

VSP MEETING
April 7, 2016
3:00 p.m.

MEMBERS:

Alan Thomson	Art Swannack
David Lange - Absent	David Swannack
Joan Folwell	Jon Pearson
Jeff Pittman	John Stulhmiller, phone
Jon Jones	Kim Weerts
Larry Cochran	Nancy Belsby
Tracy Erickson	

Audience: Ben Floyd, Anchor QEA, Kennewick; Brad Johnson, Palouse Conservation District; Jason Kunz, WA Fish & Wildlife; John Friel, Pullman; Tom Kammerzell; Elinor Huber, Clerk.

Phone: John Stulhmiller

3:05 p.m. – Ben Floyd opened the meeting. Welcome to the second Voluntary Stewardship Program worker meeting for Whitman County. We have some logistic challenges we are going to be dealing with today because of the warmth of the room and the fans that are going on all around us. We will have to speak loudly, speak directly into the microphones and so let's go around and do introductions of the VSP members.

We also have John Stulhmiller from the Washington Farm Bureau on the phone. He is one of the architects of VSP and is one of the champions. Just a quick overview of the agenda. We have a couple of follow up items that we talked about last time. We thought about reading all the notes, and we are going to trim those notes down a little bit. We might not always capture everything you say or I say but if we have a discussion on wetlands, for example, and there are three or four points that are made, we are just going to cover wetlands and the points. We are just trying to capture the main points of the meeting.

Alan Thomson – Does that meet the rules of the Open Meeting Act?

Ben Floyd – I think it does. If you want to have something attributed to you, we could have you work directly with Elinor and make sure your name is associated with that remark. Otherwise, we are working as a group, operating by consensus, as our goal. We are going to follow up on some action items, then we're going to cover some quick updates with the ground rules. Remember the last meeting you asked what happens if we don't reach consensus? I've given some language in there for you to consider related to voting, if we get to that.

Then we will talk about key terms and requirements of VSP and actually I want to switch items 4 and 5 so I want to first talk about critical areas and ag lands and in Whitman County and then I want to cover at the end of that, key terms and requirements.

Then the table of contents that actually covers what the work plan elements could look like. Everything I am presenting is a very preliminary draft. I will introduce the concepts today, get you familiar with what this might look like and then we will be refining the outline over time.

Then the last item is to walk through a project schedule and I want to talk specifically into the project schedule about outreach. We are here and we know what is going on. In order for VSP to be successful we need to have a lot more people participating. It is voluntary but if we only have a few people to participate this program won't work. So we need to start thinking in the beginning about outreach and how we get other people more involved and the best way to do that. I am going to give you that question to think about as we go forward. Are there any questions on the agenda? Is there anything you want to add?

Art Swannack – I'd like to comment on the Open Public Meeting Act that we need to talk about.

Ben Floyd – Okay, anything else? So let's go to follow up action. Alan and I have been discussing the website and we will have a page set up and have all the materials from the meetings there, as well as draft work products as we go forward. Alan, do you think we could have that set up by the next meeting on June 2nd?

Alan Thomson – It is actually already set up; there is nothing on it yet. I haven't actually gone in and found out where it is, but it is set up.

Ben Floyd – So, let's add a follow up action on the website is to get that link sent out to everybody, once we get it populated. I will provide all the materials for the meeting to Alan and then he will work with your IT department to get the information uploaded and then we will send out a link to everybody. I would assume at that point you can share that with anybody else you are in communication with related to VSP.

Alan Thomson – Everybody can get into the website; it is open to everybody.

Ben Floyd – That is one opportunity to provide outreach. Another thing you asked to do is to send out the meeting notices to take us through the rest of the year. If you are having trouble getting emails or appointments from me, please let me know. We will make sure you get the information.

Open Public Meetings Act. Commissioner Swannack do you want to jump in on this?

Art Swannack – One of the things we have to be careful about at the County is if a group is acting on behalf of the County doing something, most likely they are subject to that Act. Which means all the meetings are open, all the meetings are noticed, there are requirements in terms of a quorum; if a quorum gets together it can be an illegal meeting. I don't know what a quorum is for this group.

Ben Floyd – I think a quorum is just for the elected County Commissioners.

Art Swannack – It would be a quorum for the group as defined as being subject to the Open Public Meetings Act. So, if there are ten people and there are six, you have enough to make a decision, you would have a quorum. With the BOCC it is two of us out of three. In that case, you can't have a meeting like that without having it being a notified public meeting. Our prosecutor basically said he believes

these are open public meetings and, Alan, you can clarify what you saw at MRSC but I believe they said the same thing.

Alan Thomson – That is how it started. I put out a query to MRSC and they responded and cc'd our prosecutor and they both concurred that it is an open public meeting covered by the Act.

Ben Floyd – Does anyone have any questions or suggestions by what that means for us?

Art Swannack – It probably means that we need to do that half hour video for the group off of the Attorney Generals' website. That is a standard practice for any advisory board across the County. You can go to the website and watch it individually and print off a certificate.

Ben Floyd – Are you okay with doing that instead of taking our meeting time to do that? We will plan to have everybody do that training between now and the next meeting and then we will have a quick recap on the agenda that we took the training, are there any questions, follow up, maybe a 5-minute agenda item for the next meeting.

Larry Cochran – All of the conservation district supervisors have probably already watched it.

Ben Floyd – If you have already had the training, you don't need it again. Alan, will you send out the link to everyone?

Alan Thomson – Yes. I just watched it a few months ago. It is not difficult and you get a certificate and you are good to go.

Ben Floyd – The only other follow up is we need to make sure we have a quorum definition in our ground rules and we will acknowledge the Open Public Meetings Act in the ground rules, as well. So, now we will jump into the ground rules.

Kim Weerts – Don't we have a quorum definition in the red in this paper?

Ben Floyd – We do, let's revisit this if we want to keep it at two-thirds of the group.

Alan Thomson – Why did you come up with two-thirds?

Ben Floyd – Two-thirds is the same way as the BOCC.

Alan Thomson – More than 50% is how you calculate that, so for nine members it is five. So it is just more than 50% plus one.

Ben Floyd – It can be or it can be two-thirds. I think the minimum is that. We can make it higher. So we have a total of thirteen.

Alan Thomson – So, maybe it is difficult to get a two-thirds present most of the time. So, it would have to be seven.

Ben Floyd – This could be seven, it means votes on the plan, too.

Joan Folwell – I don't know how this is going to work out, so I was interpreting that a two-thirds majority in relation to voting here on the committee, that you want to make it half for open meeting, you could do that, too. But I feel more comfortable that the more people that are represented in a major decision on this committee actually starts taking action.

Ben Floyd – That is a good point and this was, *"A quorum must be present for decisions to be made. A quorum exists for a meeting if there is a two-thirds...."* We could specify that a quorum must be present for a meeting to be held and that is a simple majority. Then when making decisions approving for providing direction, I would say when approving something then you could go with instead of seven maybe nine out of thirteen instead of two-thirds. Any thoughts on that as an approach?

Tracy Erickson – I would make a quorum of those who show.

Ben Floyd – Okay, and not have it be,

Tracy Erickson – Very aggressive to get the job done and those that aren't here, it will be depended on us who are here will decide.

Ben Floyd – Okay, any other thoughts.

