates will be interviewed will be determined by the Board, based on information contained in the application packet.

#### *Candidate Interviews*

The Vice Chair (or other board designee) will conduct the reference checks and input from Staff will be collected, disseminated, and reviewed by the Board, prior to candidate interviews. The Board will determine interview questions, with Staff input, and ensure that each applicant is asked the approved set of questions, prior to interviews.

Interviews with candidates must be held in an open public meeting. The Board will interview candidates at the next regularly scheduled board meeting following the application deadline, unless that period is less than two weeks. In such a case, a Special Board meeting may be requested by the Chair. The District Manager will notify applicants of the location, date and time of the candidate interviews.

The candidates' order of appearance will be determined by the date and time their application was received. The Board shall ask the pre-determined set of questions, which must be responded to by the candidate. Each applicant will be asked to answer the same set of questions. Follow up questions, based on responses, are permitted. An informal question and answer period of up to 10 minutes may be allowed upon agreement of a majority of the Board, in which the Board and Staff asks and receives answers to miscellaneous questions.

#### *Appointing a Candidate*

The Board will base their candidate selection decisions upon information contained in the application packet, the references, interviews, and other material gathered through public avenues, as necessary, to choose a representative of the District. Upon completion of the interviews, the Board may deliberate on the candidate(s). The meeting Chair shall poll the Board to

determine if they are prepared to vote. The selection of a candidate to fill the vacancy is made by a majority vote of the remaining Board Members. Voting will take place in the open meeting and outcomes recorded in the minutes. The Board may postpone an appointment decision until another date, if a majority vote is not received. In addition, the Board may decide by majority vote that none of the candidates meet the desired and/or required qualifications needed to balance the Board makeup and maximize benefit to district functions. In this case, the Board will designate a new application deadline in the future. Active and passive recruitment would occur again during the interim.

It is noted the Board may convene into Executive Session to discuss the qualifications of the candidates.<sup>58</sup> However, all interviews, nominations, and votes taken by the Board must be held in open public session. The Board may not determine who to select or reach a consensus on a preferred candidate in Executive Session.

Once appointed, the new Board Member will assume their board responsibilities immediately. The term of the candidate selected to fill the vacancy will be in effect until the current term expires. The incumbent may choose to run for election at that time.

<sup>58</sup> [RCW 42.30.110\(1\)\(h\)](#)

## Appendix F: Candidate Recruitment Policy

Conservation districts are free to set policies related to the recruitment of candidates for conservation district elected and appointed positions, provided those policies are not in violation of the Commission's election and appointment policies and procedures. Below is an example of a policy that could be used related to the recruitment of candidates.

Conservation district staff and supervisors may recruit candidates to serve on the conservation district board in either an elected or appointed positions. Campaigning is not the same as recruiting candidates.

Conservation district staff may distribute informational materials related to their upcoming election, during the normal course of their work duties, provided they do not violate election policy and WAC 135-110-150.

Conservation district supervisors should seek opportunities to recruit candidates to serve on the conservation district board in either an elected or appointed positions, provided that they do not violate election policy and WAC 135-110-150.

## Appendix G: Sample Narrative for Providing Provisional Ballots to Voters

At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined may only vote on a provisional ballot.

Provisional balloting should be explained to the voter. Example dialog a polling officer could use is below:

*At this time, I cannot verify you are a qualified district elector eligible to vote in this election. For your vote to be counted, you must be a registered voter living inside the boundary of the conservation district.*

*Every vote is important, so if you wish to vote, I will issue you a provisional ballot so that you can vote. Election officials will determine your eligibility to vote after the polls are closed and count all ballots.*

*The provisional ballot is a package consisting of a ballot and two envelopes. After you mark the ballot, place it inside one envelope and seal that envelope. Do not make any identifying marks on that envelope. Place the sealed envelope inside the second envelope.*

*On the outside of the second envelope, print your name and address as used by the County Auditor for your voter registration record, then place the completed provisional ballot package in the ballot box.*

# Checklist 1: Verification and Eligibility for the Office of Elected Supervisor

		Start here ▼		
Proceed to next center cell below ▼	◀ Yes	Is the candidate a qualified district elector (registered voter living inside the conservation district).	No ▶	STOP: The candidate is not qualified to be elected.
Proceed to next center cell below ▼	◀ Yes	If this candidate is elected, will at least two of the three elected conservation district Supervisors be landowners or farm operators?	No ▶	STOP: The candidate is not qualified to be elected.
Proceed to next cell below ▼	◀ Yes	Did the candidate submit the required candidate information by the filing deadline?	No ▶	Proceed to next cell below ▼
The candidate is eligible to serve and the candidate's name must be pre-printed on the official ballot.				The candidate is eligible to serve, however this candidate will be a write-in candidate and his or her name will NOT be pre-printed on the official ballot.
		Done!		

## Checklist 2: Ballot Results<sup>59</sup>

**Polling officer instructions:** Following the closure of the polls, polling officers must tally valid votes cast. Please record a separate Checklist 2 for each polling location. Retain each Checklist 2 at the district.

Candidate name	Type of Candidate (choose one)		Votes counted by type of ballot cast		
	Declared	Write-In	Eligible + Disqualified = Total		
			Eligible	Disqualified	Total
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			

Please record any discrepancies or disqualifications in detail in the box below.

We, the undersigned polling officers (and election supervisor, if the election supervisor also served as a polling officer), do attest by our signatures:

- No ballots were in the ballot box when the polls opened.
- The ballots and ballot box did not leave our control before ballots were counted.
- We counted all ballots cast by voters at this polling location.
- The ballot results above are a true accounting of the unofficial results of this election.

Date	Polling officer name	Polling officer signature

Date	Election Supervisor name	Election Supervisor signature

<sup>59</sup> Report total ballot counts for each candidate on [EF2](#).

# Election Supervisor Master Checklist for Elections

## Before The Election

- Review CD election policy and procedures. In those election policy areas that are left to the CDs to determine, craft and adopt needed policies and procedures. [Appendix A - Sample Ballot Request Instructions](#), [Appendix B: Due Notice Compliance Notice Examples](#), [Appendix C: Sample Candidate Optional Information Template](#), [Appendix D: Sample Election Resolution](#)
- Use the Election Calculator to determine potential election cycle deadlines based on a CDs proposed election date.
- Set the parameters of your election at a Board meeting. [EF1](#), [Appendix D: Sample Election Resolution](#); if an appointed position's term on the CD Board will expire this current election cycle, decide if the Notice of the Adopted Election Resolution will also include an advertisement that there will be a vacant appointed position available and the deadline to apply is March 31. [AF-1](#), [Appendix B – Due Notice Compliance Notice Examples](#); ***within seven days of the board meeting at which the election resolution was adopted, publish the Notice of the Adopted Election Resolution.*** [EF1](#), [Appendix B – Due Notice Compliance Notice Examples](#)
- If an appointed position's term on the CD Board will expire this current election cycle, encourage applicants to apply before the March 31 deadline.
- Encourage your CD supervisors to seek out potential election candidates before the candidate filing deadline.
- Provide [PF-A](#) to potential candidates.
- Verify, for each candidate, that eligibility requirements have been met. [Checklist 1: Verification and Eligibility for the Office of Elected Supervisor](#)
- Inform candidates found to be ineligible of the reasons for the ineligibility.
- Encourage candidates to inform voters of the candidate's desire and qualifications to be elected to the office of CD supervisor. [Appendix C: Sample Candidate Optional Information Template](#)
- Decide if the CD will publish candidate statements. [Appendix C: Sample Candidate Optional Information Template](#)
- Create the official election ballot. [PF-D](#), [Appendix B – Due Notice Compliance Notice Examples](#)
- Decide if the CD will provide ballots to a pre-determined list of voters. If it will, then do so.
- Provide ballots to voters who request them. [Appendix A - Sample Ballot Request Instructions](#)
- Obtain the list of current registered voters from the County Auditor or Secretary of State.
- If holding a mail-in (or remote) election, use the double-envelope voting system.
- Process mail-in and/or ballots returned by mail or by hand.
- Ensure the poll site location is available and otherwise functional as a poll site location. [EF1](#)
- Confirm that the following resources will be available at each poll site:
  - Sufficient ballots for the expected number of voters;
  - A reasonable supply of provisional ballots (double-envelope system);
  - A ballot box;

- Voting booth or other means of assuring votes can be cast privately;
  - A list of registered voters (voter list);
  - A map or description of the CD legal boundary;
  - A copy of the election Guide; and
  - Poll list forms ([PF-D](#))
  - [Checklist 2 - Ballot Results](#).
- Decide whether or not to declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of ballots.
  - Before the polls open, review with the polling officers the procedures for verifying voters, issuing ballots, issuing contested ballots, and tallying and recording election results.
  - Submit [EF1](#) on the candidate filing deadline no later than 14 days after the candidate filing deadline.**

## On Election Day

- Decide whether or not to declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of ballots.
- Assure that voters have privacy when voting.
- Have a copy of the election Guide on hand and available for public inspection.
- Each polling place must be open for at least four consecutive hours at a time convenient for voters.
- Polling places must have sufficient parking to accommodate the expected number of voters.
- Polling places must be accessible to those with disabilities and not create undue hardship for them.
- Ensure that candidate optional information is not be provided to voters within 300 feet of the poll site.
- Each poll site must have a ballot box, signage, and be accessible to voters.
- Each poll site must have at least one ballot box.
- Each poll site must be conspicuously identified to voters as the place to vote.
- Not post the names of candidates at the polls.
- Ensure there are at least two polling officers at each poll site (the election supervisor may substitute for one polling officer at one poll site).
- Control behavior that disrupts or interferes with the poll site election.
- Monitor the poll site for compliance with election procedures.
- Ensure that the polling officers verify a voter is a qualified CD elector before issuing a ballot to the voter and record that determination on the poll list. If a determination cannot be made, a provisional ballot must be issued.
- Ensure that at least one polling officer is present and in control of the ballot boxes at all times while the polls are open.

- Provide provisional ballots to individuals wishing to vote who cannot be verified as eligible to vote prior to the issuance of a ballot.
- Be able to show or describe the CD's legal boundary.
- Ensure polling officers use the poll list to track the identity and number of voters, to identify determinations made by polling officers as to voter eligibility, and to identify voters issued provisional ballots.
- Ensure that paper ballots are placed into ballot boxes.
- Ensure polling officers close the polls at the published time, unless the polls are extended by a CD supervisor or the election supervisor.

## After The Election

- Verify any write-in candidate is eligible to be elected. This is done using [Checklist 1 - CD Verification of Candidate and Eligibility for the Office of Elected Supervisor](#).
- Direct polling officers to open the ballot box or boxes and count the votes cast for each candidate.
- Count all votes.
- Record all ballot count results on [Checklist 2: Ballot Results](#) for each polling site.
- Receive the following from the polling officers:
  - All poll list pages ([PF-C](#))
  - All ballots
  - All completed [Checklist 2: Ballot Results](#) reports
  - All working papers and notes made by polling officers
- Receive from the polling officers an announcement of the unofficial results of the election, subject to certification by the Commission.
- Excuse polling officers.
- Transmit election data to the Commission as soon as possible, but no later than fourteen days after the election. [EF2 – Election Report](#),
- Retain all original data.
- For those CDs with elections in January or early February, if an appointed position's term on the CD Board will expire this current election cycle, and the CD has not already advertised the vacancy with the Notice of the Adopted Election Resolution, advertise the vacant appointed position at least one month before March 31. [AF-1, Appendix B: Due Notice Compliance Notice Examples](#).

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-110 Definitions.** (~~("Absentee ballot" or "mail-in ballot" means a ballot issued to a voter before election day that can be delivered to the conservation district or designated election supervisor on or before the day of the election.)~~)

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

"Ballot box" means a container secured against tampering into which paper ballots are placed.

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

"Candidate optional information" means information provided by the candidate about their candidacy.

"Candidate required information" means the factual information a candidate must provide ~~included~~ on the candidate information form to be eligible for election.

"Canvass" and "canvassing" means to examine carefully or scrutinize the election returns for authenticity and proper count.

"Certify" and "certification" means the canvassing of returns and the verification of substantial compliance with these procedures by the conservation commission.

"Conservation commission" means the Washington state conservation commission governing board and all deputies and representatives authorized to act on its behalf.

"Conservation commission board" and "conservation commission governing board" means the governing board of the Washington state conservation commission.

"Conservation district" means a governmental subdivision of the state of Washington organized under the provisions of chapter 89.08 RCW Conservation districts.

"Conservation district supervisors" and "district supervisors" means the governing board of a conservation district, composed of elected and appointed supervisors.

~~(( "Declared nominated candidate" and "nominated candidate" means an individual found to be a qualified district elector who is eligible and who has submitted the candidate information required, including a qualified nominating petition, to the conservation district by the filing deadline, and the conservation district has verified the eligibility of the candidate.))~~

"Declared vacant" means a declaration by the conservation commission that a conservation district supervisor position is vacant.

~~(( "Declared write-in candidate" means a person seeking the office of elected supervisor who has provided the required candidate information to the conservation district by the filing deadline, and the conservation district has found the person eligible.))~~

"Double envelope balloting" means a paper balloting system consisting of an inner and an outer envelope, where a ballot is placed in an inner envelope with no personally identifying marks on it, and then the inner envelope with ballot is placed in the outer envelope upon which the voter has provided sufficient information to allow polling officers to verify the eligibility of the voter.

"Due notice" or "notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area. If there is no such

publication, a notice may be posted at a reasonable number of public places within the area where it is customary to post notices concerning county and municipal affairs. There is no requirement for publication of a legal advertisement in a newspaper of record. However, if a legal advertisement is published, a copy of the announcement as published, showing the date of publication, is sufficient proof of publication.

"Elected supervisor" means a qualified district elector:

(a) Who received more valid votes than any other candidate; and

(b) Whose election has been certified and announced by the

conservation commission.

"Election supervisor" means an individual or entity appointed by conservation district supervisors to organize, coordinate, and manage tasks related to the election of conservation district supervisors. Only the conservation district board of supervisors may set election dates and appoint the election supervisor.

"Electioneering" means the act of soliciting or advocating votes for a specific candidate, or speaking for or against a specific candidate within three hundred feet of a ballot box or voting place.

"Farm and agricultural land" is defined in RCW 89.08.020 as follows: "Farm and agricultural land" means either:

(a) Land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses;

(b) Any parcel of land five acres or more, but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

(d) Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products.

(e) Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise

constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands."

"Farm operator" or "operator of a farm" means a person who operates farm and agricultural land.

"Filing deadline" means four weeks before election day in the current election cycle, or, if a local filing deadline that is more than four weeks before election day is adopted by formal action of the conservation district supervisors, that adopted filing deadline.

"Full term," "regular term," and "full term of office" means a three-year term of office.

"Incumbent" means the person in present possession of the office of conservation district supervisor.

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

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

"Malfeasance" means wrongful conduct that affects, interrupts, or interferes with the performance of a supervisor's official duty.

"Mid-term" and "mid-term vacancy" means a vacancy in the office of conservation district supervisor, when such vacancy occurs before the full term of office has been fulfilled.

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

"Neglect of duty" means failure by a supervisor or supervisors to perform mandatory duties. Such duties include, but are not limited to:

(a) Compliance with laws and rules imposed by local, state, and federal government entities;

(b) Attendance at a sufficient number of board meetings so as to not impede the work of the conservation district;

(c) Maintaining a full and accurate record of district business;

(d) Securing of surety bonds for board officers and employees;

(e) Carrying out an annual financial audit;

(f) Providing for keeping current a comprehensive long-range program;

(g) Providing for preparation of an annual work plan;

(h) Providing for informing the general public, agencies, and occupiers of lands within the conservation district of conservation district plans and programs;

(i) Providing for including affected community members in regard to current and proposed plans and programs; and

(j) Providing for the submission of the conservation district's proposed long-range program and annual work plan to the conservation commission.

~~(( "Nominating petition" means a list of signatures of nominators who desire a candidate's name be placed on the official ballot for a conservation district election.~~

~~"Nominator" means a qualified district elector who signs a petition nominating an individual seeking the office of elected supervisor.))~~

"Poll list" or "polling list" means a list of voters who voted in an election.

"Polling officer" means a person appointed by the election supervisor to verify voter eligibility, assure compliance with this rule in and around the polling place, issue ballots, count ballots, and verify the unofficial ballot count in writing to conservation district supervisors.

"Poll site" and "polling site" means a location where votes are collected in a ballot box.

"Poll-site election" and "walk-in election" means an election in which a voter signs in on a poll list, receives a ballot from a polling officer, enters a vote for a candidate on the ballot, and places the ballot in a ballot box at a polling place supervised or monitored by polling officers.

"Provisional ballot" or "contested ballot" means a paper ballot issued to a voter whose qualifications as a qualified district elector cannot be determined at the time the paper ballot is issued. A provisional ballot consists of two envelopes and a paper ballot.

"Qualified district elector" means a registered voter in the county where the district is located and who resides within the conservation district boundary. Qualified district elector means an individual residing within the boundary of the conservation district and registered to vote in a county where the conservation district is located.

~~(( "Qualified nominating petition" means a nominating petition which contains at least twenty-five signatures of nominators. ))~~

"Remote election" means an election in which ballots are returned by some means other than for a poll-site election. A mail-in election is a type of remote election.

"Short term" or "short term of office" means a term of office less than three years in duration.

"Significant noncompliance" means the failure to follow the requirements in this rule that may affect the outcome of an election or deny voters their right of privacy in voting.

"Supervisor" means an elected or appointed board member of a local conservation district governing board, in which the governing board is referred to as the board of supervisors.

"Supervisor-elect" means a supervisor who received more valid votes than any of the other candidates running for the same position in a conservation district election, but the election has not yet been certified by the conservation commission.

"Tie" or "election tie" means an election where no candidate has received a simple majority of votes cast by qualified district electors, and two or more candidates have received the same number of votes cast by qualified district electors.

"Undeclared write-in candidate" means an individual who has not submitted required candidate information to the conservation district

~~and who has not submitted a qualified nominating petition by the filing deadline.~~

"Voter" means a person who submits a ballot in a conservation district election.

"Withdrawal of candidacy" and "to withdraw" means a written notice, signed and dated by the candidate, and delivered to the conservation district, stating the person's desire to be removed from consideration for the office of conservation district supervisor.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-110, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-130 Documents provided to conservation commission to be copies.** (1) All election forms and documents submitted to the conservation commission ~~((must))~~ shall must be copies. Original documents ~~((must))~~ shall must remain in the care and custody of the conservation district.

(2) The conservation commission ~~((may))~~ shall may inspect original documents upon request.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-130, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-140 Records retention.** (1) Unissued or undeliverable ballots ~~((must))~~ shall must be retained for ten days after the election is certified and the official results announced, and then may be destroyed.

(2) All ballots submitted by voters, and all candidate filing records (including candidate information, ~~((nominating petitions,))~~ verification of eligibility, and withdrawals of candidacy), ~~((must))~~ shall must be retained for ~~((six))~~ twelve months after the election is certified and the official results announced, and then may be destroyed.

(3) The conservation commission shall abide by the records retention schedule as set out for conservation district elections in the local government common records retention schedule (CORE), as established by the office of the secretary of state, Washington state archives, and its own records retention policy.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-140, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-150 Conservation district must remain impartial.** No conservation district supervisors, municipal officers or employees ~~((may)) shall may~~ adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-150, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-160 Legal boundaries of conservation district to be available.** The election supervisor and polling officer(s) ~~((must)) shall must~~ be able to produce the legal boundary of the conservation district to any person at a physical poll site or at the conservation district office.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-160, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-170 Only one ballot per voter may be counted.** In the event more than one ballot is submitted by a voter, the first ballot tallied is the only vote counted. Any subsequent ballots from the same voter will be disqualified and ~~((must)) shall~~ must not be counted.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-170, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-180 Disruptive acts prohibited.** (1) Behavior at the physical polling site that disrupts or interferes with the election of conservation district supervisors is prohibited.

(2) A conservation district supervisor, polling officer, or election supervisor may require disruptive persons to leave a physical

poll-site election. Such disruptive persons ~~((must)) shall must~~ remain at least three hundred feet away from the polling place or facility where official election functions are being performed.

(3) A conservation district supervisor, polling officer, or election supervisor may enlist the aid of law enforcement personnel to assist in identifying disruptive persons and preventing such persons from disrupting or interfering with any election processes at the physical polling site.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-180, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-200 Conservation district ~~((must)) shall must~~ hold election.** A conservation district ~~((must)) shall must~~ hold an election during January, February, or March in the year a three-year term of an elected supervisor ~~((will)) expires~~.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-200, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-210 Conservation district ~~((must))~~ shall must adopt election resolution.** (1) Each year the conservation district ~~((supervisors must))~~ board shall adopt a resolution establishing the election.

(2) The election resolution adopted by the conservation district supervisors ~~((must))~~ shall must include the following information:

(a) The name of the conservation district;

(b) For a poll site election, the date(s), the physical location(s), and the times polls will open and close for each polling place;

(c) The election methods selected for the election;

(d) 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;

(e) The filing deadline for candidates as set out in WAC 135-110-330;

(f) Identification of an individual appointed by the conservation district to fulfill the duties of election supervisor; ~~((and))~~

(g) The dated signature of at least one conservation district supervisor attesting to this information; and

(h) A reasonable deadline for voters to request a ballot.

(3) This information ~~((must)) shall must~~ be provided to the conservation commission by the candidate filing deadline.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-210, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-220 Due notice required ~~before and~~ after election resolution.** (1) (~~Due notice of the intent to adopt a resolution establishing the election must be provided by the conservation district to potential qualified district electors of the conservation district prior to adopting the resolution.~~

~~(2))~~ Not later than seven days following the conservation district's adoption of the election resolution, due notice containing all election information in the resolution ~~((must)) shall must~~ be published, using the filing deadline as the date for determining compliance with due notice requirements.

((~~3~~)) (2) If a conservation district adopts a standing resolution establishing a repeating annual election schedule, due notice of expiring terms and the filing deadline must be provided to constituents, using the filing deadline as the date for determining compliance with due notice requirements.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-220, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-230 Conservation district appoints election**

**supervisor.** (1) The conservation district supervisors ~~+(must)+ shall~~ must appoint a person or firm as the election supervisor.

(2) The election supervisor:

(a) Serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election;

(b) Organizes, coordinates, and facilitates election-related activities of the conservation district;

(c) Assures that required election procedures are properly conducted; ~~((and))~~

(d) Assures that required information is properly transmitted to the conservation commission; and

(e) Shall be trained in election policy and procedure as per conservation commission requirements.

(3) Conservation district supervisors remain responsible for conducting an election in compliance with this section.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-230, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-240 Election may be on-site, remote, or both. (1)**

The conservation district supervisors ~~((must))~~ shall must choose the method of the election using physical poll sites, or by remote methods, or by any combination of these methods that assures fair treatment of candidates and voters, provides privacy in voting, and complies with all other parts of this rule.

(2) Every physical poll site ~~((must)) shall must~~ be open for at least four consecutive hours at a time convenient for voters, and every physical poll site ~~((must)) shall must~~ have at least two polling officers present during the hours the polls are open.

(3) Ballots submitted by mail ~~((must)) shall must~~ be postmarked no later than the day of the election, or the last day if multiple election days. Ballots submitted by physical delivery ~~((must)) shall must~~ be received at the district office by the announced final polling time of the day of election, or the last day if multiple election days. Remote ballots transmitted by any other means ~~((must)) shall must~~ be transmitted by the last day of election.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-240, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-250 Voting ~~((must)) shall must~~ be accessible.**

Disabled voters ~~((must)) shall must~~ be offered a voting method accessible to them.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-250, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-300** Every candidate ~~((must))~~ shall must be a **qualified district elector**. A candidate for election to the office of conservation district supervisor ~~((must))~~ shall must be a qualified district elector at the time of filing.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-300, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-320** **Submission of candidate information required to be elected.** (1) (~~Only persons who file candidate information with the conservation district by the filing deadline and who are found by the conservation district to be eligible to be elected may be elected, unless no person has filed for the office by the filing deadline.~~)

~~(2) The name of a person who files candidate information by the filing deadline but does not file a qualified nominating petition must not be printed on the official ballot, but may be elected as a declared write-in candidate.~~

(3)) Information to be submitted to the conservation district by a person seeking to be a candidate for election ~~((must)) shall must~~ include:

(a) The name of the conservation district;

(b) The person's name, residential address, mailing address (if different), and phone number;

(c) Whether the person is a registered voter in the county where the conservation district is located;

(d) Whether the person resides inside the conservation district boundary;

(e) Whether the person is a landowner or an operator of a farm; and

(f) The dated signature of the person attesting to the accuracy of the information so provided.

(2) For purposes of this section, an electronic signature contained in an electronic submittal of the candidate information is acceptable.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-320, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-330 Filing deadline.** ~~((1))~~ The filing deadline for candidates is set by the district board and shall be, at a minimum, not less than four weeks before election day.

~~((2) By formal action the conservation district supervisors may make the filing deadline on a day more than four weeks before the election.))~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-330, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-350 Types of candidacy.** (1) A declared candidate is a qualified district elector who has submitted candidate required information to the conservation district by the filing deadline.

(2) A (~~declared nominated candidate is a declared candidate who has submitted a qualified nominating petition to the conservation district by the filing deadline.~~

~~(3) An undeclared)) write-in candidate is a person who has not submitted candidate required information to the conservation district by the filing deadline(~~, and who has not submitted a qualified nominating petition by the filing deadline~~)).~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-350, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-355 Election supervisor ~~((must)) shall~~ must verify candidate eligibility.** (1) The election supervisor ~~((must)) shall~~ must verify the eligibility of each person who submits candidate information required by WAC 135-110-320. The election supervisor may call upon the county auditor or the conservation commission for assistance in verifying eligibility.

(2) For a candidate to be eligible, the election supervisor ~~((must)) shall~~ must make a determination that:

(a) The name of the person who filed candidate information is the correct legal name of the individual;

(b) That the person submitted candidate information by the filing deadline;

~~(c) ((That the person submitted a valid nominating petition by the filing deadline;~~

~~(d))~~) That the person was a qualified district elector on the day of filing; and

~~((e))~~) (d) That at least two of the three elected conservation district supervisors on the conservation district board of supervisors will be landowners or operators of farms if the person is elected.

~~((3) For a nominated candidate, the conservation district must also verify that at least twenty-five eligible nominators signed the nominating petition.))~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-355, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-360 ((Undeclared)) A write-in candidate may be

elected if no eligible person files. (1) If ((no person has filed by the filing deadline, or if)) the election supervisor finds ineligible all persons who filed, then only ((undeclared)) write-in candidates may be elected.

(2) The ((undeclared)) write-in candidate, deemed the unofficial winner, ~~((must)) shall~~ must submit required candidate information to the conservation district((, and)) within ((four weeks ~~( )~~)) twenty-eight calendar days((+)) following the first date of election, and the election supervisor ~~((must)) shall~~ must verify the eligibility of the unofficial winner to be elected and to serve.

(3) If the conservation district is unable to verify eligibility of the unofficial winner within ((four weeks)) twenty-eight calendar days of the election, the unofficial winner is disqualified. The person receiving the next highest vote count ~~((must)) shall~~ must then submit required candidate information and the conservation district ~~((must)) shall~~ must verify his or her eligibility as described above.

(4) If the ((undeclared)) write-in candidate who is the unofficial winner is found ineligible and no other persons received votes, ((the conservation commission will officially announce another full term of office for the incumbent on the third Thursday in May,

~~but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor)) the provisions of WAC 135-110-740 shall apply.~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-360, filed 10/19/10, effective 11/19/10.]

~~AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)~~

~~**WAC 135-110-370** ((Incumbent)) Single candidate automatically ((reelected)) elected if no other person files. (1) ((The incumbent)) A single candidate is automatically ((reelected to another)) elected to a three-year term if:~~

~~((a)) Due notice of the adopted election resolution and the ((election have)) information in that resolution has been duly published by the conservation district;~~

~~((b)) ((The)) Only one person ((filing)) filed by the candidate filing deadline ((is the incumbent)); and~~

~~(c) The conservation district verifies the ((continued)) eligibility of the ((incumbent)) single candidate to serve ((another)) a term of office((; and~~

~~(d) The incumbent has not resigned on or before the last date of election)).~~

~~(2) When ((an incumbent is automatically reelected)) a single candidate election occurs, no other election activities at physical poll sites or through remote election processes ((may)) shall be performed.~~

~~(3) Before election day, the conservation district ((must)) shall inform the voting public that the ((incumbent)) single candidate has been ((reelected)) elected 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)) shall be posted at poll sites.~~

~~(4) ((Within four weeks of the first date of election as scheduled in the election resolution)) Not later than fourteen business days after the candidate filing deadline, the conservation district ((must)) shall inform the conservation commission of the automatic ((reelection)) election of the ((incumbent)) single candidate.~~

~~[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-370, filed 10/19/10, effective 11/19/10.]~~

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-380 Candidate may withdraw candidacy in writing.**

(1) Before election day, a candidate may withdraw his or her candidacy by submitting a written request to the conservation district.

(2) A person who withdraws his or her candidacy is not eligible to be elected in the current election.

(3) If a person withdraws his or her candidacy, the conservation district is not required to revise official ballots.

(4) In the event that some, but not all candidates withdraw, the unofficial winner of the election will be the remaining eligible candidate receiving the highest vote count after all the votes are tallied for each candidate, including those candidates who have withdrawn but remain on the ballot as per subsection (3) of this section.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-380, filed 10/19/10, effective 11/19/10.]

NEW SECTION

**WAC 135-110-385 Effect of votes cast for withdrawn, deceased, or ineligible candidate.** (1) If the name of a deceased, withdrawn, or ineligible candidate appears on the ballot under this chapter, the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.

(2) If the deceased, withdrawn, or ineligible candidate receives the vote required for election, the resulting vacancy shall be filled in the regular manner.

(3) If the deceased, withdrawn, or ineligible candidate and another candidate tie for the most votes in an election in which a plurality vote is sufficient for election, the other candidate is considered to be elected. If more than one other candidate is tied with the deceased, withdrawn, or ineligible candidate, the winner of the election shall be determined by resolving the tie between the other candidates in the regular manner for resolving a tie vote in the election as set out in WAC 135-110-730.

[ ]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-400 Conservation district to obtain list of registered voters.** By the first election day, the conservation district ~~((must)) shall must~~ obtain a current list of registered voters from the county auditor for all territory within the conservation district boundary.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-400, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-410 Conservation district ~~((must)) shall must~~ set deadline for requesting ((absentee and mail-in)) ballots be mailed or sent.** To provide sufficient time for voters to obtain and return ballots to the conservation district, the conservation district ~~((must)) shall must~~ set a reasonable deadline for voters to request ((an absentee or mail-in)) a ballot be sent or mailed to them.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-410, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-420 Conservation district ~~((must)) shall~~ must not use certain lists.** If a conservation district provides unrequested ballots to a population that is less than all the eligible voters within the conservation district boundary, the conservation district ~~((must)) shall~~ must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-420, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-430 Conservation district may publish candidate-provided optional information.** (1) To assist voters in the selection

of a candidate during voting, a conservation district may publish candidate optional information provided by (~~nominated and declared write-in~~) candidates.

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

(3) Candidate information provided by candidates and published by the conservation district may be mailed or delivered to voters before election day, but ~~((may)) shall may~~ not be provided to voters at poll sites on election day.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-430, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-440 Employees and municipal officers of district**  
~~((must)) shall must~~ **not be polling officers.** A conservation district supervisor, employee, intern or municipal officer ~~((may)) shall may~~ not serve as a polling officer in the conservation district election,

unless the person is the election supervisor appointed by the conservation district supervisors. Conservation commission employees cannot serve as polling officers.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-440, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-450 Polling officers monitor poll-site activities.**

(1) During a poll-site election, polling officers ~~+(must)+~~ shall must monitor the voting place for compliance with this section, and also serve as guardians of all issued and unissued ballots, under the supervision and direction of the election supervisor.

(2) If the election supervisor is present, the election supervisor may also perform these functions as described in WAC 135-110-470.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-450, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-460 Polling officers verify voters, issue ballots**

**and count votes.** (1) A polling officer ~~((must)) shall~~ must verify a voter is a qualified district elector before issuing a ballot to the voter. If a polling officer cannot verify a voter is a qualified district elector before a ballot is issued, a provisional ballot shall be issued to the voter.

(2) At a poll-site election, at least two polling officers ~~((must)) shall~~ must be present and in control of the ballot box(es) at all times while the polls are open.

(3) At a poll-site election, a provisional ballot ~~((must)) shall~~ must be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined ~~((may))~~ shall may only vote on a provisional ballot.

(4) Polling officers count votes cast by voters.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-460, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-500 Conservation district ~~((must)) shall~~ must create official ballot.** (1) A conservation district ~~((must)) shall~~ must create a ballot and provide a ballot to each person who ~~((wishes))~~ requests a ballot to vote in the conservation district election.

(2) The official ballot ~~((must))~~ shall:

(a) List the name of each candidate the conservation district has verified as eligible ~~((and who has submitted a qualified nominating petition))~~;

(b) List names on the ballot in alphabetical order by last name, from top to bottom, with an empty checkbox or blank space next to each candidate's name; and

(c) Contain at least one blank line where a voter can enter the name of a ~~((declared write-in candidate, or if there are no declared candidates, the name of an undeclared))~~ write-in candidate.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-500, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-520** ((Absentee)) Ballots ~~((must)) shall~~ must be provided on request. (1) ((Absentee ballots must)) Ballots shall be provided to eligible voters upon request, and voters need not provide proof of any special condition to obtain an ~~absentee~~ ballot.

(2) ((Absentee)) Ballots may be returned to the conservation district by mail, by personal delivery, or by electronic means previously approved by the election supervisor.

(3) Ballot may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.

(4) At a poll-site election, a provisional ballot shall be provided to any individual wishing to vote when the individual cannot be verified as eligible to vote prior to the issuance of a ballot.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-520, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-550 Poll lists ~~((must)) shall~~ must be used. (1) In

every conservation district election, the conservation district

~~((must)) shall~~ must create a record of who has submitted a ballot and whether the person was found eligible or ineligible to vote.

(2) Each poll list ~~((must)) shall~~ must contain:

(a) The name of the conservation district;

(b) Whether the poll list is for a poll-site or mail-in election, and if a poll-site election, the location of the poll site and the date of polling ~~((must)) shall~~ must be specified;

(3) For poll lists at poll sites, each voter ~~((must)) shall~~ must provide:

(a) His or her name, sufficient to allow identification in the voter registration list;

(b) An address sufficient to allow identification in the voter registration list; and

(c) The signature of the voter.

(4) For poll lists in mail-in elections, the name and address of the voter ~~((must)) shall~~ must be recorded.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-550, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-560 (~~((Mail-in, absentee, and provisional ballots must be double-envelope balloting))~~) Ballot security. Ballots cast (~~((in a mail in election, or as a paper absentee ballot, or as a paper provisional ballot, must))~~) ~~shall~~ must use a double-envelope paper balloting system, in which:

(1) The voter places the completed ballot inside the inner envelope;

(2) The inner envelope is sealed to prevent tampering(~~(, and)~~);

(3) No personally identifying marks are to be placed on the inner envelope;

~~((3))~~ (4) The inner envelope containing the completed ballot is placed in the outer envelope; (~~and~~

~~(4))~~ (5) The voter provides sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter;

(6) For electronic voting, the functional equivalent of a paper ballot shall be used to assure security; and

(7) The provisions listed above shall not apply to a ballot cast during a poll-site election by an individual that has been verified to be eligible to vote in the election.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-560, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-570 Election supervisor safeguards ballots** (~~(except in a poll-site election)~~). Ballots cast (~~(by mail-in or absentee methods)~~) are to be received and safeguarded by the election supervisor.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-570, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-580 Poll sites must be accessible.** (~~(No)~~) Every poll site (~~(selected by the conservation district may appear on the~~

~~county auditor's list of inaccessible polling sites)) shall be accessible, as described in RCW ((29A.16.140)) 29A.40.160(5).~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-580, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-600 Electioneering prohibited at poll sites.** (1) On election day, information provided by candidates ~~((may)) shall may~~ not be provided to voters within three hundred feet of the poll site.

(2) ~~((Names of nominated and declared write-in candidates must))~~  
Candidate required information shall not be publicly posted at the poll((s)) site or poll sites.

(3) Candidate optional information shall not be publicly posted at the poll site or poll sites.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-600, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-610 ((~~Every voter must be verified as eligible.~~))

**Voter eligibility shall be verified before a ballot is counted.** ((~~1~~))

~~Every individual requesting a)~~ Every ballot ((~~for any conservation district election must~~)) ~~shall~~ must be verified as being cast by or returned by a qualified district elector before ((~~his or her~~)) the ballot is counted.

((~~2~~)) ~~At a poll site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling and the individual wishes to vote.~~)

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-610, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-620 Conservation district ~~((must))~~ shall must provide polling officers at each poll site. The conservation district ~~((must))~~ shall must provide at least two polling officers at each poll site, except the election supervisor or their designee may substitute for one polling officer at one poll site.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-620, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-630** Each poll site ~~((must))~~ shall must have ballot box and signage. (1) Each poll site ~~((must))~~ shall must have at least one ballot box.

(2) Each poll site ~~((must))~~ shall must be conspicuously identified to voters as the place to vote.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-630, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-640** Conservation district ~~((must))~~ shall must assure privacy in voting. (1) The ballot choice made by a voter ~~((must))~~ shall must not be seen by any other person during the act of voting or the placing of the ballot in the ballot box, except in circumstances

necessary to allow a disabled voter to cast their ballot, as set out in WAC 135-110-250.

(2) Paper ballots ~~((must)) shall must~~ be placed into ballot boxes. Electronic ballots ~~((must)) shall must~~ assure at least the same level of security and privacy as provided by paper balloting.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-640, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-650 Polls to close at published time but may be extended.** (1) ~~((Polling officers are to close the polls))~~ The polls shall must be closed at the published time, unless the ~~((polls are extended by the election supervisor.~~

~~(2) The~~) election supervisor ~~((may))~~ extends the time polls are open, if needed, to accommodate voters.

~~((3))~~ (2) Persons waiting in line at a poll site when the polls are scheduled to be closed ~~((must)) shall must~~ be allowed to check in and vote.

((4)) (3) Poll times ~~((may)) shall may~~ not be less than advertised ~~unless the ((incumbent)) candidate was automatically reelected as allowed under WAC 135-110-370.~~

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-650, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-700 Opening ballots.** (1) Only polling officers and the election supervisor may open and count ballots.

(2) ~~((Mail-in and provisional))~~ Ballots ~~((must)) shall must~~ be verified as having been submitted by a qualified district elector before the outer envelope is opened, and upon verification, the outer envelope ~~((must)) shall must~~ be opened and set aside, and the inner envelope placed into the ballot box.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-700, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-710 Polling officers to retain custody of ballots**

**until counted.** Ballots cast in a poll-site election (~~are to~~) shall remain in the custody and control of polling officers until all ballots have been counted and properly tallied.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-710, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-720 Polling officers may announce unofficial**

**results.** (1) Polling officers may announce the unofficial results of the election, subject to certification and official announcement by the conservation commission.

(2) The unofficial winner is known as the supervisor-elect and ~~+(may)~~ shall may not be seated until after the conservation commission certifies the election and announces the official winner.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-720, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-730 Tie in unofficial election results.** (1) In the case of two or more candidates receiving the most votes, and each receives an equal number of votes, polling officers ~~((must)) shall~~ must recount the ballots, as directed by the election supervisor.

(2) If a tie is verified by the recount, the winner of the election ~~((must)) shall~~ must be determined by drawing of names as provided under RCW 29A.60.221 to ensure the drawing is equitable to all affected candidates.

(a) If no more than two candidates are tied, a coin toss may be used in lieu of drawing names to determine the unofficial winner.

~~(b) ((If more than two candidates are tied, only a drawing of names may be used to determine the unofficial winner.~~

~~(e))~~ A representative of the conservation commission ~~((must))~~ shall must be present for any drawing of names or coin toss.

~~((d))~~ (c) The candidate whose name is drawn (or who wins the coin toss) becomes the supervisor-elect.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-730, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-740 When no eligible candidate is elected. ((1))**

~~When no eligible candidate is elected, ((the conservation commission will officially announce another full term of office for the incumbent on the third Thursday in May, but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor.~~

~~((2) If the conservation district determines the incumbent conservation district supervisor is no longer eligible to serve in the office of elected conservation district supervisor, or if the incumbent has resigned,))~~ the position is deemed vacant and the conservation district may appoint an eligible successor, as per the provisions of WAC 135-110-970, following the official announcement by the conservation commission.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-740, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-750 Ballot results ~~((must)) shall must~~ be reported.

(1) The results of balloting ~~((must)) shall must~~ be reported to the conservation commission within (~~(twenty-eight)~~) fourteen days of the election, unless, after consultation with the conservation commission, the election supervisor determines more time is needed.

(2) Ballot results ~~((must)) shall must~~ be reported separately for each poll site, for each mail-in or remote election, and for all (~~(absentee)~~) ballots. If the same poll site is open on more than one day, separate reports for each day are required.

(3) Information provided about the election ~~((must)) shall must~~ include:

(a) The name of the conservation district; and

(b) Whether the report is for a specific poll site or for a mail-in election, and if for a poll site, the location of the poll site and the date of polling ~~((must)) shall must~~ be specified.

(4) Information provided about candidates ~~((must)) shall must~~ include:

(a) The name of each candidate; and

(b) For each candidate, the number of eligible votes counted and the total number of votes cast for the person.

(5) The total number of ballots invalidated ~~((must)) shall must~~ be reported.

(6) The conservation district ~~((must)) shall must~~ identify the unofficial winner ~~((and whether the unofficial winner is a nominated candidate, a declared write in candidate, or an undeclared write in candidate))~~.

(7) The ballot results report ~~((must)) shall must~~ be signed and dated by the polling officers who counted the ballots. If the election supervisor participated in counting ballots, the election supervisor ~~((must)) shall must~~ also sign the report.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-750, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-760 Conservation commission canvasses returns, determines compliance, announces winners.** (1) The conservation commission ~~((must)) shall must~~ canvass the returns of conservation district elections to verify election results and to determine if the

election was properly conducted according to the requirements in these procedures.

(2) The conservation commission ~~((must))~~ shall must announce the official election results for each conservation district election the conservation commission has certified as being substantially in compliance with this rule. The conservation commission may decline to announce the official results of elections found not to be substantially in compliance with this rule.

~~(3) ((The conservation commission must act on elections for full-term positions annually at its regular meeting on the third Thursday in May.~~

~~(4))~~ Action at any other time will be for short terms of office or for any other reason that the conservation commission deems such later action to be necessary.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-760, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-770 Elections are final when certified and**

**announced.** (1) Elections are final when certified by the conservation commission and the official results are announced by the conservation commission in May of each year or later as deemed necessary.

(2) A candidate ~~((may)) shall may~~ not perform the duties of a conservation district supervisor before the third Thursday in May and until the conservation commission has announced that person as the official winner of a conservation district election, unless the person is an incumbent conservation district supervisor.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-770, filed 10/19/10, effective 11/19/10.]

NEW SECTION

**WAC 135-110-780 Declaration voiding an election.** The office held by a conservation district supervisor is vacant upon the decision of a court of competent jurisdiction declaring his or her election to be void.

[ ]

NEW SECTION

**WAC 135-110-790 Procedure for contesting elections.** (1) Written

complaints regarding conservation district elections shall be received by the commission using an online form no later than April 30th.

(2) Complaints will be forwarded to the executive director of the conservation commission.

(3) The executive director will notify the chair and vice chair of the conservation commission, the chair of the affected conservation district, the election supervisor of the affected conservation district, conservation commission staff assigned to that conservation district, and the commission's elections officer that a complaint has been filed with the conservation commission.

(4) The executive director will inform the chair and vice chair of the conservation commission of the estimated length of the investigation, and will provide updates on the status of the investigation, as needed.

(a) The conservation commission's elections officer will investigate the complaint. The investigation shall include personal interviews with the person filing the complaint, the conservation district board, appropriate conservation district staff, polling officer, and members of the public, as appropriate and necessary.

(b) When the investigation is completed, the conservation commission's elections officer shall make a written report to the executive director of the results of the investigation.

(5) The executive director shall review the report of the investigation and make a determination that:

(a) The complaint does not rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, as per WAC 135-110-~~790~~795; or

(b) The complaint does rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, as per WAC 135-110-~~790~~795.

(6) If the executive director determines that:

(a) The complaint does not rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, the executive director may recommend that the election be certified and announced by the conservation commission.

(b) The complaint does rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, the executive director may recommend that the election not be certified and announced, and request that the

conservation district hold another election as per the procedure in  
WAC 135-110-~~950~~780.

[]

NEW SECTION

**WAC 135-110-795 Compliance.** (1) The conservation commission shall make a determination of significant noncompliance when parties act in variance of this section.

(2) The conservation commission may decline to certify an election found in significant noncompliance. If the conservation commission certifies an election found to be in significant noncompliance, the conservation commission shall provide written rationale.

[]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-800 Emergency relocation or rescheduling of election.** (1) A conservation district may change the date(s) or location(s) or times for poll sites only in an emergency.

(2) The election supervisor may declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of absentee ballots. Such conditions may include, but are not limited to:

(a) Weather conditions;

(b) Damage to roads, buildings, or other infrastructure;

(c) Chemical spills;

(d) Fire and smoke;

(e) Volcanic eruption, earthquake, landslides, mudflows, and floods; or

(f) Disruptions in information network infrastructure.

(3) When an emergency is so declared, the election supervisor should make reasonable efforts to inform all conservation district supervisors (~~and~~), candidates listed on the ballot, and the conservation commission.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-800, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-810 Signage and notice required.** (1) When a polling

site is changed in response to an emergency, signage sufficient to notify potential voters ~~((must))~~ shall must be provided to redirect voters to the new polling site(s). Poll times should be extended to allow for additional travel time to the relocated polls.

(2) When the election date or location is changed in response to an emergency, due notice should be given to the public of the change.

If due notice is not possible, the conservation district ~~((must))~~ shall must take reasonable measures to inform the public of the change. Such measures may include, but are not limited to:

Announcements on local radio or television; posting on web pages; announcements in newspapers; and posting of handbills or flyers.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-810, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-900 Only vacant offices ~~((may))~~ shall may be filled.**

The office of conservation district supervisor ~~((may))~~ shall may not be filled by election or appointment unless the term of office has

expired, or the position has been immediately vacated as described in this section, or the conservation commission has declared the position vacant.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-900, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-910 Supervisors ~~((must)) shall~~ must be eligible to serve.** (1) A conservation district supervisor ~~((must)) shall~~ must be eligible to serve in the office of conservation district supervisor throughout the term of office.

(2) If an incumbent no longer meets the minimum eligibility requirements to serve as a conservation district supervisor, the office is deemed vacant.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-910, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-920 Resignation from office.** (1) A conservation

district supervisor may resign from public office at any time, and for any reason.

(2) Resignations ~~((must)) shall must~~ be made in writing to the conservation commission or to the conservation district.

(3) Resignations are effective on the earliest date received, unless the incumbent has specified a future date for the resignation to become effective.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-920, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-960 Removal from office.** (1) As provided in RCW

89.08.200, a conservation district supervisor may be removed from office by the conservation commission governing board upon notice and hearing for neglect of duty or malfeasance.

(2) The conservation commission ~~((must)) shall must~~ provide notice to the supervisor detailing the specific elements of the neglect of duty or malfeasance for which removal is sought. The

supervisor shall be given the opportunity to respond in writing to the elements contained in the notice within thirty days of the notice to the supervisor from the conservation commission. Notice to the supervisor from the conservation commission shall be by certified mailing to the address of record for that supervisor.

(3) The conservation commission ~~((must))~~ shall must hold at least one public hearing no earlier than sixty days from the date of certified mailing to the supervisor in the area served by the conservation district supervisor before acting to remove the incumbent from office.

(4) Following the public hearing, the conservation commission shall vote on the removal of the supervisor based on official findings of fact detailing the cause or causes of removal.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-960, filed 10/19/10, effective 11/19/10.]

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

**WAC 135-110-970 Replacement of elected supervisors.** A vacancy in the office of elected conservation district supervisor is filled by

the conservation district board of supervisors after consultation with the conservation commission, for the remainder of the unexpired term, subject to the verification of supervisor qualifications by the conservation district and notification to the conservation commission.

~~((While))~~ Due notice to the affected community ~~((is strongly recommended, it is not))~~ shall be required.

(1) The application process shall require, at a minimum, that the board of supervisors pass a resolution:

(a) Acknowledging that the office is vacant;

(b) The dates of the four-week period for applicants to apply;

and

(c) Describing the minimum requirements of applicants.

(2) The resolution shall then be advertised to the public at least one week prior to the commencing of the four-week period, and in the same manner as the due notice of an election resolution.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-970, filed 10/19/10, effective 11/19/10.]

REPEALER

The following sections of the Washington Administrative Code are

repealed:

WAC 135-110-120	Compliance.
WAC 135-110-340	Only nominated candidates may appear on official ballot.
<u>WAC 135-110-370</u>	<u>Incumbent automatically reelected if no other person files.</u>
WAC 135-110-470	Election supervisor may perform polling officer duties.
WAC 135-110-515	Conservation district must make ballots available.
WAC 135-110-530	Provisional ballots must be provided when voter eligibility is in question.
WAC 135-110-540	Functional equivalent of paper ballot required.
WAC 135-110-820	Conservation commission to be informed.
WAC 135-110-950	Declaration voiding an election.

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Bill Eller, Election Officer

**SUBJECT:** Conservation District Elections and the COVID-19 Pandemic

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Action Item

Informational Item

Summary:

Conservation districts (CDs) will be conducting elections in the months ahead. These elections will be conducted in the unusual situation of a health pandemic which may require conservation districts to take special precautions to ensure the health safety of voters, candidates, CD staff, and poll workers.

Requested Action (if action item):

Conservation Commission (Commission) staff request the Commission pass a motion encouraging conservation districts to take a series of precautions due to the Covid-19 pandemic when conducting the upcoming district elections.

Staff Contact:

Bill Eller, WSCC Elections Officer      [beller@scc.wa.gov](mailto:beller@scc.wa.gov)      (509) 385-7512

Background and Discussion:

Historically, most conservation district elections are conducted in-person with the voter appearing at a district office or other location to vote. Conservation district staff work closely together to count and manage the ballots. The recent global health pandemic has caused Commission staff to rethink this approach in light of actions by the Governor and recommendations from authorities such as the U.S. Centers for Disease Control (CDC).

On February 29, 2020, the Governor of the State of Washington proclaimed that a state of emergency exists in all counties in the State of Washington due to the COVID-19 pandemic. COVID-19 is a respiratory disease that can result in serious illness or death, and can easily spread

from person to person. The CDC has issued warnings regarding the impacts and severity of this event; and this pandemic continues to affect local jurisdictions, cities, counties, states and nations world-wide. The COVID-19 pandemic necessitates enacting emergency plans and taking actions to protect public health, safety and welfare within conservation districts.

Commission staff first presented some of these concerns to the Commission at its May 2020 Commission meeting. Commission staff met in August 2020, to discuss the ongoing pandemic and possible Commission courses of action and recommendations for conservation district elections. Conservation districts should consider preparing now for the upcoming election season of 2020-2021.

