



Jefferson County Conservation Futures Committee

Monday, August 30, 2010

4:00 – 6:00 PM

**WSU Extension, Madrona Room,
Port Hadlock, WA**

*** Decisions and action items are indicated in bold font.**

Members Present: Phil Andrus, District 2; Lige Christian, District 3; Jerry Gorsline, District 2; Janet Kearsley, District 1; Barbara McColgan Pastore, City of Port Townsend; Phyllis Schultz, Working Lands; Sarah Spaeth, Jefferson Land Trust; Fred Weinmann, Ecology; John Augustus Wood, District 1 (arrived at 3:10 PM)

Members Absent: Herb Beck, District 3; Crystie Kisler, Interest- Farming

County Staff Present: Tami Pokorny, Water Quality Division
Gail Bernhard, Recorder

I. Call to Order:

Chair Phil Andrus called the meeting to order at 3:06 on August 30, 2010.

II. Review of Agenda:

The agenda was approved, as written, all in favor.

III. Approval of Minutes:

Minutes of April 19, 2010: Chair Phil Andrus asked for corrections or comments regarding the draft minutes for April 19, 2010. Hearing none, he indicated that the CFFC minutes for April 19, 2010 were approved. (Ms. Schultz indicated her satisfaction with the quality and thoroughness of the draft minutes, considering the complexity of the April 19 meeting.)

IV. Observer comments:

Sarah Spaeth said that she had brought several copies of the Land Trust Conservation Plan. This document was developed over a period of five years, involving many meetings of conservation organizations and other interested parties. It is also available on-line at the Land Trust web site.

V. Old Business:

Chair Presentation to BOCC and Public Hearing

CFFC members who had been present for the BOCC hearing included: Chair Andrus, Mr. