

**Skagit County Conservation Futures Program Advisory Committee
(CFAC)
Meeting Minutes
Tuesday, April 9, 2013**

Members in Attendance:

Keith Wiggers	Scott DeGraw	Carolyn Kelly
Alan Merritt	Mike Hulbert	Andrea Xaver

Staff in Attendance:

Kendra Smith, Program Director
Linda Christensen, Skagit County
Ryan Walters, Skagit County Civil Attorney

Others in Attendance:

Allen Rozema, SPF	Jeff Harlow, USDA/NRCS (Spokane)
Monica Hoover, USDA/NRCS (Olympia)	Tony Sunseri, USDA/NRCS (Mount Vernon)

Open

Meeting opened at 7:05 a.m.

USDA/NRCS Program Presentation

Monica Hoover, USDA-NRCS-WA Program Liaison, showed a Power Point presentation on the key points of the FRPP program administration. The current program manual was approved in 2011. Monica noted that there are many details in the manual and often times are missed.

Scott DeGraw asked if there are unclear areas of interpretation, who makes the judgment call? Monica responded that there are not many unclear areas; however, the manual is specific on the rules. One area that can be unclear is determining impervious surface waivers. The manual has a worksheet and staff will do their best to interpret what information is needed. Waivers are reviewed at the state level.

Scott asked Monica for a copy of the USDA ranking criteria.

Monica mentioned that Washington is one of a handful of states where a federal audit will be performed on all easement programs, including FRPP. Easements will not close until the auditor can verify that all information is submitted correctly.

Flood Study.

Monica said that USDA is not concerned about the setback levy alternative. Questions: Will a landowner still have the ability to sign a Corp (ACOE) Overland Flow Easement? Could this

study, once finalized with the preferred alternative keep landowners from entering the FLP? Monica doesn't see this as a project stopper, but perhaps there needs to be additional language in the easements to cover this issue. Monica said that USDA and the Corp are currently talking on how the study affects current and future easements. USDA is being proactive and desires to avoid any problems that might affect the FRPP. Monica noted that for those areas where sheet flow is an alternative and may occur there needs to be more studies because this may cause scouring of the prime soils.

Hazardous Materials:

Monica said that USDA utilizes a data base that checks a 1-mile radius for hazardous material sites; however, the check lists determine an area up to 2 miles. For the most USDA is looking on site and the surrounding area. Kendra asked if it is the county's responsibility to test the site prior to application. Monica responded that a hazardous materials search is done very early in the process. Kendra noted that Olson project appeared to be delayed due to this and it was because of a potential spill a mile away and she asked what is USDA's final action?

Monitoring:

Monica said changes are needed to communicate the original owner and current ownership on the monitoring forms. She said a statement needed to be added to the forms that asked if the properties were in compliance with the signed conservation easement. That would then require the signature of the person completing the monitoring. She said she wanted all 2013 monitoring reports by August 1, 2013.

Tribal White Paper Consultation

A discussion ensued regarding buffer requirements and how this issue might affect pending and future easements. The USDA signed an agreement on January 18, 2013, allowing for tribal consultation on FRPP projects. USDA does not know how they are going to do this yet or what it really means. The Swinomish was the first tribe to request a consultation agreement.

NEPA (National Environmental Policy Act):

USDA has always done NEPA review of the projects, but now they are looking more closely at ESA regarding the 5 listed salmon.

Old Business

Vanderveen Impervious Surface Discussion

Mr. Vanderveen is requesting an increase of impervious surface on his conservation easement, C20060470. The CFAC received information prior to the meeting today in order to efficiently use meeting time.

Motion: Scott moved that the impervious surface designation in the conservation easement, C20060470 remain at the current impervious surface amount, 2%. Keith seconded the motion.

Discussion: Scott said that according to land trust attorneys if we start changing the terms of the easement, we could be opening ourselves to trouble. Keith agreed that all amendment requests need to be treated carefully. In actuality, the property has more than 2% impervious surface. It was noted by the CFAC that this error needs to be addressed and asked Kendra what should be done. A note should be made to the monitoring file that the impervious surface is at a maximum. Scott feels there needs to be a form that the property owner signs initially regarding current amount of impervious surface, and any increase which might be allowed under the easement that is clear and concise.

Vote: All voted in favor of denying Mr. Vanderveen's request to increase the impervious surface percentage. The motion passed.

Feedback Questionnaire

Mike suggested that a survey be sent to all FLP participants asking them how the program is working for them. It would be like a feedback questionnaire. The chair asked Mike to work on producing a survey/questionnaire and Keith Wiggers volunteered to help.

USDA Waivers

Kendra said that the Board of County Commissioners received a letter recently noting that our waiver requests were denied.

The meeting adjourned at 9:10 a.m. Meeting minutes and financials will be discussed at the next meeting.

Submitted by: 
Linda Christensen

Approved by the CFAC Board on: May 14, 2013


Chair Carolyn Kelly