### **Elements to consider when conducting CD elections during the COVID-19 pandemic:**

Based on a number of sources, Commission staff have identified a series of factors, potential criticisms and pit-falls to consider regarding elections during the COVID-19 pandemic. These include:

- Polling places. Limiting polling places due to lack of resources and/or election workers to reduce crowds and in-person contact during the pandemic.
- Returning ballots by mail may allow for ballot tampering. There will be an increased demand for ballots to be returned by mail. Current CD election procedure allows for a ballot to be returned by virtually anyone and by virtually any means (mail, drop-off, drop-box, etc.), which could lead to “ballot harvesting” - allowing someone to have access to the ballot under the guise of delivering it back to the CD.
- Ballot Drop-off Locations. Designated ballot drop-off location(s) that might be or appear unsecure or might be harder for disadvantaged voters or voters of color to access due to the location of the ballot drop-off site.
- Deadlines for requesting and / or returning ballots by mail. Districts could experience an increase in ballot requests. Enough time needs to be provided between when a ballot is requested by a voter to allow for the CD to process the request, send the ballot by mail to the voter, for the voter to fill out the ballot and return the ballot to the CD. CDs should also be very clear as to when ballot must be requested by.
- Greater potential for rejected ballots returned by mail. Due to a potential in increased mail-in ballots, CDs should be prepared with clear and easy-to-understand instructions provided along with all mailed-out ballots. This will decrease chances that a ballot is rejected once it is returned.

- Poll site worker safety could be at risk. Poll site workers are frequently volunteers. They also are frequently members of the highest risk population for catching and / or transmitting COVID-19.
- More voters. There is a potential for increased interest in CD elections due to the CD elections coming after a challenging presidential election. It's possible partisanship and ideological divisions may increase during the election season, increasing demands for information, candidate, voter and public accommodation, accusations of improprieties, and challenges to the election. There may be a risk of increased litigation of disputed elections. Districts should prepare by ensuring all election protocols are followed carefully.
- Misinformation. Misinformation, lack of public confidence, and trust in government might inhibit participation.
- Increased costs. Depending on actions the Commission or CDs take to account for the pandemic during elections, there could be increased costs related to conducting the election, such as providing personal protective equipment, ballot mailing costs if no physical polling site is open, and longer voter and ballot processing times.
- Increased exposure to fraud. An argument is that it is easier to commit voter fraud during a mail-in election because those who might want to commit fraud can go to homes of voters and coerce them to vote a certain way. The argument is that it is less likely to occur with in-person voting because no electioneering is allowed at poll sites.
- Delays and issues at poll-sites. Delay in processing voters at polling sites due to COVID-19 social distancing and personal hygiene practices. Traditional polling locations (i.e. CD offices) may not be adequate for social distancing during a pandemic (i.e. too small for social distancing, inadequate ventilation, difficult to sanitize, etc.).
- 

Therefore, due to

- The background and potential issues outlined above,
- That most of Washington is currently under phase 2 or 3 restrictions during this pandemic,
- That it is highly likely this 2020-2021 CD election season that Washington could have a resurgence of the pandemic as we spend more time in close quarters as the weather gets colder,
- The recent focus on poor and disenfranchised voters having a more difficult time accessing physical polling locations, and
- Based on the severity of the COVID-19 pandemic, therefore

Commission staff recommends the following action be taken:

1. The Commission, in partnership with the CDs, should consider taking additional, pro-active steps to inform the public, voters and potential candidates about participation in CD elections during the pandemic.
2. That CDs take the following actions:
  - Make use of the resources the Commission has compiled in the appendix to this memo and made available for operating and conducting elections during the COVID-19 pandemic on the Commission's COVID-19 web page.
  - If a CD has not already done so, it is recommended the CD issue a resolution declaring an emergency due to the COVID-19 pandemic. This will allow the CD to clearly take actions under Washington Administrative Code (WAC) section 135-110-800-820 if the need arises during their election. The election WAC Chapter 135-110 provides the election supervisor with the ability to declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of absentee ballots. If the election supervisor declares an emergency, the election supervisor should follow the directives to inform the board, candidates, public and the Commission of the action to be taken in response to the emergency.<sup>1</sup> A declaration of emergency due to Covid-19 may also provide an opportunity for cost reimbursement from FEMA for actions taken to protect the public from Covid-19 during the election process.
  - A CD should consider conducting its election during the 2020-2021 election cycle by mail-in ballot only. In doing so, the CD should abide by measures the CDC set out in their *Considerations for Election Polling Locations and Voters*,<sup>2</sup> excerpts of which are listed in the appendix attached to this memo for guidance purposes only. We also recommend adhering to *Issue Advisory 01-18*<sup>3</sup> with regard to fulfilling mail-in ballot requests.
  - If a CD chooses to conduct a poll-site election, the Commission strongly recommends the CD abide by measures the CDC set out in their [Considerations for Election Polling Locations and Voters](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html),<sup>4</sup> excerpts of which are listed in the appendix attached to this memo for guidance purposes only.

<sup>1</sup> See [WAC 135-110-230](#), [WAC 135-110-800](#), and [WAC 135-110-250](#)

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

<sup>3</sup> <https://scc.wa.gov/wp-content/uploads/2018/09/Election-IA-01-18.PRA-and-absentee-ballot-lists.June-2018.pdf>

<sup>4</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

## Requested Action:

Commission staff recommends the Commission pass a motion encouraging all conservation districts to consider the implications of the Covid-19 pandemic to their upcoming district supervisor election. The Commission should recommend conservation districts consider taking the actions mentioned in this memo in preparation for the upcoming district supervisor elections.

## Suggested Motion:

Move that the Commission recommends all conservation districts consider taking the necessary steps to protect voters, candidates, CD staff and polling workers during the Covid-19 pandemic. The Commission further recommends conservation districts review and consider the actions identified by Commission staff in the memo to the Commission dated September 17, 2020 and titled "*Conservation District Elections and the Covid-19 Pandemic*". The Commission requests Commission staff to distribute the memo and appendix to all conservation districts for their consideration as they plan for the district supervisor elections.

## Recommended Considerations for Conservation Districts for the Safe Conduct of District Supervisor Elections during the Covid-19 Pandemic<sup>5</sup>

### Social distancing at Polling Sites

- A separate polling location for those who have tested positive for the corona virus
- Physically taking ballots to voters who are in quarantine, confined due to illness, or are members of at-risk groups, [as defined by the CDC](#)
- Practice social distancing at poll sites (remain at least six feet apart)
- Providing voters personal protective equipment (gloves, mask, etc.) before entering the poll site
- Having additional sanitation containers available for the anticipated increase in discarded materials (gloves, masks, etc.) as voters leave the poll site
- Instructing voters to bring their identification in clear, plastic bags so that it can be reviewed by poll workers with minimal interaction between the voter and the poll worker
- Placing markers on the floor to demonstrate social distancing
- Provide disinfecting stations before and after voting
- Disinfecting polling places after each use by voters
- Require all voters to wear masks, and providing free masks if a voter needs one
- Gloves are required for poll workers performing voter identification and recommended for all poll workers. Gloves should be disinfected and changed regularly
- Soap, paper towels and hand sanitizer for hand disinfecting will be provided
- Polling station windows must be open to provide regular ventilation
- A distance of 6 feet must be maintained between voting screens, poll workers, observers and voters waiting in lines or walking through the polling station
- Hand sanitizer should be placed at the entrance of rooms, and a designated poll worker must apply it to voters and others entering and exiting the room
- Commonly trafficked surfaces should be disinfected regularly

### Poll worker safety

- Provide additional staff at poll sites in case of sickness
- Provide for regular cleaning and disinfecting of the poll site throughout Election Day
- Poll workers monitor voters to ensure compliance with social distancing directives

<sup>5</sup> Excerpts derived from <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

- Remind voters of the requirement to not disrupt the election process by making threats or creating risks related to COVID-19
- Providing personal protective equipment to poll workers (gloves, masks, etc.)
- Taking the temperature of a voter before they are allowed in to the poll site, and if that temperature is over 100, and/or if that person is displaying symptoms of COVID-19, providing that voter a ballot that can be returned by mail with a later postmark date than Election Day
- During vote counting, observers must maintain a distance of six feet from the vote counting location, and polling station committee members performing this function must be six feet apart and disinfect their hands at each stage of the process
- Ensure that enough poll workers are hired and / or available to accommodate illness or absenteeism on Election Day

### **Campaigning**

- Encourage candidates to conduct campaigns virtually or without mass gatherings
- Encourage candidates and political parties to find innovative ways of campaigning that would not expose voters to COVID-19

### **Voting**

- Anticipating voters standing in lines and providing for social distancing in those lines
- Ask voters to bring their own pens to mark their ballots
- Provide signage instructions on how to vote at the poll site and additional cautions being taken by the CD due to the pandemic prior to Election Day on the CDs web site or in the community
- Reducing or eliminating informational handouts at poll sites to avoid cross contamination
- Provide instructional posters to be affixed outside of poll sites to explain how to vote at the poll site and explaining any additional cautions being taken by the CD due to the pandemic
- Adjusting the hours that polls are open to allow for longer access during the day and at times when voters might be better able to get to the polls (early morning, early evening)
- Consider extending polling hours
- Consider adding more in-person polling sites to reduce crowd size

### **Requesting ballots**

- Providing a method of providing a ballot to a voter that minimizes the risk to the poll worker (such as using glass or plastic protective screens to separate the workers from the voters)
- Providing additional advertising and public information about the CDs election and the special precautions the CD is taking during the pandemic, and emphasizing how to request a mail-in or absentee ballot
- Encourage voters who are quarantined, a member of an at-risk group, or otherwise who do not want to vote in person to request absentee or mail-in ballots early

## **Election Publicity**

- Partner with the Commission on an advertising campaign that explains to the public that CD elections will be conducted during the COVID-19 pandemic, and the voters, public, candidates, poll workers, and political parties are encouraged to abide by special guidelines and protocols to protect health and safety. The protocol acknowledges that the 2020-2021 elections would be taking place in the context of a pandemic and, as such, require special, practical measures that have not customarily been part of past elections. Important and significant safety protocols related to the conduct of the elections include the use of personal protective equipment by poll workers and voters, the spacing of polling stations and the institution of social distancing outside and inside polling areas. This includes the use of face masks and social distancing practices
- Poll workers and observers must wear face masks while at polling stations, and voters are advised to wear them

# TAB 2

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Sarah Groth, Fiscal Manager

**SUBJECT:** 2021-2023 Budget Packages

Action Item

Informational Item

## 2021-2023 Budget Packages

### Summary:

At the July 16, 2020 commission meeting the commission approved the prioritized list below for decision packages SCC. SCC submitted the packages to OFM by the due date of Monday September 14, 2020. SCC will be working in the next few weeks to get districts and partners summaries of the packages and informational materials.

### Operating Budget Proposals (listed in proposed priority order, based on district budget survey results 4/2020)

#### Conservation Technical Assistance \$5,000,000

Enables all 45 conservation districts to build voluntary partnerships with more landowners and provide the expertise needed to design more farm-friendly projects that will deliver healthy water, air, and land for all. Technical assistance — a term referring to the relationship-building, site-specific planning, permitting, budget-building, and all other work that must take place before ground breaks on a project — is the most time-consuming and often most under-funded element of getting conservation on the ground. Several Washington landowners are on long wait lists for this assistance due to limited service capacity. Although the total need for this budget package is around \$29,000,000, we are requesting only a fraction of that for the next biennium, given the current economic climate.

#### Voluntary Stewardship Program \$8,462,000

Supports all 27 counties enrolled in the Voluntary Stewardship Program (VSP) to continue engaging landowners with farm-friendly actions that protect critical areas in places where agricultural activity is conducted, as required by our Growth Management Act. All VSP counties are several years into the program and are in the middle of implementing their state-approved work plans. This package also supports state agency participation in the evaluation, review, and monitoring of work plan success.

## Food Policy \$600,000

Maintains implementation of the Washington State Food Policy Forum, including recommendations from their *Early Implementation Action Report* (2020) that identified immediate actions necessary to support our state's food system in response to COVID-19. Funding also supports facilitation and the statutory role of the SCC and WSDA to co-convene the Forum, which consists of a broad cross-section of food system participants including hunger and food distribution advocates, food banks, farmer's markets, agriculture groups and commodity organizations.

## Capital Budget Proposals (listed in proposed priority order, based on district budget survey results 4/2020)

### Natural Resource Investments (NRI), \$11,905,000

Enables conservation districts to help local landowners pay for and construct conservation projects that address the most pressing state and local priorities, such as removing fish barriers, building manure storage facilities, and installing livestock exclusion fencing. At this time, 186 landowners are ready to invest in 356 practices on their properties to improve natural resources, and we expect that number to grow.

### Conservation Reserve Enhancement Program Riparian Planning (Cost Share & TA), \$7,725,000

Provides matching funds to continue management and implementation of CREP, the largest riparian restoration program in the state and a vital tool for salmon and orca recovery. CREP engages private landowners as partners in restoring salmon habitat by planting trees and vegetation along salmon-bearing streams (riparian buffers). Requested state match represents 20% of program funding, which brings in the remaining 80% from federal dollars.

### CREP Riparian Planting (Practice Incentive Payment PIP Loan Program), \$500,000

Gives the SCC spending authority to administer revolving loan funds to private landowners when they incur upfront costs for CREP projects. Without the PIP Loan, landowners could wait several months to be reimbursed for expensive project costs, which is a barrier for CREP participation, especially for low-income individuals.

### Regional Conservation Partnership Program (RCPP) \$7,962,000

Covers state match needed to bring millions of Farm Bill dollars to Washington for RCPP projects that unite multiple partners in solving natural resource issues. The SCC has been designated to pass-through required state capital match for nine RCPP projects. RCPP projects create hundreds of jobs and make measurable progress on urgent issues, including fish passage, flood control, orca recovery, water supply, forest health, and farmland preservation.

### Shellfish Funding \$4,326,000

Enables landowners to work with their local conservation district to install an estimated 150-200 practices that help keep our shellfish growing areas healthy and open. Funding will be administered through the SCC using a targeted approach to invest in high-priority watersheds and build cumulative results for water quality.

### Irrigation Efficiencies \$4,000,000

Supports projects currently under development that enhance water supply for people, farms, and fish. On-farm irrigation and water delivery systems will be replaced with more efficient, modern systems that conserve water. Saved water will be returned to streams to enhance flow — benefitting salmonid species and water quality — without risk of relinquishing irrigators' water rights.

**Staff Contact:**

Sarah Groth, Fiscal Manager

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Sarah Groth, Fiscal Manager

**SUBJECT:** Fiscal Year 2020 Close Update

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Action Item

Informational Item

## Fiscal Year 2020 Close Update

### Summary:

Back in April 2020, SCC, along with all state agencies and higher education received a request from OFM to reduce expenditures for the rest of the fiscal year 2020 (July 1, 2019-June 30, 2020).

While we identified many ways to reduce expenditures the one item that effected districts most was not moving forward with additional year end funding requests. By not moving forward with fiscal year end funding requests and moving forward with our plans to reduce expenditure that include:

- Shifting staff salaries to other fund sources to the greatest extent possible.
- Not hiring an IT staff person.
- Eliminating personal service contracts, and equipment purchases
- Reducing travel.

In compliance with OFM's reduction request memo dated 4/14/2020, we were able to save and return approximately \$331,600, just over 4.5% in our operating general fund state funds to OFM.

SCC and districts utilized all

- \$500,000 in Salmon/Orca/CTA funding
- \$20,000 in Gap Analysis Funding
- \$50,000 in Food Policy Funding

The remainder of our funds are biennial appropriations and we are on track to spend those down before the end of the biennium.

Staff Contact:

Sarah Groth, Fiscal Manager

**4710 - State Conservation Commission**  
**Appropriations Versus Actuals - Operating and Capital**

Report Number: CAF040

Date Run: Sep 8, 2020 8:22AM

Biennium: 2021

As of Fiscal Month: Adj FY1

Transactions Through: Sep 4, 2020 8:00PM

EA	EA Title	EA Type	Total Biennium		Biennium to Date				
			Legislative Appropriation	Reserves	Expenditures			Variance	
					FY1	FY2	Total		
<b>Account 001 - General Fund</b>									
011	Salaries and Expenses - FY 1	1	7,275,000.00	0.00	6,943,359.31	0.00	6,943,359.31	331,640.69	
012	Salaries and Expenses - FY 2	1	7,384,000.00	1,107,678.00	0.00	0.00	0.00	6,276,322.00	
020	Salaries and Expenses	2	2,482,000.00	0.00	348,740.50	0.00	348,740.50	2,133,259.50	
031	Landowners/Salmon/Orcas	1	500,000.00	0.00	500,000.00	0.00	500,000.00	0.00	
032	Landowners/Salmon/Orcas	1	500,000.00	0.00	0.00	0.00	0.00	500,000.00	
051	Food Policy Forum	1	50,000.00	0.00	50,000.00	0.00	50,000.00	0.00	
052	Food Policy Forum	1	50,000.00	0.00	0.00	0.00	0.00	50,000.00	
091	Review of Grant Programs	1	20,000.00	0.00	20,000.00	0.00	20,000.00	0.00	
112	WA Food Policy Forum	1	59,000.00	0.00	0.00	0.00	0.00	59,000.00	
132	Soil Health Initiative	1	55,000.00	0.00	0.00	0.00	0.00	55,000.00	
152	Sustainable Farms and Fields	1	99,000.00	0.00	0.00	0.00	0.00	99,000.00	
172	Greenhouse Gas Emissions	1	61,000.00	0.00	0.00	0.00	0.00	61,000.00	
P25	Match for Federal RCPP Program	2	1,600,000.00	0.00	45,715.24	0.00	45,715.24	1,554,284.76	
<b>Account 001 - General Fund</b>			<b>Total</b>	<b>20,135,000.00</b>	<b>1,107,678.00</b>	<b>7,907,815.05</b>	<b>0.00</b>	<b>7,907,815.05</b>	<b>11,119,506.95</b>
<b>Account 057 - State Building Construction Account</b>									
A00	2019-21 Improve Shellfish Growing Areas	1	3,000,000.00	0.00	394,606.74	0.00	394,606.74	2,605,393.26	
A01	2019-21 Natural Resource Investments	1	4,000,000.00	0.00	379,716.30	0.00	379,716.30	3,620,283.70	
A02	2019-21 Match for Federal RCPP	1	6,249,000.00	0.00	2,425,524.03	0.00	2,425,524.03	3,823,475.97	
A03	2019-21 Water Irrigation Efficiencies Program	1	4,000,000.00	0.00	0.00	0.00	0.00	4,000,000.00	
A05	2019-21 CREP Riparian Contract Funding	1	1,900,000.00	0.00	648,755.14	0.00	648,755.14	1,251,244.86	
A06	2019-21 CREP Riparian Cost Share - State Match	1	1,800,000.00	0.00	775,156.99	0.00	775,156.99	1,024,843.01	
A07	North Cove Erosion Control	1	1,000,000.00	0.00	410,669.90	0.00	410,669.90	589,330.10	
T64	Conservation Commission Ranch & Farmland	1	4,974,000.00	0.00	142,860.07	0.00	142,860.07	4,831,139.93	
U05	CREP Riparian Cost Share - State Match 2	1	1,553,418.00	0.00	0.00	0.00	0.00	1,553,418.00	
U28	Match for Federal RCPP Program 2017-19	1	3,033,382.00	0.00	242.65	0.00	242.65	3,033,139.35	
U55	CREP Riparian Contract Funding 2017-19	1	509,190.00	0.00	509,190.00	0.00	509,190.00	0.00	
U78	Natural Resource Investment for the Econ	1	800,000.00	0.00	800,000.00	0.00	800,000.00	0.00	
U89	Improve Shellfish Growing Areas 2017-19	1	800,000.00	0.00	800,000.00	0.00	800,000.00	0.00	
<b>Account 057 - State Building Construction Account</b>			<b>Total</b>	<b>33,618,990.00</b>	<b>0.00</b>	<b>7,286,721.82</b>	<b>0.00</b>	<b>7,286,721.82</b>	<b>26,332,268.18</b>
<b>Account 058 - Public Works Assistance Account</b>									
090	Voluntary Stewardship Program	1	8,456,000.00	0.00	3,013,675.21	0.00	3,013,675.21	5,442,324.79	

Report purpose: The variance for each Expenditure Authority (EA) should be zero or a positive amount. The reserved amounts are not available for agencies to spend. Only includes EA types 1, 2, 4, 7 and 8 (legislative appropriations); legislative appropriation from current biennium EA schedule; reserve amounts in GL 6310; and expenditures in GLs 6505, 6510 and 6560. Refer to RCW 43.88.070. The legislative appropriation column data is from the TALS system and is real time data.

**4710 - State Conservation Commission**  
**Appropriations Versus Actuals - Operating and Capital**

Report Number: CAF040

Date Run: Sep 8, 2020 8:22AM

Biennium: 2021

As of Fiscal Month: Adj FY1

Transactions Through: Sep 4, 2020 8:00PM

EA	EA Title	EA Type	Total Biennium		Biennium to Date				
			Legislative Appropriation	Reserves	Expenditures			Variance	
					FY1	FY2	Total		
<b><u>Account 23P - Model Toxics Control Operating Account</u></b>									
110	Salaries and Expenses	1	1,000,000.00	0.00	105,000.00	0.00	105,000.00	895,000.00	
<b><u>Account 489 - Pension Funding Stabilization Acct</u></b>									
050	Salaries and Expenses	1	254,000.00	0.00	127,000.00	0.00	127,000.00	127,000.00	
<b><u>Account 552 - Conservation Assistance Revolving Account</u></b>									
A04	2019-21 CREP PIP Loan Program	1	100,000.00	0.00	16,666.60	0.00	16,666.60	83,333.40	
A08	CREP PIP Loan Program 2017-19	1	350,000.00	0.00	0.00	0.00	0.00	350,000.00	
<b>Account 552 - Conservation Assistance Revolving Account</b>			<b>Total</b>	<b>450,000.00</b>	<b>0.00</b>	<b>16,666.60</b>	<b>0.00</b>	<b>16,666.60</b>	<b>433,333.40</b>
<b>Agency 4710 - State Conservation Commission</b>			<b>Total</b>	<b>63,913,990.00</b>	<b>1,107,678.00</b>	<b>18,456,878.68</b>	<b>0.00</b>	<b>18,456,878.68</b>	<b>44,349,433.32</b>

Report purpose: The variance for each Expenditure Authority (EA) should be zero or a positive amount. The reserved amounts are not available for agencies to spend. Only includes EA types 1, 2, 4, 7 and 8 (legislative appropriations); legislative appropriation from current biennium EA schedule; reserve amounts in GL 6310; and expenditures in GLs 6505, 6510 and 6560. Refer to RCW 43.88.070. The legislative appropriation column data is from the TALS system and is real time data.

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Shana Joy, District Operations & Regional Manager Coordinator

**SUBJECT:** District Operations and Regional Manager Report

Action Item

Informational Item

Report Summary:

Regional Managers offer this report of recent activities and support provided to conservation districts.

*Ongoing Service Areas to Conservation Districts*

- Partnering and Relationships Assistance
- Conservation Accountability & Performance Program (CAPP) Assistance
- New Supervisor and Staff Orientations and Professional Development
- Task Order Development
- Tracking Grant Spending and Voucher Issues Resolution
- Open Government Training
- Cultural Resources
- Project Development & CPDS
- Natural Resource Investments & Shellfish Programs
- Implementation Monitoring
- Long Range and Annual Planning Assistance
- Cross-pollination of Information, Templates, and Examples
- CD Audits
- Commission Meeting Presentation Planning
- District Digest Publication

*Conservation District Service, Recent Topics*

- **Wildfire Recovery**
- **COVID 19 Operations**
- Elections and Mid-term Appointments
- Human Resources (law/rule updates, hiring, performance evaluations, compensation, healthcare, issues)
- Finance Tracking & Management

- NACD TA Grant Hiring
- Columbia Basin/Odessa Groundwater
- Hazard Mitigation Grants Implementation
- National Estuary Program Grants
- New SCC Website & CD Pages' Content
- **RCPP Development**
- Fiscal Year End Wrap-up & New FY Paperwork
- **ACEP/Conservation Easements**
- Orca/Salmon Funding
- Task Orders
- Annual Reports & CPDS Updating
- Interlocal Agreements
- New Supervisor Orientations
- SCC & District Policy Development
- **Prevailing Wage**
- **Supervisor Reference Handbook Update**
- **Supervisor Development Modules**
- **FY21-23 Budget Request Development**
- WDFW Strategic Plan
- Heritage Gardens Program
- Public Records Act & Records Retention

### *Issues Resolution in Progress*

- Cash-flow & finance challenges
- Personnel management: issues, turn-over, capacity gaps, transitions
- Inter-district relationships and partnering

### *COVID 19 Response*

The Regional Manager team continues to provide timely resources, information, FAQ's, and sometimes just moral support to conservation districts as we all navigate the COVID 19 pandemic. This includes looking up, tracking, and reviewing numerous proclamations and published guidance and resources, finding solutions to specific questions and issues as they arise, researching websites, blogs and articles as stimulus packages and programs are unveiled, helping districts to remain in compliance with the OPMA and conduct of remote board meetings, and generally facilitating the sharing of ideas, solutions, and resources among the districts including planning for and co-moderating Conservation Community Calls as needed.

### *New Supervisor Development Modules Complete*

Five new recorded supervisor development modules are now complete covering: board governance and public official conduct, financial management oversight, personnel oversight, policy making, and risk management basics. The recorded modules are being released over the fall and will be available on our website here:

<https://www.scc.wa.gov/cd/governance-operations-training-development>

### *Regional Conservation Partnership Program (RCPP)*

Regional Managers continue to assist conservation districts developing new applications under the Regional Conservation Partnership Program, connecting CDs interested in RCPP with the NRCS RCPP Coordinator and local NRCS staff, and working to assist districts with currently active RCPPs. A webinar for serious applicants

working on their proposals is planned in partnership with NRCS staff on September 24<sup>th</sup>. This group is also working together on the FY21-23 biennial budget request for state matching funds.

### *Hazard Mitigation Grants*

Mike Baden is leading this work. An agreement is now in place with the Department of Emergency Management for the Comprehensive Training grant and Mike is working with other SCC staff and conservation districts to kick-off implementation of the planned work. Due to the current COVID 19 situation, modifications to the planned timeline for the trainings are being explored as well as the potential for some or all of the trainings to be held via remote means.

### *Chehalis Basin*

Josh Giuntoli represents the Commission as an ex-officio member of the Chehalis Basin Board. Since the last report, activity occurred related to the proposal of the Chehalis River Basin Flood Control Zone District to build a flood retention dam and temporary reservoir on the Chehalis River intended to reduce damage from major floods in Chehalis and Centralia. In July, Governor Inslee sent a letter to the Chehalis Basin Board with recommendations on the process for addressing concerns raised by the flood retention dam focusing particularly on the development of a basin-wide, non-dam alternative to flood damage reduction and evaluating the potential to avoid, minimize, and mitigate the impacts of the flood retention and other flood risk reduction projects. This work began in earnest at the September meeting expected to conclude in May 2021. He also directed Ecology to pause the EIS underway on the flood retention facility. It is expected that the U.S. Army Corps of Engineers will release the environmental review of the Flood District's proposal under the National Environmental Policy Act (NEPA) this month. CDs are in various stages of work associated with the Early Action Reaches within the Aquatic Species Restoration Program (ASRP) and continue to provide valuable on-the-ground work in the Basin. Josh continues to convene a monthly meeting of Chehalis Basin CDs and partners (lead entity, Office of Chehalis Basin, WDFW, and others) to provide direct updates with each other as work and activity continues in the Basin.

### *Natural Resource Investments (NRI) Program*

The NRI Committee includes representatives from conservation districts across the state, SCC Commissioner Crose, financial staff, and regional managers. A survey of the committee members was conducted to gather initial feedback to inform discussions at the kick-off meeting of this committee, held virtually, on September 15th. Additional webinars or conference calls will be scheduled to complete the work of this committee – to bring forward to Commissioners recommended updates to the NRI program guidelines and any associated policies as needed for consideration and potential action in time for the new biennium to start in July, 2021.

### *Partnerships & Partnering Assistance*

Most recently, the RM team has assisted with partnering or participated in partner and relationship building efforts with: WACD, WDFW, DNR, NRCS, Ecology, Washington Association of Land Trusts, State Auditor's Office, RCO, Department of Veterans Affairs, WA Fire Adapted Communities Learning Network, Washington Conservation Society, and Arid Lands Initiative.

### *Conservation Accountability and Performance Program (CAPP)*

Regional Managers reviewed the CAPP Standard 1, required Accountability elements, for any necessary updates such as including the required Elections Training for conservation districts. Updates and/or edits for clarification may also be suggested and additional content is likely to be added to the best practices found under the Performance Standards portion of CAPP. It is anticipated that updated CAPP program guidelines will be brought to the Commissioners at the December 2020 meeting for review and requested action to adopt the updated program for utilization in 2021. Regional Managers anticipate seeking feedback from the conservation districts on the draft of updates in the meantime.



## WSSC Center for Technical Development (CTD) September 2020 Commission Meeting

### CTD Work Accomplishments (July 2020 forward)

*For previous accomplishments and task completion, please review previous commission packet updates.*

**Explore more @ [www.wactd.org](http://www.wactd.org)**

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### Certification

*CTD Planner Certifications:* The CTD Planner Certification Program, which was updated and re-launched in September 2019, accepted its first round of applications May 1, 2020 and **successfully certified seven individuals**. The 2020 applicants were recognized in August via CTD outreach materials. The next round of applications are due December 31, 2020. To make the process more streamlined for both applicants and the CTD, we are exploring the option of moving the entire application process to SmartSheet. Additionally, we will be engaging with current and future certificated planners through bi-annual discipline specific roundtable forums, pre-application “interviews” to get folks started right, and annual “how to apply” webinars to help people through the process.

*Planner Resources:* In light of the recent changes imposed by the COVID-19 pandemic on work environments and increase of virtual platform use, the CTD launched an immediate response for District staff by **posting a large number of virtual support tools and training opportunities on our webpage** and via GovDelivery. We continue to update that almost daily by providing links to new opportunities and content for more effective remote working.

*NRCS Planner Designations:* The CTD continues to work with NRCS to help District staff through the NRCS Planner Designation process. There still remains confusion around the value and process of NRCS Designation and the CTD continues to post clarifying information on our website, answer email inquiries, hold webinars, and work with NRCS on clarifying issues as they arise. Recently, NRCS and CTD have been working on challenges in AgLearn for District staff and how to negotiate the process. **A webinar is planned for this month to help District staff understand the NRCS process and timeline.** A flowchart graphic has also been developed to assist individuals negotiate the process more smoothly.

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### Training

*NRCS Collaboration:* The CTD continues to work with NRCS on coordination of training events to ensure better organization and placement of CD staff in NRCS trainings. **The CTD proposed a 5-year cooperative agreement with NRCS and WSSC to share the cost of a fulltime Training Coordinator position.** While NRCS approved the agreement, as of August the agreement has not yet been fully executed and funded due to budget issues within NRCS. The execution of this position would

exponentially expand the CTD's reach and impact to help District staff through training, certification, and support processes.

*National Conservation Planning Partnership (NCPP):* In March, the **CTD reengaged with the National Conservation Planning Partnership (NCPP) and now attends regular (bi-monthly) web-meetings** with the group to discuss national training and certification opportunity for Districts. This has been a great forum for the CTD to both give and receive feedback and ideas for advancing these opportunities nationally and in Washington State.

*Training Needs Inventory (TNI):* The CTD has **recently released its annual TNI in close coordination with NRCS**, to help inform NRCS of District training needs in the coming year. Responses were collected and results communicated back to NRCS in August. The TNI is tailored to identify those NRCS training events CD staff need and engage CD staff in the CTD and NRCS certification processes. This information also helps inform and guide CTD-sponsored trainings and Task Order requests.

*Training Events:* Due to the COVID-19 situation, scheduled training is constantly being updated and dates changed. The **CTD is keeping in regular contact with NRCS and posting new information on the CTD website as we learn about updates.** Additionally, with the long-term uncertainty associated with holding in-person training, the CTD is advocating with NRCS to consider/create more web-based training events at this time. This would also help decrease costs associated with travel. Either way, the CTD is exploring safety protocols for any in-person training events in the future and will keep staff safety a high priority.

Following the success of the first webinar in April 2020, the CTD has organized a second, two-part live web-based training on the NRCS COMET-Farm Carbon Planning tools for October. This highlights the success of a web-based training platform and provides staff with much needed technical information on an emerging issue.

The CTD has **successfully moved forward with a bi-monthly webinar training series** focused on planning and timely topics. The webinars have been well-received and well-attended and are advertised on the CTD website, newsletter, and through special email announcements. This fall, the webinars will move to a monthly schedule, as we accommodate some additional outside virtual training opportunities through NRCS and others. These additional trainings are also advertised and co-hosted by the CTD. We continue to send out guidance on working remote, conducting virtual site visits, and links to virtual training opportunities to help staff stay focused and relevant in this new working environment.

*New Employee Resources:* The new employee resource page on the CTD website is continuously being updated with new webinars and information, including a new employee check list for both individuals and Districts to use. The goal is to have **all new employee resources in one place** so they can get going with training, training plans, certification, and orientation. The new page includes a portal to the CTD database.

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## Communication and Outreach

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*Website:* The CTD website ([www.wactd.org](http://www.wactd.org)) continues to serve as a source of information to CD staff and is updated regularly. The CTD has worked to keep the website updated; improving aesthetics, clarity, and navigation of the site while continually updating content and ensuring relevance of the site.

New changes are also announced in the CTD newsletter. In March, the **CTD website was greatly expanded and is still updated daily** to accommodate the influx of remote users for training, certification, and planning resources.

*Outreach:* The CTD continues to work on a more cohesive marketing plan to increase recognition and relevance for CD staff. A draft outreach plan will be completed and reviewed by the CTD in FY21. A key part of the outreach plan will be increased communication with partners and non-District agencies. We would like to **increase awareness of the CTD as a central provision of training and expertise** and increase the collaboration with partners on events and resources.

*Newsletter:* The CTD monthly GovDelivery newsletter continues to gain new subscribers (currently we have **more than 440 subscribers**) and is also located on the CTD website for those not on GovDelivery. In addition to the monthly newsletter, the CTD is using the GovDelivery platform as a way to get immediate, time-sensitive news and information out to staff.

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### Technical Expertise and Science Program

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*Expertise:* Experts are continuously being identified as needed for engagement in programs, policy and training around the state (examples include: Ecology Voluntary Clean Water Guidance for Agriculture Advisory Group, DOE Drinking Water Standard review, Dairy Nutrient Advisory Committee, WDFW riparian habitat guidance, and more). The CTD database continues to prove effective in identifying and nominating expertise as appropriate.

*Science:* While the work is not currently a funded budget item, the CTD is still supporting work around the State on special Discovery Farms program projects to advance the application of consistent science and monitoring efforts. There has been statewide buy-in to the DF program from partners and **CDs continue to be involved in the national DF program through regular communications and annual meetings**. Through this process, statewide QAPP and SOP's have been developed with guidelines specific to projects, but which can be used in the future as templates for any CD.

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### Quality Assurance

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While this is not currently a funded area of work, the CTD still holds value of development of a statewide Quality Assurance program for individuals and Districts.

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### CTD Coordination

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*Database:* The database (run under Caspio) continues to provide assistance in locating staff expertise for engagement in workgroups, show metrics on expertise and certifications, and grow to a central database for all organizations to utilize. **A self-service portal for employees is available on the CTD website** which allows CD staff to update their personnel profiles, track completed trainings, and more. The CTD regularly sends reminders to folks to update their information and expertise in the Database.

*Budget:* **Whatcom CD is administering the budget and reporting monthly to the CTD.** Billing guidelines and procedures ensure that work expectations match billing vouchers and that budgets are quickly updated on a monthly basis. The CTD is using SmartSheet to assist with budget and task tracking.

The CTD has an FY21 Annual Plan of Work and budget based on the full awarded amount of \$100,000, though they have only been allocated \$50,000 for the first 6 months. If the anticipated additional 6-month budget amount is not awarded due to State budget cuts, the CTD has prepared a restricted FY21 budget and work plan to accommodate the cut. While many of the work tasks will have to be put on hold, **certification and training will remain priorities** and District staff will continue to see those programs funded and there to support them.

*Leadership:* The CTD Leadership Team and partners (NRCS, WADE, WSCC) continue to meet monthly to ensure tasks are on track. The CTD **plans to hold their annual visioning “face-to-face” meeting in early December 2020 in a virtual format.** The WADE Board will once again participate for a day of collaborative brainstorming and coordination. The CTD continues to review and update the CTD Charter as needed. As a product of the 2019 annual meeting, the charter was updated to include the restructuring of the previous Advisory Council model to include all District managers and increased solicitation of CTD tasks and direction at spring planning meetings. The revisions were reviewed by the Commission before posting to the website. At the most recent All-Managers Meeting, District managers from around the State participated and expressed appreciation and reiterated the importance of the virtual information and training provided by the CTD.

The CTD **will turn attention this fall to recruiting new members to both its leadership and working teams.** Robin Buckingham of Pierce CD, who served as a leadership member and coordinated on the CTD database, has recently accepted a new position with NRCS Olympia. The database will continue to be managed by the CTD leadership as they recruit for new members. The CTD has requested the assistance of the Commission staff in helping get the word out the district managers who may recognize potential new members in their own staff.

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#### CTD Contact Information

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**For more information on the CTD activities, please contact:**

CTD contact: Nichole Embertson, Chair

[info@wactd.org](mailto:info@wactd.org)

**For more information, please visit:** [www.wactd.org](http://www.wactd.org)

September 17, 2020

**TO:** Conservation Commission Members  
Carol Smith, SCC Executive Director

**FROM:** Ron Shultz, WSCC Policy Director

**SUBJECT:** Legislative Preview and Update

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Action Item	<input type="checkbox"/>
Informational Item	<input checked="" type="checkbox"/>

**Summary:**

The 2021 Legislative Session is scheduled to begin in January 2021, but activity is already underway to develop potential legislation. We are also aware of several issues currently being discussed that may possibly come up during session.

**Requested Action (if action item):** None. Information only.

**Staff Contact:** Ron Shultz, WSCC Policy Director (360) 790-5994 rshultz@scc.wa.gov

**Background and Discussion:**

Although the 2021 Legislative Session is three months away, there's a lot of action on possible legislation. We're hearing of several bills that either are in development or may come up during session. There's also the question of whether the legislature will be called into a special session prior to January. Recent revenue numbers suggest a special session may not be likely. It also depends on what happens in the November elections.

**Special Session:** As we've discussed before, there's been much speculation as to whether the Governor will call for a special session to address the state's budget situation. As you'll recall, recent revenue projects indicate a shortfall in the 2021 fiscal year (our current fiscal year) of \$4.8 billion, and a shortfall for the 2021-23 biennium of \$4.5 billion.

To address current fiscal year shortfall the Governor cut more than \$200 million from the supplemental budget using his veto authority. Other actions were also taken including a freeze on hiring and personal service contracts. Executive agencies were directed to take furloughs and a

hold was placed on the 3% state employee salary increases taking effect July 1. And as we know, the Office of Financial Management (OFM) asked all agencies to submit proposed 15% reductions for the current fiscal year.

OFM is also anticipating federal action to support state and local governments. Whether this comes in the form of new money for states, or whether more flexibility will be provided in the use of funds already available (which for Washington currently totals about \$1.6 billion) will likely hinge upon the outcome of the November national elections.

Revenues: On September 3, the state Revenue and Forecast Council released some good news when they shared that actual revenues since the February forecast are up by \$643 million. This additional revenue will also help the projected shortfall for the current fiscal year. How much? We don't know yet. The next revenue forecast will be on September 23.

Possible Legislation: We are learning of several bills of interest already in development:

Let's start with request legislation from the Conservation Commission:

**Public Records Act changes relating to release of ballot information.** Currently, when a voter contacts a conservation district requesting a ballot, the district records information from the requester, including phone number and email address. Districts have received requests for this information as public record. This information has sometimes been used for campaign purposes. Under the state Public Records Act (PRA), a CD must make records available for public inspection unless the record falls within a specific statutory exemption. This information is currently not statutorily exempted under the PRA. Commission staff are proposing agency request legislation to amend the PRA to exempt this information from release.

Other legislation we are aware of:

**Open Public Meeting Act (OPMA) changes.** Would add language to the current statute to allow for public participation virtually or in person. Likely not executive or agency request. Possibly introduced by cities or counties associations. This would be an important topic impacting both the Commission and conservation districts.

**Agriculture Impact Statement (AIS).** A bill has been run the previous few years by Representative Gregerson and she's expressed interest in running it again next session. This is a concept that came out of our Farmland Preservation Task Force in 2008. The idea is to have a form, the ag impact statement, that is used by any state agency when the agency acquires an interest in land. The interest could be fee simple, or an easement, or other portion of property. The form would ask a few questions, such as whether the property is zoned for agriculture, whether it's currently farmed, does the agency anticipate continuing to farm. The information is

then sent to our Office of Farmland Preservation so we can get a handle on the scope of farmland converted to other uses. The bill passed the House last session but stalled in the Senate due to the objections of some tribes who were concerned because, in their view, most state funding for land acquisition is for salmon restoration projects and the information could be used politically to argue against salmon restoration projects. Our view was the information won't stop any projects and will help inform a discussion about two state priorities – farmland preservation and salmon recovery.

**Water Bank in Okanogan County.** Stakeholders in Okanogan County have been talking about the development of a water bank as a means to reduce the sale and transfer of water rights out of the basin. The idea is the state could purchase the water right and hold it in the water bank. This would allow the landowner to get value for the water and, in some cases, continue to be able to use the water. The water would also be available to future landowners in the area, where they would not be if the rights were sold and moved out of basin. One version of the bill has the Conservation Commission serving and the bank and purchasing and holding the rights in trust in the bank.

**Cultural resources review of all state funded projects.** This legislation was introduced last year but didn't pass. Proponents will seek to reintroduce the bill this session. The bill would place in statute the existing Governor's executive order relating to cultural resources review of state funded projects. The Conservation Commission already follows these requirements so the impact of the bill may not be significant for us.

**Application of Net Ecological Gain to transportation projects.** There is discussion among some salmon recovery advocates to develop legislation that would apply to state funded transportation projects. There would be a requirement these projects are to apply concepts of net ecological gain to the project development. This would mean there isn't just avoidance or minimization of any environmental impact from a project, but there would be designs and project implementation to achieve a net ecological gain in environmental resources. The bill may only address transportation or even large state funded capital projects, but there has been interest expressed by advocates to apply net ecological gain requirements to other state funded projects.

**Exempting from certain state taxes amounts provided by a government entity for habitat restoration activities.** Recently the state Department of Revenue (DOR) has interpreted the state revenue laws to require taxation of funds received by salmon recovery entities for the purpose of salmon restoration projects. These entities would be required to pay Business and Occupation tax and retail sales on purchases. DOR determined the grants received by these entities are income and should therefore be reported and taxed as such. After several discussions among stakeholders and DOR it looks like there is proposed legislation to fix this.

**Accountability and transparency in special purpose elections.** In a recent news report, Representative Pollet indicated he will re-introduce legislation requiring individuals elected to

serve in special purpose districts, including conservation districts, to file public disclosure documents disclosing financial and business interest information.

**Carbon tax proposals.** There will likely be another attempt to pass some form of a carbon tax to fund transportation projects. Similar legislation has been attempted in previous years.

Other major policy discussions:

**Salmon Recovery and Riparian Restoration.** There are several conversations already underway to address needed improvements in our state's response to salmon recovery. By the end of 2020, the Governor's Salmon Recovery Office will have completed a review of the state's salmon recovery plan *Extinction is Not an Option* and will likely have recommendations for legislation. Its possible legislation may come from some of these discussions.

Recommended Action and Options (if action item): No action necessary.

Next Steps (if informational item):

Commission staff will continue to monitor developments of potential legislation and legislative topics prior to session. The Commission's legislative team has already held one meeting and will continue to meet through the end of the year to enhance coordination with our partners at WACD. We will keep the Commission informed of developments through the Friday Update until session begins.

September 17 2020

TO: Conservation Commission Members  
Carol Smith, SCC Executive Director

FROM: Ron Shultz, WSCC Policy Director

SUBJECT: Status of Food Policy Forum

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Action Item	<input type="checkbox"/>
Informational Item	<input checked="" type="checkbox"/>

Summary:

The Food Policy Forum has completed their Early Action Implementation Report and has now moved to the implementation phase.

Requested Action (if action item):

No action requested. Information only.

Staff Contact:

Ron Shultz, WSCC Policy Director      (360) 790-5994      [rshultz@scc.wa.gov](mailto:rshultz@scc.wa.gov)

Background and Discussion:

The Food Policy Forum was established in 2016 by budget proviso establishing as co-leads the SCC, WSDA, and OFP. Recent legislation during the 2020 session put the Forum in the SCC statute. In March of this year, the Governor's office asked the Forum to examine the impact of the Covid-19 pandemic on our state's food system. This report, the *Early Action Implementation Report*, was completed in July. The Commission was briefed on the report and its implications for conservation districts and the Commission at the May Commission meeting.

Now the report is completed, staff are moving to the implementation phase. Forum members have been divided into four groups, each assigned one of the opportunity challenge areas:

Challenge #1: COVID-19 threatens both the near and long-term economic viability of individual agriculture and food enterprises; these businesses need appropriate relief and relevant services to continue to remain economically viable and operational as they pivot to serve new market and operating demands during the pandemic and beyond.

Challenge #2: COVID-19 public health responses resulted in transformational shifts in the food system requiring systems-level supports and investment to maintain the functional capacity and flexibility of our food system to meet immediate needs and build resiliency for an uncertain future.

Challenge #3: COVID-19 has increased the need for nutrition services and assistance due to massive unemployment and economic insecurity for Washingtonians.

Challenge #4: COVID-19 underscores the need to foster resilience in the face of a changing climate to ensure long-term food security.

The attached document describes the process these groups will be using to review the list of recommendations in each challenge area and identify specific actions to implement the recommendation. Results are expected at the end of October.

This will allow us to have a list of Forum recommended actions in time for legislative consideration should any of the recommendations require legislative action.

Recommended Action and Options (if action item):

Information only. No action requested.

Next Steps (if informational item):

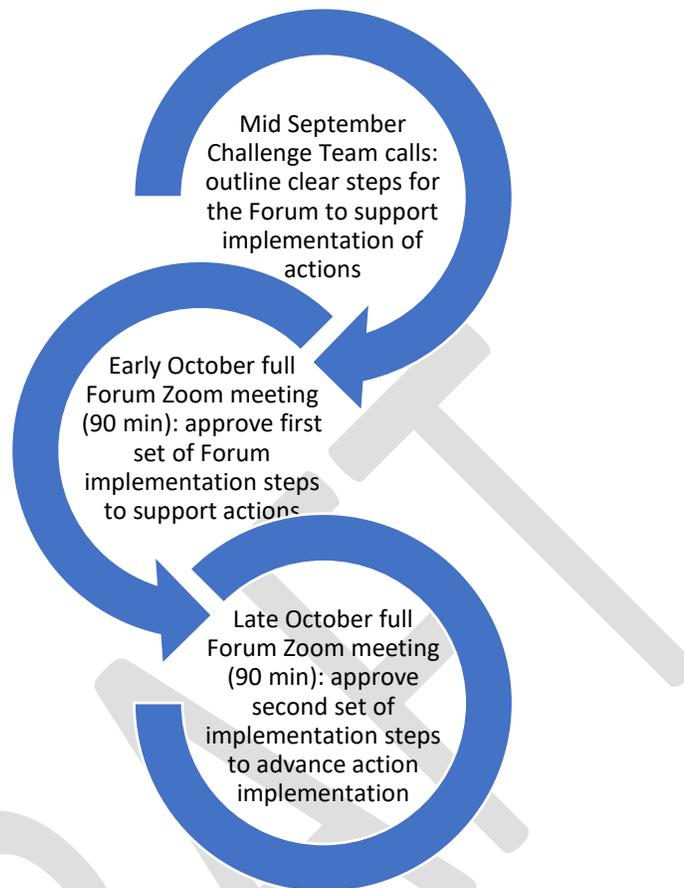
Staff from the Commission, OFP, and WSDA will continue to work with our facilitation team to complete the implementation action identification process. Once identified, the team will work with Forum members to implement the recommendations.

# Forum Next Steps for Action Implementation: Sept – Oct.

## Part 1: Overview of the process to support implementation actions

Three components:

1. **September Challenge Team Calls:** Members will identify concrete steps the Forum should take to advance implementation of the individual actions in the recent consensus early action report. Forum members need to clearly articulate the how, who, and when regarding implementation steps.
  - Members should prepare for these calls by reviewing the actions in their “Challenge” area and identifying those actions that are ready for the Forum to take some next steps on. This means some prioritization will happen based on the “actionable-ness” of a particular action. Even actions that by their nature require longer-term implementation, may have clear first steps that are ready to act on now. These would rise to the top for discussion in calls over those for which there is not a clear way the Forum can move the action towards implementation.
    - There may be ideas that are interesting but need more work before we can identify a clear step for the Forum to take. In these cases, forum members are encouraged to work with one another outside of the regular forum meetings to further flesh out the idea.
  - Team members will bring these “ready to go” steps to advance the report actions to the full forum meetings in early October and late October.
2. **Full Forum Meetings:** There will be two 90 min. full Forum meetings in early October and late October to discuss and approve the ideas in two batches. These two 90 min. Forum meetings will focus on the concrete steps the teams identify the Forum can take to support action implementation. Forum meetings will not be time for discussion of new ideas and opportunities.
3. **Regular email updates** for information sharing – Regular email updates will be a mechanism for sharing information including general FYI’s, call to actions related to the challenge areas but not directly relevant to a particular action item, context research, resources, and studies, etc. This is described below in Part 3: Communications Plan.



## Part 2: General Communication Plan

There is a growing need for Forum members to share notices/resources/general updates with one another. However, we want to keep full Forum meeting and Challenge Team time focused on how we can support our consensus actions. The information below describes how the Forum can share communication outside of Forum meetings.

### **Purpose:**

- A. Update Forum members on the progress of report action items.
- B. Share knowledge with fellow Forum members and the broader list of Forum participants.
- C. Increase awareness of the “world of food policy” with information about resources for food policy groups, reports, how other food policy groups are working and best practices on food policy.

### **Suggested Filters for Sharing Items:**

- A. Does it directly relate to a Forum recommendations/actions included in either of our reports (either educational background or request for action)? (if yes, share (include reference to action item)

- B. Does it highlight a local, state, or national food system need or solution that the Forum has not yet considered/recommended and it seems critical to bring Forum attention to (if yes, share)
- C. Does it increase understanding of how similar food policy forums operate and what is the science/best practices on food policy. (if yes, share)

### Process for Sharing Communications:

1. Forum member share materials with co-leads and Ross. Forum members link the topic of the requested communication to specific recommendation(s) if applicable. [See “suggested filters” for outline of what types of communication should be shared]
2. Ross compiles a simple monthly email update to be shared on the first Friday of each month.
3. If there is an item that needs immediate action, Forum members can share information ad hoc. Best practice is to include a brief introductory statement about how it is relevant to the forum, including the relevant action item, and the sender’s intent in sharing (e.g., share relevant data, highlight an example of a food policy recommendation in action, request support or engagement).