Art Swannack – Don't confuse a quorum for these purposes for a quorum under the OPMA; that is a different definition. I believe that would be the way to say that; something we need to specify out.

Ben Floyd – So, related to the Open Public Meeting Act but I think we do need to have a quorum specified as 50% plus one for the Open Public Meeting Act. It is only for other decisions that we can decide whether we want more or less.

Tracy Erickson – Is there a law on that?

Art Swannack – There are laws and that is a question for our prosecutor. Really, 50% plus one is pretty much a quorum under every training I've had on OPMA and honestly, for this group, I'd rather have 50% plus one before anything happens. You can put a final decision number.

Tracy Erickson – As long as we are all willing and capable of being here. I don't want to be coming down here and no quorum and then you have to re-schedule, etc. I prefer to get on and do the business with those that are here and get at it. If it comes down to the final decision then the leadership will want more than three or four people here.

Art Swannack – At this point the BOCC has no say in this operation. As the BOCC, we named the group and now the group operates under the criteria like our prosecutor said.

Ben Floyd – To get at your point, I added some language. So, seven for a quorum for the OPMA, however, information meetings can still be held without a full quorum present.

Alan Thomson – So, Ben, getting to that email that I sent you and the response from MRSC, if you look at that I did ask a secondary question, are we as a group held liable for making decisions? Because we all heard, and John Stulhmiller can verify this, that the VSP shields us from liability because it is the Conservation Commission that ultimately makes the decision on the final product? That didn't seem to

satisfy the MRSC. They said that you can get sued for anything and our prosecuting attorney concurred with that so, he said it is possible that a county working under these conditions for VSP could be brought into a law suit. I would say if that is even remotely possible we need to operate under the normal definition of what a quorum is, regarding business that we do as a county, 50% plus one and that is also the definition for making decisions, 50% plus one. We could make that more for making decisions but at least holding a meeting and discussing things, it needs to be a quorum.

Ben Floyd – So, with that in mind, do we want to make just a simple majority quorum for everything and just call that good? Okay. So, if the group changes like if someone resigns and we can't find someone else to take their place, we will say seven members or 50% plus one, whatever that means.

Alan Thomson – That doesn't count, either. The Planning Commission has nine members. We have been operating with eight for a long time but the quorum is still five. It is whoever is appointed initially and if someone goes away, we've still got a thirteen member board that we set it up under.

David Swannack – So a quorum would be seven. That would be for voting and for information.

Ben Floyd – Seven always. We could still have a meeting, we could still decide, let's say that only five of us show up; we could still have our meeting, we just wouldn't necessarily take action on it. Alan, can people participate by phone?

Alan Thomson – Yes.

Ben Floyd – Okay, so that is another option. If you are worried about making a meeting, right now I'm sharing my screen over the internet and we have the phone here so if you are out of town or had to work right up until the meeting starts and have time to get on your computer and participate that way, I think that is fine; let's take advantage of technology. There may be some meetings that we just want to operate like that. Something to keep in mind. The call in number and the code will be the same.

Okay, we have updated the majority discussion. Item C talks about when possible you will discuss a topic that might be voted on or approved for at least two meetings. So, if we bring up something new at the last minute and try to work it in, you can decide, yes, we want to do that and go ahead and address it. Or, you can say that this is the first time you have heard this and I'm not comfortable with taking action on this until I think about this, and you want to reschedule the discussion for the next meeting. This provided an opportunity to do that.

Then if you are unable to reach a consensus on any issue, you will consider other options. You can refer to a subcommittee which we would establish to deal with an issue. You can table it temporarily and revisit it at a subsequent meeting, you can take an advisory or a straw vote, and you can leave it unresolved and note it as such. If consensus cannot be approved, or cannot be reached a voting process can also be used to resolve issues. Voting will occur by a hand-count. Each person will be identified in meeting notes by name with their vote and an affirmative vote will be based on simple majority plus one, seven, approval of the voting members present. Any comments on this language and your ground rules?

Joan Folwell – I'm going to bring up the issue that I did at the last meeting of having a minority report or opinion and ask why. So, I have been thinking about that and I've been part of an organization for forty years that always uses consensus in reaching their state and national opinions. We do have a minority

report that could be issued and it is one way to avoid a vote which is not a consensus. Apparently, the document we end up with is going to go to the commission and other agencies for review. Whitman County has characteristics that are true of other counties. If other people find the same sort of problems, drawbacks, whatever you want to call it, that is going to be entertained by the approval board and I think that is valuable information to pass on. It is also a way of nullifying the opposition that it gives them a way to express themselves so I think it is a valuable tool for us to be able to use.

Ben Floyd – Would you suggest an amendment on this to include a minority report in one of those bullet items under “d”?

Joan Folwell – Yes, I would.

Ben Floyd – Does anyone else disagree with that or support that, or see it differently?

Art Swannack – I dealt with that when we did the wolf plan for the state. It covered something; it did help in a couple of areas but it is not something to do lightly because the end report can be damaged by a minority report, too, in terms of the attractiveness of the total report.

Joan Folwell – I think a minority report needs to be accompanied by substantial reason behind it. It is not an official remark. Something that someone or some people feel strongly about and need to state why they feel that way.

John Pearson – Can we reach consensus and also have a minority report?

Art Swannack – Yes. That’s what we have done with the wolf plan. Everybody agreed they could live with it but there was a minority report saying that there are these issues in here that we really haven’t resolved to our satisfaction for a certain group.

John Pearson – In that case, we are probably all minorities that we all have a slightly different opinion from consensus.

Alan Thomson – Then we wouldn’t reach a consensus if we’ve all got a different opinion. I think we need to have a majority vote.

Ben Floyd – You can be on this continuum and,

Art Swannack – I’m going to disagree with you on that. I don’t like that continuum personally. But I go back to what you had in the other statement up there, where the last line said something about the issues that you couldn’t agree on, if you leave the issue unresolved and note it as such, that’s probably a good place for a minority report and a majority report on an issue. But we didn’t have the last couple options that are on here and I don’t think you should have when it comes to making a decision for this group. The “I can live with it,” was what became the final statement for the entire plan, but there was still a minority report in there saying we don’t believe this is the best way to handle these issues, these specific issues, even if we agree with most of the plan. I guess when you go to your voting, I don’t think you should have 5 and 6 on there.

Tracy Erickson – On the minority report what value is it going to be as a decision maker, what are they going to give them?

Art Swannack – In the situation I was involved in, the minority report you were dealing with not only the agency decisions makers, but state legislators that were involved. The minority gave people who didn't agree with the entire report as it was written the option to have some influence on management plans into the future. Where this is being approved by the commissioner director and advisees, I would say it does it similarly but to the different agencies involved in evaluating the plan. It gives some input that these issues may be more complex but we came to this plan, anyhow.

John Stulhmiller – So, this issue has come up in all the other forums we have been participating in. So the choice has been made universally not to have minority reports for this very reason. Remember how the process works. So, you all are going to get done. So Whitman finishes, hands its product, Whitman Watershed Group sends it to the commission, the commission will take it to the state technical panel. The technical panel will review, and so on it goes.

So, the reason others have not chosen, we haven't in Thurston or in Chelan and I don't believe it is in Skagit, either, because if this plan is to work it has to have buy-in from all parties. Remember, you have four agencies that have various views on agricultural in general and a focus of what they are after. So the view universally has been minority reports would only confuse the issue because of the collaborative product in the end. So, if you have a minority report to a collaborative document, it is a red flag which would lend itself to preclude adoption of the plan unless the minority issue was resolved in the document, if you follow what I am saying. So it runs counter to what VSP should be about.

Larry Cochran – My concern is, I don't have too much issue with this group. I think we can come to consensus but whether or not the state will approve what we come up with, is my concern.

Ben Floyd – That's why we have some of the state representatives here; they may be involved in revising the review of this. So, I've heard different opinions on the minority report. We do say we can leave the issue unresolved and note it as such. That is a type of a minority report. It would be something that would be captured in the minutes of the meeting. It's not a minority report but it is something that could be captured. So, we need to make a decision on this and move forward.

Art Swannack – John, this is Art. So, you think this is significantly different than what we ended up with the wolf thing in terms of how this has to go through the system to be approved?

John Stulhmiller – In fact, as you know, minority report really was a hindrance to it in that effort as well. But that is different because it is really the collaborative local group, you are not advising anybody. You are actually developing the plan as opposed to advising an agency or somebody else on how to operate. It is very different in nature so you are cutting, or replace or will serve as a CAO (critical area ordinance) as it affects agricultural activity and critical areas. So, you think that the (inaudible) document it is not a suggestion for somebody else how to operate, it is the operations manual.

Art Swannack – So, it does have a significant difference from what we did before.

Ben Floyd – I think we are getting, how many people would like to see a minority report provision included in the ground rules? Okay, so two of you. So, how about if we say this? Can we add something in the ground rules that says, "Provision for a minority report was discussed and there is opportunity at some point to revisit these ground rules to determine whether a minority report is appropriate to be written." And just leave it open like that. Is that something that would be acceptable so that it doesn't just go away? We could vote on this and we are operating on a consensus but we

didn't get a consensus so we are going to vote you down. I don't think that is appropriate and so if we put in some language related to that would that work?

Joan Folwell – I don't think a minority report is used very often. That has been my experience working with the League of Women Voters. There is a myriad of opinions and we come to consensus, generally, but I think it is a useful vehicle to have handy in the event that there is a very strong conviction on the part, not just one individual, but several individuals.

Ben Floyd – So, I'm just putting something in here to remind myself. I will do some updated language. I hope you are okay with letting me take a crack at this rather than spending a lot of time as a group. I will capture it and we can go forward.

Okay, are there any other comments on the ground rules? So we are tentatively approving the subject to the revisions and confirming that so we'll schedule for the next meeting follow up and approval of these ground rules, hopefully by consensus. So, now we are going to get out of the administrative stuff and start getting into some context.

Art Swannack – Are we adopting this method of decision making or are you proposing that?

Ben Floyd – I am proposing that. I hope we don't ever get to fives and sixes but they are there if we need them. If you want to revisit that we could change that or you could propose some language.

Art Swannack – I just stated that already. I don't think five and six should be on that decision making matrix. It doesn't get you by in the end; it gets you people that are unhappy with the result that don't want to make a decision.

Joan Folwell – I think once we go through consensus on an item you are going to know better how it operates and that you won't have to categorize how strongly you feel one way or another.

Ben Floyd – So, you are suggesting let's work with this for now and it may be that this continuum you don't ever say you are a three or a four; it may just be I can live with it and want to see a few changes and then I can live with it. These ground rules can always be changed over time.

Kim Weerts – Really, number 5 is basically the same as number 4 because you are either going to abstain or you don't like it and you're not going to vote yes or be a part of the consensus. And number 6, really if you wanted that it goes back to the minority report. So, five and six seem kind of redundant to me.

Art Swannack – The problem with number 6 is you are formally disagreeing with the opinion and not standing for your disagreement.

Kim Weerts – If you don't want it and note it in writing you go back to the discussion on the minority report. So that is basically saying that there is a minority report.

Ben Floyd – Not necessarily. It would be in the notes that says I disagree with this but I'm not going to stop consensus and can you make sure we have that captured in the notes. It doesn't necessarily have to be a minority report.

Art Swannack – The problem with it is you get to the end of this and you have supposedly everybody agreeing to the report but you end up with people in number 6 you have people who disagree with the report being classified as agreeing with the report. That's the problem I have with six. Five is like you said, same as four, if you are going to abstain or stand aside it's the same thing. It classifies people in a position that they really aren't in.

Ben Floyd – If you want to delete column six we can delete it.

Kim Weerts – I'd delete five and six.

Ben Floyd – I've heard from three of you.

Joan Folwell – I think that we should use that definition purely as a guideline but I think, as I said before, once we go through the experience of consensus you are going to find out that it just (inaudible) along. There will be people adding minor modifications. Consensus is not a vote you don't take one of those positions, you don't put a label on yourself. You are going to evolve as the discussion goes on and you can look at that to get an idea of where you might fit on that continuum but it is just a guideline. It isn't something written in stone and I think we are wasting time debating it now.

Ben Floyd – But it is important to get this up front so we don't have to revisit it when we are ready to make a decision. Can you live with deleting five and six?

Joan Folwell – Sure.

Alan Thomson – Does that mean that there can be no disagreement? We may have somebody who totally disagrees, and can't buy into that at all so this whole concept of consensus is based on everybody agreeing to something. In a democracy if we can't agree and we have to make a decision and it is the majority vote decision, 50% plus one. So, if we do arrive at that situation and some people cannot abide by this decision and will not vote for that then we have to go for the majority vote.

Kim Weerts – In addition to that, if a person is completely in disagreement even though we go to a majority vote, that person can also say that I would like my opinion printed in the minutes. If a person completely dissents with the vote, that person can also say that he wants his opinion printed in the minutes so that their opinion is in there.

Ben Floyd – Absolutely. So with these edits are we ready to move on to the next agenda item? Okay, good discussion. I thought we should start talking about what we are going to be working on. We gave you an overview at the last meeting but it was pretty theoretical, just words on paper, so let's start sharing information. So, you know what we have been doing as a consultant team in the background is we are assembling the whole geographic data set that is going to support the development of the work plan for Whitman County.

So, we pulled in NRCS data, other USDA data, we have state information like priority and habitat species data that WFW puts together, a bunch of data sets from Ecology. The Shoreline Master Program update that Whitman County is almost through had a bunch of information in it. We have that information and we are starting to put all that information to where do we have ag land, critical areas, what are the intersections, what are the function to critical areas? So we have a base level of information.

If I gave it to you right now, it would be bunch of maps that are really hard to understand as well as a huge data table that will be helpful for us but it is not organized yet. That is just by way of introduction. This presentation will go out on the website. If you want it emailed to you separate from that we can do that too.

So, identifying ag lands and critical areas. This shows you in a very simple mapping scale, all the ag land throughout the County, everything in green, gray is non-ag land. There is some non-ag land maybe mis-categorized and is more like range land. This is a national land cover data set that we have and it may have some issues. Some of the areas and the valleys we will still be working through this. So, I expect you will have comments on this. Don't worry so much about the detail and the scale because we are still refining all of our information but I want to show you the direction we are heading.

This is important to see how the precipitation works across the County. On the western edge of the County you are probably in 10-11 inches as you work your way across you get up to 18 and then the area in green is 18-24 inches and you've got a few areas where you might get greater than 24. Precipitation is important because it determines vegetation and the types of vegetation that grow along the streams and the types of wetlands that will form. The precipitation also determines when you have steep slopes where you might have run-off issues, soil erosion. These will be zoned as areas that we are thinking about as they intersect ag lands over precipitation to determine what is going on as far as critical area functions and what are the constraints.