## Part 3: Instructions for the September Challenge Team calls

### Prework for Forum members before the calls:

- Note: Forum members must come prepared to the Challenge Team calls in order for us to effectively and efficiently identify implementation actions.
- Before the Challenge Team call, Members should prepare clearly identified ways the Forum can support or encourage implementation of 1-5 actions. Dig into the actions for your Challenge Team where you have expertise.
  - *Clearly outline the concrete opportunity (How, Who, When) to express our support for the consensus actions.*
  - Members are encouraged to take a fresh look at the actions to determine if the relevance of the action has changed, whether there is a clear Forum member to lead development of the opportunity (e.g., write a letter, etc.).
- Examples:
  - Forum and/or individual entities sign a letter of support for a grant application
  - Forum and/or individual entities add name to sign on letter
  - Forum membership used as pool for task/strategy/work group

### Instructions for during the calls:

1. Challenge Team members do a quick round robin to share their 1-5 clearly defined next step opportunities (How, Who, When).
2. For actions that seem to have a concrete implementation step with a leader, identify the timeline per the lead (e.g., when will the sign-on letter be ready for circulation and when is it most useful for the FPF to act?). *The facilitation lead will complete a table similar to the one below live with the Challenge Team during the call.*

- a. Identify if these actions are ready for full Forum approval in early October or late October<sup>1</sup>
  - i. Note: At this point, the Forum is best suited to pursue steps that can be acted upon quickly so that we can move to discussion and approval of the ideas. For example, a sign-on letter is already drafted. We can create a parking lot for ideas that don't seem ready now.
- b. Determine what other coordination may need to happen before sharing this idea for full Forum approval.
  - i. If there are ideas that seem interesting but need more work, Forum members are encouraged to schedule time with another member to flesh an idea out.

	Action from June consensus report	Type of specific implementation support (the "how")	Lead from Forum/other (the "who")	Timeframe for implementation support (the "when")	Notes from team discussion on feasibility/priority
<b>1:</b>					
<b>2:</b>					
<b>3:</b>					
<b>4:</b>					
<b>5:</b>					

<sup>1</sup> There will be two 90 min full Forum meetings in early October and late October to discuss and approve the ideas in two sets. 90 min Forum meetings need to focus on concrete actions to support implementation, not discussion of opportunities (i.e., no general FYIs – these can be shared in regular email updates, described in Part 4 of this document).



## National Association of Conservation Districts

### Update for Conservation Commission September 17, 2020 Meeting

Courtesy of NACD Pacific Region representative Ariel Rivers and WACD national director Doug Rushton

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#### **Board and Staff Updates:**

Deb Bogar, NACD's Senior Advisor who manages the Urban and Community Program, among other activities, will retire at the end of September.

#### **Advocacy Updates:**

##### ***Forestry Resource Policy Group (RPG):***

- In August, the **Forestry RPG hosted a series of successful webinars** on topics like engaging women forest owners, sharing forestry messages, and the importance of the forest economy. These are available online.
- US Congressperson Jimmy Panetta (CA-20) is working on the House version of the *Emergency Wildfire and Public Safety Act of 2020*. This proposed legislation will potentially provide funding for:
  - Landscape pilot projects to mitigate wildfire risk (to take place out west, probably 3 states)
  - Provide more flexibility to FEMA dollars allowing them to be used for wildfire damage
  - Provide funding for forestry workforce development
  - Establish a western fire center providing training for firefighters and forestry professionals
  - Provide grants and loans to expand biomass facilities
- NACD is working with conservation districts in Panetta's district in CA to highlight the impact the bill may have on conservation districts. Please let Ariel know if you have any additional questions/comments or support to provide for this.

##### ***Urban RPG:***

- NACD is seeking proposals for our urban and community conservation (UAC) webinars for FY2021:
  - Webinars may cover any topic related to outreach, stormwater protection, small scale conservation, etc.
  - Each webinar has a large audience, and they are available free online after the event.
  - Highlight and share your district's work, so please consider submitting a proposal.
  - The webinars are once a month, for an hour, and you can reach out to Ariel with questions.
- NACD's **Urban and Community Conservation Grant** program will accept applications in the fall.
  - Grants provide \$50K for projects
  - The Pacific has been very successful in this program, with [info about past recipients on our webpage](#).
  - Consider reaching out to those districts to learn of their programs as you prepare your proposals

##### ***Invasive Species RPG:***



# National Association of Conservation Districts

- On August 26, Ariel hosted a zoom meeting on the Western Governors Association's efforts related to invasive annual grasses, and several districts from Louisiana will present on their related programs as well. If you would be interested in joining, please contact Ariel.

## ***Coastal RPG:***

- This is our newest RPG, which is currently picking up steam and identifying a work plan in support of districts
- Earlier this summer, the RPG conducted the [#DistrictsConserveCoasts](#) social media campaign, to learn about and highlight activities of districts
- Within the month of September, we (Ariel) will be conducting informant interviews with state leaders on district activities related to coastal conservation.
  - Thank you to Larry Davis, Coastal RPG Member, and Bill Blake (Skagit CD), George Boggs (Whatcom CD), and Tom Salzer (WACD) for participating in a pilot interview.
  - The information provided will help drive the efforts of the Coastal RPG. For any questions or to see outcomes from the interview, contact Ariel.

## **Stewardship and Education:**

- The education committee just launched efforts to design a new guide in our "How to Plan a Field Day Series":
  - This guide will focus on planning a soil health field day
  - It will supplement our guide for how to plan pollinator field days, which is available [on our webpage](#) in both English and Spanish
- Materials for the 2021 Stewardship Week, "Healthy Forests, Healthy Communities" are available online already, as well
- The committee is also designing new materials for the 2022 Stewardship Week, which will focus on Soil Health

## **Partnerships and Funding:**

### ***Technical Assistance Grant Program:***

- This program is likely to continue for Fiscal Year 2021, and we are in negotiations with NRCS Headquarters to determine the funding rates and programs
- However, we are very likely to receive less funding this year and will not be able to renew all existing grants. So please encourage districts to continue seeking out other funding opportunities to cover the current TA employees.

### ***Conservation Careers Workshop:***

- For the past few years, we have also partnered with the US Forest Service to run a successful [Conservation Careers Workshop](#) at our annual meeting
  - The workshop provides travel costs and registration for college students to participate in networking events at our annual meeting.
  - We've had several students from CA join in the past, mostly from UC Davis



- For 2021, this event will still happen, virtually if needed, so please encourage students to apply when the opportunity presents itself

## ***Friends of NACD:***

- Last year, we launched the [Friends of NACD District Grant Program](#), which provides unrestricted funds for districts to conduct any variety of projects
  - The application period will also open in the fall, providing up to \$2,500 for up to 4 districts
  - Grants are funded by individual donations, and this program raised an additional \$14,000 thanks to individuals this year, and thank you to everyone who is a Friend of NACD

## **Events:**

### ***Annual Meeting:***

- NACD is still accepting [proposals for our annual meeting](#) through September 4
- The meeting is still planned as an in-person meeting for February 6-10, 2021 in New Orleans, LA.

### ***Conservation Planning Boot Camp:***

- CPBC has been cancelled for 2020 and the first sessions in 2021
- The National Conservation Planning Partnership is exploring additional meeting and training opportunities for 2021.

*For additional information and news, see [NACD's Pacific Region Webpage](#), and [sign-up for the Pacific Region's Monthly Newsletter](#).*

*NACD Pacific Region Representative, [Ariel Rivers](#).*

*WACD representative on NACD Board (i.e. national director), Doug Rushton at [doug.rushton@conservewa.net](mailto:doug.rushton@conservewa.net).*



## Message from the State Conservationist



Greetings Conservation Partners,

As we wrap up Fiscal Year 2020, I would like to thank all the partners, staff and producers who, through a difficult year, were still able to get conservation on the ground and obligate funding for future years of conservation efforts. Times like these show that we are fortunate to have such passionate and dedicated partners and staff. We have all figured out creative ways to continue communications and continue planning for a better Washington environment. We will be planning kick off meeting for fiscal year 2021 and we plan to continue to have outreach webinar with

producers, just like we did on Sept 1<sup>st</sup> with the Odessa stakeholders; we had over 67 people attend. So stay tuned and keep watching our web page.

Hope everyone is well and safe.

Roylene

## EQIP Classic Signup Cutoff - November 20th

Application deadlines have been established for the Environmental Quality Incentives Program (EQIP) Classic in Washington State.

EQIP is a voluntary, technical and financial assistance program designed to help farmers, ranchers, private forestland owners, Tribes and other private landowners/managers with the application of conservation measures, such as: forestland health improvements, irrigation efficiency, nutrient run-off and/or animal waste management; improving native plant community health, removing manmade instream obstructions for fish passage, and reducing soil loss from wind or rain. In most instances, program participants can expect to pay roughly half of the costs associated with implementation of the conservation measures or practices.

- [Message from the State Conservationist](#)
- [RCPP Application Period Opens](#)
- [2020 Hugh Hammond Bennett Award for Conservation Excellence - Call for Nominations](#)
- [NCPP Publications Now Available in Five Languages](#)
- [New to Farming Because of the Pandemic? USDA Can Help](#)
- [Don't Get Cheated by Invasive Grasses](#)
- [#FridaysOnTheFarm Visits Washington](#)
- [New Chehalis Office](#)

Each applicant must establish themselves as a USDA customer and obtain all Farm Service Agency (FSA) eligibility requirements by **November 20, 2020**. Please note, Adjusted Gross Income (AGI) determination takes an average three weeks to be processed by the Internal Revenue Service (IRS). It is highly recommended that applicants submit their completed AGI form to FSA several weeks prior to the FSA eligibility determination deadline of November 20, 2020. Submitting your AGI form to FSA on the last day of the application period will result in your AGI eligibility not being met within Protracts by the deadline for fiscal year 2021.

Although applications are accepted on a year-round basis, eligible applicants interested in EQIP Classic must have completed the following actions by November 20, 2020 to be considered for funding in fiscal year 2021:

- Obtain all necessary FSA eligibility determinations (AD1026, AGI, FTE) within Protracts.
- Submit their CCC-1200 EQIP application to their local NRCS office

For more information about the EQIP program or FSA eligibility, please refer to the USDA Washington Natural Resources Conservation Service website: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/wa/programs/financial/>

“EQIP is a voluntary program to facilitate the adoption and improvement of natural resource management to increase private land resources sustainability,” says Assistant State Conservationist for Programs, Keith Griswold. “Interested participants are encouraged to apply for 2021 funding.” “Please do not wait until the last day to submit your application or attain FSA eligibility determination. It could reduce your chances to treat your identified resource concerns in 2021”.

To learn about technical and financial assistance available through conservation programs, visit [www.nrcs.usda.gov/GetStarted](http://www.nrcs.usda.gov/GetStarted) or your local USDA service center.

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## RCPP Application Period Opens

USDA is now accepting proposals for RCPP through the [RCPP portal](#). Proposals are due by 11:59 p.m. Eastern Time on **November 4, 2020**. For more information, view the [Application for Program Funding on grants.gov](#).



A webinar with general program information for RCPP applicants is scheduled for 3 p.m. Eastern Time on Aug 27, 2020. Visit the [RCPP website](#) for information on how to participate.

For more information on RCPP, visit the [RCPP website](#) or contact Laura Williams, Washington RCPP Coordinator at [laura.williams@usda.gov](mailto:laura.williams@usda.gov).

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## 2020 Hugh Hammond Bennett Award for Conservation Excellence - Call for Nominations

National Conservation  
Planning Partnership



Your assistance is requested to help us solicit nominations for the 2020 Hugh Hammond Bennett Award for Conservation Excellence. These prestigious awards recognize two outstanding individuals – a producer and a planner—for their dedication and commitment to conservation planning and implementation in honor of the legacy of Hugh Hammond Bennett.

Hugh Hammond Bennett is revered as the “Father of Soil Conservation” for his leadership and dedication to soil conservation. Bennett served as the first Chief of the Soil Conservation Service (now Natural Resources Conservation Service), within the U.S. Department of Agriculture. He was an advocate for legislation that established Soil Erosion Experiment Stations and 3,000 conservation districts throughout the country.

Throughout his entire career, Bennett promoted the importance of soil conservation. Bennett successfully argued that single practices such as the terracing of land would not succeed without a comprehensive plan to address numerous resource concerns on farmland. It was this guiding principle that led to the concept of conservation planning. Soil conservationists worked on the land, directly with farmers, ranchers and forest landowners, to develop conservation farm plans for the benefit of the land and the producer. Those principles are what we stand behind and act on as one entity through NCPP.

Please share this announcement with your members and employees. Those interested in making a nomination should notify their respective State conservation partner leader regarding the planned submission. (Note: NCPP recommends taking this step to reduce duplication of efforts between the conservation partnership agencies within your state –NRCS, NACD, NASCA,

RC&D and NACDEA.) We encourage you to look at your current and past State conservation farmer/rancher award winners as possible nominees for the producer award.

To review the details of the nomination packet and award criteria, visit the [NCCP Hugh Hammond Bennett Awards](#) page. All nominations must be submitted through <https://www.surveymonkey.com/r/2020HHBAward> no later than **October 1**. If you have questions, please contact Stacy Koch, NCCP Coordinator, at [Stacy.Koch@usda.gov](mailto:Stacy.Koch@usda.gov) or 570-925-5531.

## NCCP Publications Now Available in Five Languages



The NCCP publication is now available in the top five languages for use with partners and employees with limited proficiency or understanding of the English language. During the national conservation planning listening sessions, NCCP leaders received requests to translate the major publication in several languages to allow for increased understanding and engagement among our diverse partnership.

The brochure, which highlights NCCP's overarching objectives, strategy and its roadmap, is now available in Spanish, Vietnamese, Hmong, Thai and Korean.

NCCP worked with the Farm Production and Conservation (FPAC) mission area to translate the document. FPAC Document Translation Service is available to provide equal access to all agency-related programs and services. If there is a need for additional translations, please contact NCCP Coordinator, Stacy Koch at [stacy.koch@usda.gov](mailto:stacy.koch@usda.gov).

You may access the translated versions of the NCCP publication here: <https://www.nationalconservationplanningpartnership.com/news-and-media/news/>.

## New to Farming Because of the Pandemic? USDA Can Help



**New to Farming Because of the Pandemic? USDA Can Help**

Are you new to farming because of the pandemic? USDA can help you get started – everything from helping you register your farm to getting financial assistance and advice. Our team members, based at USDA Service Centers across the country, are hearing from people who are interested in more space and working the land, and we want to let you know we can help.

[Learn How USDA Can Help You Get Started](#)

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## Don't Get Cheated by Invasive Grasses

~Reprinted from *farmers.gov*.

By Brianna Randall, USDA NRCS Working Lands for Wildlife

***Farmers and ranchers can't afford to ignore the economic challenges posed by cheatgrass.***

No one likes a cheater. Especially when that cheater steals the value right off your land.

That's what cheatgrass does, which is an invasive annual grass and one of the single largest threats to the health of western working lands. This widespread weed increases wildfire risk, threatens rural economies, and reduces livestock forage.

Just ask Jon Griggs, manager of Maggie Creek Ranch in Nevada: "Just when you think you can count on it, it loses that green and dies. Your forage is gone. That's why they call it cheatgrass."

### **Cheatgrass = Poor Forage + Wildfire Tinder**

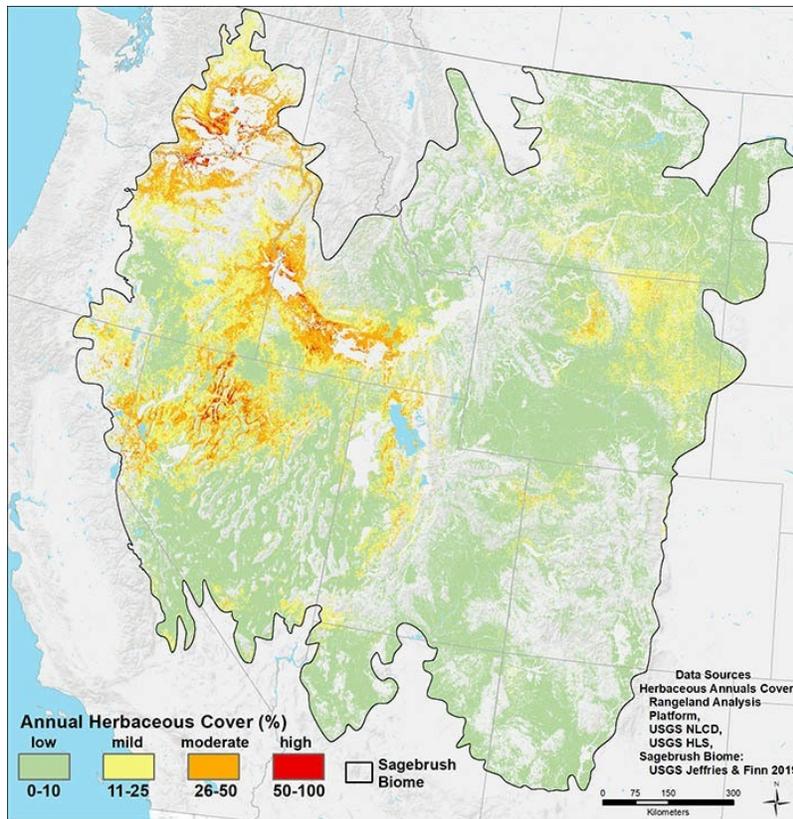
Cheatgrass dries out much earlier than native vegetation and provides sub-par forage for just a few weeks. As invasions get worse, it replaces the native perennial grasses that better sustain livestock through the summer.