David Swannack – We are discussing what is ag land and are we just considering the land that grows crops? Like you said it could include grazing ground?

Ben Floyd – Yes, in fact at the end of this, but I have definitions that we will go through to help provide some clarity around that question. What the VSP covers, the work plan covers agricultural activities and it pretty much covers anything ag related that you can think of, so grazing, grow crops, etc. We will get into that.

This is a map that shows priority habitat and species data and it shows both different habitat types and different habitats that are primary association for everything that is tan in color and that is mule deer. There is no critical habitat for mule deer but when you think about fish and wildlife that occur in Whitman County and the habitats that they use, they use everything. Ag land, range lands even cliffs and they are all over.

Larry Cochran – You have mule deer; why don't you have white tail?

Ben Floyd – This is just out of the priority habitat and species data base. Mule deer is like the tag and it probably says mule deer, white tail, elk and some of the larger mammals can use this area for habitat but the primary deer that you have in this county is mule deer. This is not the entire area of the County, this is just a small area. So, in this area, and we probably do have habitat in other parts of the county.

Brad Johnson – That is the mule deer because they are more sensitive to changes.

Art Swannack – In Whitman County all of the land is zoned to ag zone except for those that aren't zoned ag land. So all of the stuff that is listed as non-ag land is ag land in Whitman County for zoning purposes. It is ag land unless it has been moved to a different type of zoning.

Ben Floyd – So we should use that zoning as our ag land definition instead of this land covered inset. This is the kind of discussion we want to start having.

Alan Thomson – I would say the majority of the County is called the Agricultural District so it is somewhere in the region of 95-96% is designated the Agricultural District.

Brad Johnson – The comment about the ag classification, the VSP process is really generated for existing ag activities. If something is not in ag activities then it is not necessarily, we're not trying to cover that part. Alan, are we covering everything or is it just existing ag activity?

Alan Thomson – I think it has to overlap with the ag activities. If you have something in CRP what impacts would there be?

Art Swannack – The clearest way to say it would be in our County anything that is not ag land is basically covered by the critical area ordinances that are already in code.

Alan Thomson – But there has to be some sort of agricultural activity that may be impacting a watershed, right? Isn't that the whole point?

Ben Floyd – Yes, but you can also have ag lands that are fallow or in CRP and we are a county and taking credit for those but if those change in the future then we would need to apply the BMP's related to dry land wheat farming, for example. So, they are included as a, we are taking credit and are not impacting critical areas right now but that may change in the future. Contracts come out and those lands go back into production, then change it.

Jon Pearson – So, I would say that all land is agriculture and then what about state ground, B & I ground, highways? We have highways impact water quality. How are we going to address that or are we going to address that? Is that classified as agricultural?

Ben Floyd – So, highways, gravel roads are not part of this process; they are not agricultural activities. We have a definition, we are going to go through and I should have just started with that.

Art Swannack – It goes back to the first statement where the only thing we can opt in VSP for was agricultural lands. The other lands are all covered either under our critical, they should all be covered by critical area ordinances, and so anything and roads are covered, Alan knows this better than I do on that.

Alan Thomson – The critical area ordinance exempts agricultural activity right now so we are trying to fill that gap with the VSP. And the critical area ordinance does not speak to county roads or state highways. They are ditches but it does speak to wetlands potentially that could be offset, culverts and what not. It is a jurisdictional wetland and it is not part of a drainage system alongside the road which would be exempt because there is a program that allows roads to have these exemptions to protect the road beds. But if it is offset and somehow or another it is been impacted and it would then come into the critical area ordinance.

Larry Cochran – So is part of this process your GIS maps will we be able to correct Ecology's map that has the blue line that goes through my mother's house?

Ben Floyd – Actually, it is a DNR map probably that Ecology has in their data set and we can just turn off that layer, we can show just the main streams. There are lots of wheat fields that show drainages and it shows wheat ground. The maps only service to get to a point to identify where the intersections are and then provide the foundation for the best management practices. Those activities that we are going to promote for either different areas in the County or for different types of ag activities that people can apply to be able to protect critical areas and maintain their ag viability. So, the mapping is never, we don't have the budget to get the mapping just perfect; we are going to have to rely on the information that we have.

If we've got something that is bad like maybe this map that we show of ag lands is showing cultivated land or something and doesn't cover anything else and we are going to go for zoning, then that is the kind of fix we can make. We can pull this layer instead of that to be more accurate. But we are not going to be able to update the maps completely.

So, this also shows different kinds of cliffs and bluffs where you've got curlew, waterfall concentrations along the river and all this is designed to identify habitats, species that are associated with those habitats and we will use that to tease that function. I will show you how that will conceptually work out.

Here is another area, this is up north of Ewan, Rock Lake, south of Lamont. So, this is just the wetlands. Now this is a national inventory which is a pretty coarse data set, but it is the best that we have and it provides a starting point. I'm pretty sure this is what you use in the County as a starting point, Alan. If someone comes in and you have a wetland that is shown you will start there, and then do a site visit and follow up from there. So I guarantee there are issues with this map. It shows wastewater treatment plant lagoons as wetlands. We all know those aren't wetlands. But that is just the way it is.

Alan Thomson – Tell that to the Army Corps; they are arguing that a pond at the landfill that was created by us is a wetland. Jurisdictional water of the United States. I couldn't believe it.

Ben Floyd – This is where I need the ecologists from our firm but maybe I can get some help from Fish and Wildlife.

Brad Johnson – Freshwater emergent and freshwater forest shrub has to do with vegetation type change that is associated with that wetland. A wetland means it has soil, water, and vegetation and there is vegetation. There are types of wetland that are based off of wetland (inaudible).

Tracy Ericson - There is a lot of non-ag land in (inaudible.)

Ben Floyd – It is ag land, it is range land. Just to follow up on freshwater emergent and the forest, so that is like emergent wetlands which can have more grasses and maybe some smaller shrubs but freshwater forest and shrub is going to be more than established complexed habitat.

Nancy Belsby – We had the wetland definition in the shorelines that we just did. It came out of the farm bill.

Ben Floyd – We will have definitions in VSP as well. I just don't have them all off the top of my head. So, critical areas are Fish & Wildlife, Habitat Conservation Areas, and Wetlands. This path illustrates frequently flooded areas, which are the 100-year flood plain within the County as well as your channel

migration zone. Which just happened to be exactly from what we can tell out of the Shoreline Master Program the BMP's are exactly the same as the 100-year flood plain.

Tracy Erickson – it just came to me why a lot of the non-ag lands, they have termed CRP non-agricultural. I'm sure that is what it is.

Art Swannack – CRP is simply rented; it is still ag land.

Tracy Erickson – This was CRP, (pointing at the map) and this was CRP and this area down here is all CRP and is coming out. So I think you could look at this whole thing and see that this is basically CRP.

Nancy Belsby – You said the Fish & Wildlife habitat land are wetlands?

Ben Floyd – Fish & Wildlife Habitat conservations areas are one of the five critical areas that we have to address. So, wetlands are also Fish & Wildlife Habitat but it is called out separately but everything like a riparian area is another type of fish and wildlife habitat. Cliffs and bluffs for raptors for hawks and eagles and stuff is another type of fish and wildlife habitat. Water aquatic habitat is another fish and wildlife habitat; in a stream is another fish and wildlife habitat conservation area. So, we have to address Fish & Wildlife habitat conservation areas, wetlands, frequently flooded areas, which is what this map is designed to show. So you have Rebel Flat Creek, Palouse River, and the area in blue is the FEMA special flood hazard area, 100-year flood plain, and so that is the third type.

The next type is geologic hazards. So, on this map we are showing the areas in orange are the slopes steeper than 15%, and the areas in pink are landslide hazards as identified by the Department of Natural Resources. There are data sets that show these hazards and so, if you had an ag activity that was increasing the risk of landslides, maybe something like this in one of these areas, or run-off that could saturate the soil and then could cause a landslide, then there would be a set of management practices related to reducing that risk wherever applicable. We are not going to say that is Joe's farm; we are not going to get that specific. We are going to identify by different drainages and issues by different drainages and then come up with practices related to dealing with those risks.

Someone brought up DNR ground. So, for DNR ground if it's zoned ag it is in, and DNR will have to be bonded with their lease holders, whoever is farming the ground, to have the opportunity to voluntarily participate in this program.

John Pearson – That piece you just pointed at is timber.

Ben Floyd – So, there must be something with the soil and maybe some of the run-off that is created as a potential landslide hazard. This is not that it is going to slide here; it has characteristics that there is a higher risk of a landslide in that area based upon certain conditions. I don't know all the details but we will have that in our report.

Larry Cochran – Just normal freezing and thawing of our winters is going to cause rocks to move all the time so it is not whether it is that cold or just happens.

Ben Floyd – Right, so if it just happens and there is no ag activity that is affecting it, we don't worry about it. But if there is ag activity overlaying by a critical area, then that's under the purview of the voluntary stewardship program. We have an opportunity, we have to protect from the risk, we have to

protect from the habitat standpoint and functions and values and so we will define more in detail what that means but that is the general concept.

John Pearson – So is timber harvest an ag activity?

Ben Floyd – Timber harvest, I don't believe timber harvest is an ag activity. We have forest practice rules that cover that, the Forest Practice Act. So, we are just focusing on agricultural activity.

Jon Jones – So, if there is an agricultural activity adjacent to the pink areas and there is a landslide then we go to the agricultural activity?

Ben Floyd – All I'm saying is if there is intersection, maybe John on the phone can help with this one because this is a little bit, I can understand the fish and wildlife habitat, the wetlands, even like flood, but for geologic hazards there are so many of them. I can understand when we talk about wind erosion, soil erosion from rain and snow but when you get into landslide hazards, I haven't got my head wrapped around it yet. John, can you add anything to that?

John Stulhmiller – Yes, it is really part of all five types of critical areas. So we are talking about a standard that protects critical areas and enhanced with voluntary measures only, but to protect critical areas to the level that they were as of July of 2011. That is your baseline here. We drew a line with a statute in the Legislature agreeing with that, obviously that was the standard. Then, you also have to maintain and enhance liability. So, keep that in mind that whatever the critical area is, it is what condition it was in in July of 2011 and that is what you have to retain. Then you get to geological hazards, it is a little different. It doesn't have the same look and feel of some of the other critical areas.

Ben Floyd – Thanks for sharing that. In all of these maps we have here, as much as we can, we are trying to pull those from 2011. The information we assemble for your baseline for your program was based upon those conditions listed at that time.

Larry Cochran – He asked if timber harvest was an agricultural activity, which it is not, but if you were to raise poplar trees and you harvest them in less than 9 years, then it would still be considered an agricultural activity.

Ben Floyd – Yes, there is an, "including but not limited to," provision in the definition in the RCW, which I'm going to show you and so that is a gray area.

Alan Thomson – So, does this program cover the federal government and in particular the Army Corps lands? Are they a part of this voluntary stewardship program? Their lands?

Ben Floyd – Are they performing agricultural activities on their land?

Alan Thomson – They do and they are; there is grazing going on down by the Snake and there may be other. Somebody is grazing that land. So, is that land covered under this program?

Ben Floyd – It could be included; I would say, yes, it is. It is voluntary, right. We would hope that they would participate if we have some practices they want to suggest, that is my opinion. It is the activities.

Tom Kammerzell – So you were saying that you are affecting any critical areas with ag land. So, any ag land any place in Whitman County that has any run off at any time can be under the jurisdiction of this and the rules that you come up with? Is that correct? So if the run off doesn't affect a critical area,

Ben Floyd – It all runs downhill. It does, but right before the Fairgrounds and you are coming on SR 26, you can see little draws where there is just a thin area of grasses. Then you have cultivated wheat on both sides, and then there is a road and a culvert that drains those, but those culverts drain into grassy areas and then you got more field. To me, there is no impact there.

So the run-off comes, it hits the grassy area, it dissipates the water and the sediment, the soil that is coming off of there and every year, everything below gets cultivated and the soil gets worked in. There is no impact to critical areas there. So, it is only if there is. Like you have seen some of these big fissures that happen in the wheat field and then you get rain and snow on that, it goes down and hits a ditch and it is in the river. That is a potential for impacting the Fish & Wildlife habitat. So, that kind of a condition, what can we do to mitigate what practices can be put in place to avoid those impacts in the future.

Tom Kammerzell – So it goes back to my initial statement that is that agricultural practices could be three miles away but if it ends up down there it is under this jurisdiction.

John Pearson – I think we need to have to get back to John Stulhmiller's comment that if that was July 2011. So, if we were farming we just have to maintain what we were doing then; so we don't have to improve, we just show that we are maintaining.

Ben Floyd – There is protect and enhance, both. I was right the first time. I should have just left it up front. We could have covered it but you probably would have never seen the maps. It is protect and enhance. If there is an impact that is happening to critical areas like a stream that has sediment in it and now we can't maintain a trout population in it. Then we talk about what can we do to deal with that issue and that drainage. There are some practices and existing programs through equip or some other NRCS programs that can be targeted in that area. Or more CRP ground or whatever that we can deal with that issue.

John Pearson – So what is the relevance of the July 2011 date?

Ben Floyd – It is basically the function. Let's say you have a stream that is intermittent in July 2011 and has no fish in it. We do a bunch of practices and all of a sudden instead of water blasting off in the winter, now it is recharging and we have springs coming back. That stream is starting to flow and now it maybe becomes almost a perennial stream. Someone comes back and says that you have to stop doing this and this because you have this stream here now. We say that in July 2011 we documented and that stream was this. So based upon that we have actually made it better and we continue the program, here is my VSP program plan for my property, talk to you later. So that is kind of the example.

John Pearson – Right, but we don't necessarily have to make it better.

Ben Floyd – We don't necessarily have to make it better but if there is a certain level of function that is maintained, and we decide it is good enough for that drainage, we are good, just keep it going forward. CRP ground comes out and potentially you have some changed conditions you may have to revisit that. There are 5-year reviews that are built in to the plan.

Art Swannack – The key point to remember is that this is not a regulatory program; this is a voluntary program. So we come up with different ways that people can maintain and enhance, they can look at the 15% slope which will be all over Whitman County and you could do these things. But as of July 2011 that is where you were at and if you are still the same place in July 2021, it isn't affecting you other than what goes on in the Legislature and that is out of our control. This is voluntary and it gives you ways to participate in programs to make things better if you choose to participate.