Plus, cheatgrass on your land doubles the risk of wildfire. It ignites as easily as tissue paper and causes fire to spread rapidly. Where cheatgrass has taken over grazing lands, fires can occur every three to five years as opposed to the historic average of 50 to 100 years.



*Rangelands with cheatgrass infestations are twice as likely to burn in a wildfire, since the annual invasive grass dries out early, ignites easily, and spreads fire quickly. Photo courtesy of Kari Greer, USFWS.*

Cheatgrass was brought over accidentally from Europe in the 1800s and is now found in all 50 states. But it's spreading most rapidly on rangelands in the Great Basin, since it thrives where summers are hot and dry. Over 50 million acres of western grazing lands are estimated to have more than 15% cover of cheatgrass.



*New technology showing the amount of invasive grasses on land is helping producers and partners implement new proactive strategies for tackling the problem, such as Idaho's Cheatgrass Challenge. A free interactive map, found online at <https://rangelands.app/cheatgrass>, is now available to help producers across the western U.S. target resources to combat the problem.*

## **USDA-NRCS Helps Landowners Fight Cheatgrass**

USDA's Natural Resources Conservation Service (NRCS) is helping to tackle this problem by providing tools and incentives for proactive, strategic management. State-led efforts like Idaho's "Cheatgrass Challenge" is a great example.

Launched this summer, the collaborative effort identifies "core areas" to prioritize cost-effective treatments where invasive grass infestations are still relatively low. NRCS has committed \$800,000 in Environmental Quality Incentives Program funds to the Challenge, and diverse partners are contributing additional matching funds to help landowners improve even more ground.

## **Healthy Native Plants Prevent Weed Invasion**

Management options like herbicides, seeding or prescribed grazing give a much higher return on investment if you act early.

Landowners can save money in the long run by working to prevent invasion through agricultural practices that foster diverse, healthy native plants. Science shows us that healthy perennial plants, like bunchgrasses, provide the best defense against unwanted weeds. The second-best bet is to treat cheatgrass while infestation levels are still relatively low.

"It's also important that we take an 'all lands, all hands' approach to manage cheatgrass across fence lines, because invasive grasses don't care about property lines," said Curtis Elke, NRCS State Conservationist for Idaho.

## **New Technology Gives Landowners a Path Forward**

Last week the Western Governors' Association released a "Toolkit for Invasive Annual Grass Management" to help protect grazing lands across the western U.S., modeled in part on Idaho's efforts. The first of its kind, this toolkit provides partners with a roadmap, easy-to-access data layers, and case studies on how to proactively reduce cheatgrass and other invasive annuals. It also gives land managers plenty of flexibility to tailor the approach to meet their local needs.

As proud partners in this west-wide effort, NRCS contributed technical expertise and innovative data from the Rangeland Analysis Platform to help produce a cutting-edge tool in the kit that shows the level of annual grass infestation from a regional perspective all the way down to a single pasture.

"For the first time, new breakthroughs in technology allow us to better understand the condition of the land and give us a clearer path forward for

reducing this threat,” said Jeremy Maestas, USDA-NRCS Ecologist for the West National Technology Support Center.

While it won’t be easy to overcome the challenges posed by invasive annual grasses, we can all agree on a simple goal: make sure cheaters (and cheatgrass) never prosper on America’s working lands.

*Brianna Randall is a freelance writer based in Missoula, Montana. Brianna can be reached at [brianna.randall@gmail.com](mailto:brianna.randall@gmail.com).*

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## #FridaysOnTheFarm Visits Washington



In case you missed it, #FridaysOnTheFarm highlighted Mark and Beth Biser of Still Waters Farm in Mason County, Washington. Check out the full story [here](#).

Thanks goes out to Frank Curtin for bringing this great Washington success story to the nation!

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## New Chehalis Office

The new address for the Chehalis office is 2501 NE Kresky Avenue, Suite D., Chehalis, WA 98532.

Follow NRCS-WA on [Twitter](#)

Natural Resources Conservation Service  
*Helping people help the land*

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September 10, 2020

**US Forest Service Partnership Update for the Washington State Conservation Commission**  
**Prepared by**  
**Sherre Copeland, Washington State Liaison, US Forest Service, Pacific Northwest Region**

The US Forest Service (USFS), Pacific Northwest Region (NW) is pleased to submit this partnership update to the Commissioners and staff and thank you for the opportunity to do so. This update contains links to additional information on topics covered. Also, please feel free to contact Sherre Copeland at [sherre.copeland@usda.gov](mailto:sherre.copeland@usda.gov), or 360-819-6039 if you have any questions or comments, or wish additional information on any of the included topics.

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**Fire** – 2020 brings an unprecedented fire year in the Western US. This report will be outdated as soon as it is written due to the rapidly changing conditions. Currently, the Northwest (NW) is at the highest Preparedness Level (5), which means that we are experiencing so many major incidents that there is potential to exhaust all agency fire resources and that all resources are operating at maximum capacity.

Labor Day weekend severe weather and wind events compounded the dangers and the scope of an already dire circumstance. We are viewing the wildfire situation as a 3-state event (WA, OR, and CA) and are coordinating and sharing resources from within those states, as well as borrowing to the extent possible from other regions, who are each experiencing their own crises. Needless to say, resources are extremely thin, crews are exhausted, and high winds and smoke have affected ability to utilize aviation.

Many of our firefighters live in communities that have been evacuated or have experienced personal property loss, but they remain on the job, putting the protection of property and lives of others before their own. Several vehicles have sustained damage due to falling trees, some USFS structures (building, roads, and trails) have been burned or damaged, and many recreation facilities remain closed. Burn bans and other restrictions (such as ban on recreational shooting) are in place.

The NW is setting priorities and making difficult resource allocation decisions. Our success will depend on our ability to maintain situational awareness, to effectively utilize resources in engaging the correct priorities, and to consistently communicate across units, agencies and the geographic area so that we can flex to safely engage the next emerging priority.

**COVID** – Agriculture and forestry were designated as essential government functions during COVID. USFS has, therefore, been able to continue some functions in the field related to timber and forest health treatments and fire operations, while keeping a majority of the workforce on telework status.

COVID has brought many challenges with regard to balancing provision of essential services to the public and executing our mission, while keeping the safety and health of the public, our employees, contractors, and partners front and center. Early on, we worked with the Governor's office to evaluate the need for forest closures during the Stay Home Stay Safe orders, and even now, some recreation sites remained closed. One of the biggest challenges was keeping our firefighters and aviators safe and socially distanced, which is very

difficult in engines and air craft. In fact, most of the exposures and presumed cases that we have had are among our fire crews.

Additional challenges pertinent to protests, damage and closure of our headquarters building in Portland, OR, and extremely high visitor demand on our forests have exacerbated the difficulties we face during COVID, and at the same time, shine a bright light on the dedication and resiliency of our service-oriented USFS family.

## **Partnerships**

**Shared Stewardship** - <https://www.fs.usda.gov/managing-land/shared-stewardship>

Today's forest land managers face a range of urgent challenges, among them catastrophic wildfires, more demand for access to recreation opportunities on public land, degraded watersheds, and epidemics of forest insects and disease. In August 2018, the U.S. Department of Agriculture (USDA) Forest Service released a Shared Stewardship Strategy to address these challenges by working collaboratively to identify priorities for landscape-scale treatments. Through Shared Stewardship, USFS will work with a variety of partners to do the right work in the right place and at the right scale. By coordinating at the state level to prioritize, we will be able to increase the scope and scale of critical forest treatments that support communities and improve forest conditions.

Such approaches are essential to achieve common benefits, such as protecting life and property in the wildland urban interface, where homes and businesses intermingle with state and federal wildlands. The Shared Stewardship Strategy builds on a foundation of collaborative work, such as the Joint Chief's Landscape Restoration Partnership, the National Cohesive Strategy for Wildland Fire Management, and the Collaborative Forest Landscape Restoration Program. It also builds on authorities created or expanded in the 2018 Omnibus Bill and the 2018 Farm Bill, such as Good Neighbor Authority.

In Washington, State Departments of Natural Resources and Fish and Wildlife signed a shared stewardship Memorandum of Understanding with the USFS NW in May of 2019. Only the second in the nation, this agreement serves as a model for others and establishes priorities around themes important to each agency and citizens of the State, such as:

- Ecological restoration
- Sustainable recreation
- Healthy communities.

The memorandum also establishes principles that form the basis for how the agencies work together, like

- Use and sharing of existing science and data to inform decisions
- Use of existing plans and strategies to form the basis for shared priority work
- Operating under a big tent concept, including landowners, tribes, agencies, and other stakeholders who have an interest and influence on our work

<https://www.fs.usda.gov/news/releases/state-federal-agencies-align-historic-partnership-reduce-wildfire-risk-and-improve>

**Good Neighbor Authority** - One of the primary tools the USFS has to implement shared stewardship on the ground is the Good Neighbor Authority (GNA). First authorized in 2014, the 2018 Farm Bill expanded the Good Neighbor Authority, which provides opportunities for the USFS to work with states to complete forest improvement projects. The expansion now includes counties and Indian tribes in addition to the states as eligible partners. The bill also makes technical changes to the Good Neighbor Authority regarding wildfire and forest management activities.

The USFS NW has a master agreement with Washington State Department of Natural Resources (since March 2017), which is being used to implement over a dozen supplemental project agreements, at least one on every national forest, covering about 40 projects (20 active and 20 being planned) for a variety of activities including engineering, rock crushing, timber sale layout and administration, and other forest health treatment activities. These projects account for about 30K total acres of treatment, 74.9 million board feet, and In addition, presale assistance on 7K acres.

In December of 2018, USFS NW entered into a master GNA agreement with Department of Fish and Wildlife. The WDFW and USFS intends to begin coordination of project development for work like engineering services (road and bridge design, culvert replacement, fish passage), prescribed fire, and forest health activities, among others.

**Key Plans and Strategies** - The agencies are responsible for developing key plans and strategies that will help inform the prioritization of landscape scale, cross boundary work that we will accomplish in shared stewardship. Not all work that is done the agencies will under the shared stewardship umbrella, but where there is alignment of priority and opportunity to collectively invest for mutual benefit, these plans and strategies will help us evaluate landscapes and identify priorities.

The USFS, along with many other agencies and stakeholders collaborated on these and include:

- **Five-Year Integrated Forest Restoration Plans** – These plans are prepared by the USFS and show accomplishments and targets on each forest and provide timelines and acres for planning and treatments on the landscape. The plans also identify partnership opportunities for projects like Joint Chiefs, and Collaborative Forest Landscape Restoration projects. They are updated annually and show a five-year period.
- **Forest Health** - Washington's 20-Year Forest Health Strategic Plan for Eastern Washington sets forth the vision, mission, and overarching strategy for restoring and managing forested landscapes at a pace and scale that reduces the risk of uncharacteristic wildfires and increases the health and resilience of forest and aquatic ecosystems. Active management strategies include mechanical treatments and prescribed fire. About 41% of the land designated for high-priority treatments belongs to USFS, along with state, tribal, and private lands. Western Washington has been included into the strategy via the State Forest Action Plan. The link to the forest health strategy is here: [https://www.dnr.wa.gov/publications/rp\\_forest\\_health\\_20\\_year\\_strategic\\_plan.pdf?m6phty6](https://www.dnr.wa.gov/publications/rp_forest_health_20_year_strategic_plan.pdf?m6phty6)
- **Wildland Fire** - Additionally, DNR developed a Wildland Fire Protection Strategic Plan for Washington, addressing, among other things, the need for cross-boundary landscape level wildfire risk assessment and pre-suppression planning. USFS had provided expertise and materials, especially on the QWRA. The link for the plan is here: <https://www.dnr.wa.gov/StrategicFireProtection>
- **State Forest Action Plan** - DNR has also nearly completed an update of the State Forest Action Plan, which is required by the Farm Bill, and which subsumes these two previously mentioned strategies, and covers western Washington as well.
- **Fish and Wildlife Strategy** - Washington is home to 49 species listed under the federal Endangered Species Act. Many more candidate species appear in Washington, which would lose protection under ESA if the Administration's environmental law roll backs go into effect. The WDFW is currently running the Draft 25 Year Strategic Plan (for Fish and Wildlife) through stakeholder and public involvement processes. <https://wdfw.wa.gov/about/administration/strategic-planning>

**Joint Chiefs Landscape Restoration Partnership** – The two Chiefs of USDA's Natural Resources Conservation Service and the USFS collaborate together to provide resources to projects that reduce risk of wildfire to communities, help protect and conserve fish and wildlife habitat, and protect or improve water

quality. These projects are cross-boundary and include USFS lands and private lands, and can also encompass work leveraged by partners on state or tribal lands.

In Washington, there have been two funded projects, one in Eastern WA on and adjacent to the Colville National Forest, and one in Central WA on and adjacent to the Okanogan-Wenatchee National Forest. It has been several years since WA has submitted a new project proposal. While there was some interest and capacity to consider a new project for the 2021 funding cycle on the Umatilla National Forest in Southeast WA, ultimately, other competitive processes preclude our ability to pursue a project for this cycle. However, discussions between the two USDA agencies, as well as state partners and others is on-going and we see many opportunities and readiness for landscape projects that meet some of our shared stewardship objectives.

**National Fireshed Investment** - Reducing the risk of catastrophic mega fires is the first order of priority for the health of the nation's forests and grasslands. USFS NW has identified a priority fireshed landscape in Washington for potential additional national investment to help reduce wildfire risk in Fiscal Year 2021. The priority was derived based on evaluation of several factors:

- Active or proposed Joint Chiefs or Collaborative Forest Landscape Restoration Projects (CFLRP)
- Current NEPA availability
- Internal capacity and the ability to leverage partnerships (e.g., social license)
- Fire regime, biodiversity, and potential ecological benefits
- Return on investment

The Chiwaukum near Leavenworth and Entiat, WA on the Okanogan-Wenatchee National Forest has been identified as our top fireshed with the greatest potential for building the capacity to treat high-risk landscapes and increase target accomplishments. Investing in this fireshed would reduce wildfire risk by decreasing hazardous fuels, which would improve forest health and function, and increase biodiversity, including habitat. If the national investment is approved, the USFS will leverage existing and new partnerships to increase capacity, adapt from lessons learned, accelerate and expand scale of treatments and identify partner needs and potential.

One or two projects will be selected in the nation for additional investment and will be announced around the end of the calendar year.

**Conservation Finance** - Conservation finance is the practice of raising and managing capital to support the long term sustainability of values and benefits from healthy ecosystems. The practice includes a variety of mechanisms through which financial investments are made in nature-based solutions, from philanthropy and grants to outcomes-based environmental impact bonds. The USFS NW is in the process of exploring opportunities to leverage these tools to increase the pace and scale of restoration across all lands.

Conservation finance investments are driven by anticipated economic, ecological and social benefits (sometimes referred to as the “triple bottom line”). These investments may or may not result in a direct or immediate financial return/profit. Investments can be made by one investor, through one fund with multiple investors, and/or through layered public/private funds and are generally focused on:

- *Payment for services*: Investments by ecosystem service beneficiaries in enhancing defined benefits.
- *Avoided costs*: Investments by stakeholders in nature-based solutions to reduce risks/avoid future costs.
- *Credits/markets*: Investments in credits for environmental markets, such as water quality trading.
- *Working lands*: Investments to diversify financial flows from sustainable management of working forests.

The conservation finance sector developed from the understanding that conservation and restoration needs cannot be accomplished with current public funding levels alone.

- About \$52 billion is spent per year globally on conservation by mostly public/philanthropic institutions.
- \$300-\$400 billion per year is needed to preserve healthy ecosystems, and with them the earth's natural capital stock of clean air, fresh water and species diversity.
- Private capital offers the potential to close this ~\$250 billion annual gap.
- Investors are motivated: 2014-2016 saw a 33% growth in impact investing assets.

The USFS NW conservation finance program is pioneering innovative approaches to partnership that are based on shared economic, social and environmental benefits across ownerships, sectors and stakeholder groups. We are advancing this work by:

1. Cultivating a portfolio of pilot projects to generate lessons learned and demonstrate success
2. Building a Forest Service network that is applying conservation finance tools on National Forest System and adjacent lands
3. Charting a path to scale for conservation finance models to address landscape level challenges
4. Sharing information and providing technical assistance to staff and partners

Several projects are in different stages of development (from early exploration to active feasibility assessments). One project we are currently pursuing is Mountain Loop Highway on the Mt. Baker-Snoqualmie National Forest. Quantified Ventures is assessing the feasibility of an Environmental Impact Bond or Fund to support development of the Mountain Loop Highway, which offers visitors with access to camping, boating, historic sites, wilderness, and more than 200 trail miles. Current infrastructure was not designed to support growing demand from the greater Seattle area and beyond, which negatively impacts user experiences and biophysical resources. Upgrades will sustain recreation opportunities and natural resources while enhancing economic growth and stability for the communities of Darrington and Granite Falls, WA.