Ben Floyd – One of the key tenants that it will have is that you want to provide maximum flexibility and offer options so that people can say that this is the equipment I use and I can only do certain activities. So, we have those activities in our tool box but other people may have more sophisticated equipment or use other tools they could do other practices. We want to provide flexibility and provide different ag operations that are out there.

Alan Thomson – So, since this is all voluntary, what if someone does not want to comply and there is a clear impact on a critical area and some landowner says that he is not obligated to follow this; it is a voluntary program. And there are clear impacts; what happens then?

Jason Kunz – They are subject to your regular regulations, right?

Alan Thomson – No, unless we put something in the critical area ordinance that isn't there right now.

Art Swannack – We can't do that because we opted into the VSP program that ag lands stay out of critical area ordinance and they follow the VSP program. If somebody chooses along that area, what you look at is the cumulative net affect.

Ben Floyd – You look at the drainage and if there are enough other people that are doing practices consistent with the VSP and the functions haven't changed, then you are fine.

Art Swannack – There was some data that came out, that talked about like 30% of people participated in a certain part of a drainage and then that affect took care of what was needed for the entire drainage.

Ben Floyd – So, let me caveat that. So, VSP also still doesn't take away existing laws and other regulations. So, if you fill in a wetland you are still violating other laws and regulations. There would be an enforcement action as part of that. What we are talking about is within a certain band of activity and flexibility. There are some things that are illegal today and are still illegal going forward.

Jon Pearson – It has come up several times, but CRP is going to keep coming up and we have to basically accept the fact that we can write this thing in such a way that someone can't turn CRP out and go back to farming. If we did that and the federal government decided we weren't going to have CRP program anymore, that is almost a taking. I just want to make a comment that CRP might be a good example when we start figuring about some of the things we are suggesting. Does that stop us from taking CRP out? If it does then it probably doesn't fit, in my opinion, doesn't fit the model.

Art Swannack – Again, you look at the whole drainage and CRP whether it is in or out for a period of time, when it is in there it is doing some benefit. When it's not it is probably a net, okay, this is what the normal condition of farm ground around it was. There may be some people that CRP actually kind of looks like their rotational benefit through their operation. But we are not regulating.

Larry Cochran – We just have to make sure the CRP ground is considered agricultural and that will take care of the issue.

John Friel – Would it be a correct statement to say that the voluntary practices that the board comes up with would be in the context of meeting Fish & Wildlife, WSDA, EPA, and Corps of Engineers? It would be that, so here is the voluntary practice list that you can use to mitigate or enhance your property? Is that correct that these voluntary practices would be in that context and if so, would this process leave us observers and the board to understand the multiple regulatory requirements?

Ben Floyd – The first part of your question about, will the practices help comply with the existing laws and regulations? I think they will but they won't necessarily be like, we are doing these practices to comply with provisions of the clean water act.

John Friel – For example, in the Capitol Press last week a farmer had heavy erosion along a creek and he worked with the Corps of Engineers and NRCS and the EPA fined him \$100,000 after he was done. So, usually, you go on working with the Corps of Engineers and NRCS and now EPA shows up and says he did it wrong. How do we, if we are enhancing or bringing back to 2011 status, how do we not run afoul of these conflicting federal power struggles?

Ben Floyd – It goes back to what I said earlier, we still have laws and regulations that everybody has to comply to it and this is kind of an overlay on that. So if you are working with NRCS and the Corps of Engineers and something you do violates the law that EPA administers even though they said it was okay, if the EPA didn't say it was okay and there was some violation there about the practices, those requirements are still in place. This overlay is on top of those and it will help generally improve things, the whole VSP program which you are already doing a lot of practices as it is, but maybe there are a few errors or we can make things a little better, but that is not necessarily going to meet the requirements of all these other laws and regulations.

Art Swannack – The net reason for VSP is so ag isn't directly under a regular critical area ordinance that has to deal with all those regulations. This is a voluntary way to make it so that agriculture can take care of the environment yet not have to deal with those regulations. The regular critical area ordinance, I got to read the first year I was in office and go through, thanks to Alan, and if you look at what business has to go through in the city in terms of silt control and all those different aspects we don't want that in ag; we want the voluntary program to let ag operate.

Alan Thomson – Just for clarification on the critical area ordinance, what is exempt right now with ag activities are what are termed farmed wetlands and prior converted croplands. The NRCS is the agency that tells me if it is registered as a farmed wetland or prior converted. Then my critical area ordinance doesn't come into effect. The other agencies, however, have their own regulations so I would notify Fish & Wildlife and Ecology and the Army Corps, that there is a landowner over here that wants to ditch a prior converted crop land, it is exempt from my regulations so the VSP would probably cover the farmed wetlands and the prior converted crop lands. But there are wetlands out there that are not a PCC or a farmed wetland. They are not exempt. That comes under the critical area ordinance. What I am finding is there are a lot of PCC's and farmed wetlands out there. Therefore they are exempt. Our critical area ordinance will cover some wetlands and critical areas out there and then the agencies have their own regulations.

Ben Floyd – So, Alan, I want to get a little more educated on that so I'm going to follow up with you. Maybe you could show me some examples of that and I may bring another team member in too, on the consulting side. I think that is going to be an important point to make sure we have clear about what we are and are not dealing with.

Jason Kunz – Ben, have you studied the VSP projects of counties first dealing with SWANT? Is there stuff in there? If it is, so somebody opts into the VSP program and the land is, they have done their inventory monitoring in the 2011 baseline conditions, and you have prior converted cropland or farmed wetland. Is there going to be prescriptions, BMP's covered in the VSP work plan that would basically cover DOE, Army Corps, and Fish & Wildlife regulations? Or do we still have to get involved?

Ben Floyd – You're still going to get involved with those and the way I understand it the work plans (inaudible) have not addressed this issue specifically.

John Stulhmiller – So, that very issue is one that is central to this. First, keep in mind that the non-brady (inaudible) plan, so you will have no BMP's. I want to make sure you understand that. In the plans that are envisioned, you won't have BMP's. You will have, if you've seen the check list that Thurston and Chelan both have, this check list that says here are the critical areas on my property and these are things I do and don't do. But, keep in mind that this is done at the aggregate level so it's not your farm individually that has to perform; it is the collective basis of whether it is a stream or whatever. The individual farm performance is never measured.

Now, when you enter into an individual stewardship plan, that is where you say, okay, there are three things, I may participate for the first time ever in whatever it is. I am going to do these things and the things are the landowner's choice from the potential options, but I would really encourage you not to say, "Best practices or best management practices." There are options available for dealing with highly erodible lands or whatever and then the individual stewardship plan is where that comes into play and it will not replace Corps of Engineers requirement.

It won't mean that you are in compliance, necessarily, because you are not going to be able to enforce that. But what it will do is if you are doing things that enhance your property and maintain their enhancement. Maintain is do nothing and enhance is you do something. If you take that action that is going to necessarily have good implications towards meeting other statues. I think that is the best way to think about it.

Ben Floyd – So we can't call it best management practices. Can we call it like, conservation activities or stewardship strategies?

John Stulhmiller – Yes, the other plans are just conditioned where enter best practices as the base pool of information for producers to work from. Yes, stewardship practices, potential whatever. You want to not say, because if you say BMP that necessarily means if you are not doing that, you are out of compliance and let's not think you are not using best practice if you are not applying A. That's where you want to be.

Larry Cochran - Okay, so with that, to me what we need to do is identify the critical areas, identify if they are what they were in 2011, and say going forward they can't be any worse, but they can get better by whatever means possible. Is that all we have to do?

Ben Floyd – That is all you have to do and we can probably have it wrapped up by the next meeting.

Alan Thomson – So, Larry, you solved it. Thank you.

Ben Floyd – We are getting close on time here so this map shows water erosion hazards. Red and orange means more severe and green is slight. This is based on NRCS data. Then we have another map that shows wind erosion, wind erodibility and then again, red, orange those are areas where you have higher erosion hazards. This is laying out what is on the ground, where do we have issues, and then trying to intersect these with ag lands and ag activities.

Joan Folwell – So is the erosion in a critical area?

Ben Floyd – So, erosion this is part of a geologic hazard so also wind erosion, water erosion, and steep slopes; there is half a dozen of them. These are critical aquifer recharge areas with potable water supplies.

Alan Thomson - Do we have some? That is news to me.

Art Swannack – It is not in our plan.

Alan Thomson – I didn't know we could identify any with PBAC. It seemed like they weren't able to identify definitively where any of these critical areas might be.

Ben Floyd – So the areas in purple are well head protection areas, 10-year time of travel. So somewhere, this is the Department of Health data, and somewhere in here, here is Colfax. My guess is wherever the wells are for the cities, these are the 10-year time of travel. Basically they do a modeling of soil and recharge and geology. The 10-year time of travel, if you had a contaminant, let's say you had an oil spill on the surface, it would take 10 years to get from the point of that oil spill to the ground water based upon the modeling. So, this identifies that area of the 10-year time of travel of a potential contaminant that could impact drinking water quality. So, there must be a Group A water system?

Larry Cochran – They are artesian.

Art Swannack – That's where all the water for Colfax comes from, I think.

Ben Floyd – Well, maybe that's why it's such a large area. I don't know what the geology is in that area and how the recharge works and this is based on a model that is done for \$5,000. So, this is not like a high-tech science study but it is the best we have.

Jon Pearson – Whose map is that?

Ben Floyd – The Department of Health Wellhead Protection area map and we have other aquifer recharge areas. We just showed you what is around Colfax. Pullman has this, Palouse, every class A drinking water system has to have a well source, and they have to delineate these 10, 5, 1-year time of travel, and we can identify those as critical aquifer recharge areas.

If you are talking about the Palouse Basin and where recharge occurs, PBAC, we don't know. So we have to make a decision about kind of everywhere else based on the soils. You guys have a lot of clay soils on

the eastern side of the county and those clay soils are pretty impervious so water may come down, it goes so far into clay lands and it is back to the stream somewhere or it may recharge from Wanapum and some wells may be in the Grand Ronde. How we deal with critical aquifer recharge areas, still kind of wrapping our head around it. We know, at least, these are included and we have a whole map for Whitman County and you now have a wellhead protection areas data layer that is a critical aquifer recharge area.

Alan Thomson – I know we have wellhead protection areas; these areas are already protected but I didn't think it was as large as that. I thought it was about 100 feet around the wellhead.

Ben Floyd – It is a 10-year time of travel so you might have signage for one year but when we look at critical areas, let's just say critical areas in general, maybe there is not many ag lands in these areas. In your code, if you were to regulate a gas station or something else, and they are located in this, here is some additional provisions they would have to be in place. Like they have containment for a spill and have to have materials on hand to deal with a spill, so they wouldn't affect ground water quality for potable water supply in this area.

Jason Kunz – Maybe in that purple hatch area on the map it means you aren't going to be doing any 100% impervious surface over a 5-acre or you're not going to get a mining permit that could compromise the ground water protection.

John Pearson – So, I am really familiar with that area. That drawing is, doesn't make any sense at all so I would really question the science behind that drawing. That brings up the question, where did the map come from and what is the basis to that? If you went out there I think you would all agree that someone just stood there, threw a dart and drew a line.

Alan Thomson – I concur with John on that one; that is just too big of an area for a wellhead.

John Pearson – The well is actually on the left hand side, the city well is right there.

Art Swannack – They are talking about the water flow.

Ben Floyd – Maybe up here is there exposed basalt or something?

Kim Weerts – It's not science; it is modeling.

Larry Cochran – Modeling says that they think the water comes from Mike Johnson's place. It is an artesian so who knows where it comes from.

John Pearson – The drainage comes down and around this way. So this is going up over the hills, down the other side, this is 300' high. It has to be something way below the surface. It is very difficult to map this part.

Ben Floyd – I agree, however, it is the best information we have.

Larry Cochran – They just thought larger was better than smaller?

Nancy Belsby – Can't we just change the map?

Ben Floyd – We can but, who is the engineer that would have done this?

John Pearson – So we need to talk with that guy. I have a little bit of background and this doesn't make any sense. There is a lot of farm ground and that farmer would be pretty upset.

Kim Weerts – I didn't think that our task was to change these. Instead, what we would do is send it back to whoever we got it from and tell them they need to do something about this and then we just disregard it.

Ben Floyd – I don't know that we can disregard it; this is state department called ADESEC. They got a model from an engineering firm that mapped this wellhead protection area based upon some aquifer properties and some well logs. There are two or three data points used to map this. This is for all of us to see that there are some issues with this and if we want to individually try and work on this, great, we can do that. We don't have the budget to change the maps nor do we have the resources or information. To do a good protection area for this area it may take multiple data sources; it could be a \$50,000 study just to nail that down.

John Pearson – Understood; maybe I'm not reading this right but in the definition it has two words in there; critical and area. If we recognize that as a critical area that means it is already under the critical area ordinance?

Ben Floyd – So these maps, yes, under the critical area recharge areas,

Art Swannack – So, what you have thrown into the wind that nobody liked the scent of, is that our critical area ordinances across the County have to address critical aquifer recharge areas and until you just showed us this, there were none on our radar.

Ben Floyd – Okay, there are more than just these.

Art Swannack - This kind of stuff has to be in VSP but it also affects us outside of VSP.

Ben Floyd – The beauty is that every map we put together in this data set, is going to be what you use going forward. I know you don't have a GIS system now, but we can also give you the pdf version to these. So you can in the meantime, and it will give you the data set at some point, so you will be able to use critical areas mapping both for your regular critical areas code activities, everything but ag and then we will also have this as available for ag activities.

It could be that farming may not affect this at all, so it may be a non-issue in terms of, are they doing tillage practices that allow for recharge or is it just a big runoff in some ravine? Maybe we look at that and say that they do like one pass, two pass, as far as on the farm ground. Is it wheat land up here?

John Pearson – Right, so a 10-year recharge is probably above. It is not ground water. It is going to be surface water hitting a basalt layer and moving. It is not getting into the aquifer in the Palouse, right? So, I would really like to see where the map came from.

Ben Floyd – So, I would contact the Colfax Public Works Department and ask them who is your engineer that did your water system and water protection plan? Then you can report back and share what you learned.

John Stulmiller – So this issue has come up in every group that we have participated in. So, keep in mind you only have to consider the data. You don't have to use the data. You can qualify, you can say that this is not appropriate based on whatever. The group itself is going to drive what the report is going to look like and you can put the data in your appendices. But you will see how you want to use this data later. Right now, you are responding to it, but you have 2.5 years to work through what you are seeing now.

Ben Floyd – We are on a 1.5 year schedule, just so you know. This shows how we are going to look at precipitation, land cover, wetlands, PHS, other critical areas to determine where the intersections are between ag lands and critical areas. There are four slides that show taking those same maps, basically what I have already covered. I will skip past that and I will give you this power point so you'll have it.

We have some terminology so I'm going to start. We had protect and enhance critical areas. You already heard protect versus enhance. Protect is do nothing; maintain what you are already doing and enhance is potentially doing some additional stewardship activity or practices that could improve the critical areas. What does it mean to maintain and improve the viability of agriculture? John, has there been a good definition that has been developed for what this means?

John Stulmiller – That is the hardest thing we have had to deal with. We, in the ag community put that language in. It is hard to articulate that but the good news is that you will get some benefit out of Thurston and Chelan. They are well ahead of you in this conversation and there are some pieces we can show you that we can bring to the table to help in that. That is the million dollar question right now.

Ben Floyd – I just want to key that up that we are going to have our work cut out for us and it is not quite figured out yet. It would probably be specific to each county based upon the ag economies. Chelan County has a bunch of trees through it. This is predominately wheat and legumes and range land, so liability may be something different for Whitman County. There may be some definitions that we can draw upon but we will have to tailor it to what we think is ag liability for Whitman County.

So, "Protect and enhance," we have already covered the, "Prevent the degradation of critical areas, functions and values existing as of July 22, 2011." Enhance, we can improve things with processes, structure and functions that exist. "Maintain and improve ag liability." I actually pulled this from Chelan, so it is, "Avoid unnecessary regulation and implement practices that improve ag liability and promote land stewardship." Again, we will be tailoring it.

Other terminology, here is agricultural activities. So you want to know what is covered under VSP. "Producing, breeding, increasing ag products, rotating and changing crops, fallowing land dormant land," and that includes, "CRP, agricultural operations, maintaining, repairing, replacing ag facilities. Maintaining ag lands under production or cultivation." It covers all types of potential agricultural products. It covers all types of agricultural equipment and facilities that are used to conduct ag activities. Agricultural land are those areas where activities are conducted and where you said basically your ag zoning. So, if you go to RCW 90.58.65, you will get about a page of definitions. I just summarized them.

Let me just share some of these other items. We are going to pick these back up at our next meeting. What does a voluntary stewardship program document look like? Here is a table of contents. This is informed by Chelan and by the Thurston pilots but we are trying to make it more specific to your geographic areas as well as the type of practices. We may end up breaking it down in detail and then

rolling it back up later on as we develop it. You will have a chance to shape and make this your own but this is where we are starting from.

There will be introductory materials and describe the roles and responsibilities. You will notice here we've got the conservation commission, the County, this watershed work group, conservation districts, because they will be a key part in outreach, and we've got Brad from Palouse Conservation District, so they will be a key component for the outreach, and also the implementation. A lot of these programs go through the (inaudible) to be implemented. Of course, landowners. This program will not work without landowners so we will describe roles and responsibilities.

You don't have to tell me now, but if you think there are any other organizations, groups. We don't have state agencies on here. What is their role in this? So maybe we need to add to this. Then we will have a brief overview of the regional setting. We want to keep this fairly short. We are going to use appendices. We want this work plan to be something that any grower can pick up and basically figure out what it means and how to apply this. We don't want a 200-page document.

Regional setting, baseline and existing conditions and really we are trying to document in a summary form what conditions existed in July of 2011. To the extent that we can identify ag liability baseline conditions we want to describe those as well, as long as we make this amount of money off our crop land just like we always have. We know that things are going to change, profits are going to change, but whatever we decide is ag liability. We want to try and baseline that and identify what that is today. Maybe it is more flexibility in practices. I look forward to working with you on that one. That is where you are going to earn all your money that you are getting for being a volunteer on the work group.

Then we go into "Protection and enhancement strategies." This will be the depths of the document. I show different types of ag production that occurs in the County here, but underneath each of these, like dryland wheat, there will be erosion related, so it says, some will say it says "BMP's" up there. That doesn't say BMP's; it just says, "Conservation and stewardship practices." It just looks like BMP's.

So soil erosion, protecting riparian areas. There will be a subset of critical area function based on conservation practices associated with each of these types of operations. If they all look the same, maybe it is more focused in geographic areas, we may switch from crop types to geographic- based focus. You help us decide what works and what makes the most sense. Or there may be like wet area dry land wheat and west county, east county. However, we need to split this up so it makes sense that is what we are going to do. We are giving you the starting point.

Once we have the strategies, how many do we need to have in the south fork of the Palouse drainage? How many do we need to have on Rebel Flat Creek? How many do we need to have up by Rock Lake to make this viable to make us achieve some goals and benchmarks? That is where we will define the goals and benchmarks both for protection and enhancement goals as well as ag liability goals. Then there will be a framework for implementation, roles and responsibility, who is going to do what, what is going to happen at a 5 and a 10-year check in, as well as technical assistance and outreach, monitoring, reporting and adaptive management. So that is a very broad framework for what VSP elements are going to be included in your work plan.

Let me just share one more little map with you. So, at the last meeting we shared a schematic with you that showed the steps and how they build, how they take existing information, pull it altogether. We now have developed a more detailed project timeline for developing your VSP work plan. You can see in

the beginning we have baseline existing conditions, which is what we are doing. We are already assembling the GIS data, we are organizing by geographic areas, we are already identifying problems so we are going to qualify some of this information, some of it will be pushed aside. We will be working on this baseline at least through the end of June; maybe beyond that.

The next thing will be based upon what we have learned from that baselining and what are the protection enhancement strategies that we want to put in place? We are hoping to do that while you guys are farming over the summer, we are going to put together a straw outline of what those practices are by crop types and by geographic areas so that when you come back in the fall, we've got something we can share with you. You'll give us some guidance on this project but then we will go back and do homework while you are doing your other activities.

We actually have a July meeting so June and July we will work on this and take a break and pick it up again in September. Then we want you to know what the functions are that we are focused on and where we have certain goals that we are trying to achieve and also gets us into our goals and benchmarks. It helps to understand how to measure the program. That will happen into the fall and at the same time we will be working on an implementation framework.

All that information will be put together into a draft plan that we will have done by the end of the year as just an additional draft and then we will be working into early next year to refine it. We are targeting state technical review in April and May of next year; that 45-day period. It is an aggressive schedule. We are going to be doing a lot of work over the winter. I think we can do it and we will put as much of it together as we can.

If our meetings, like in two hours we aren't making the progress that we need to, we may think about extending the time or maybe doing a web exit in between a meeting or you can get it from your home, look at something. We will think about ways as go along to use technology to help advance this process and keep it moving on schedule. So, with that, that is our work plan. Any questions, comments?

Is this process starting to take some shape and give you some context? Was this helpful today to kind of get your arms around what we are doing? Okay. If you have suggestions on things you want to see going forward, questions you want answered, reach out and let us know. Otherwise, we will be marching along thinking everything is great and find out we aren't. We want your input, and we are concluded. Thank you.

5:05 p.m. – Adjourned.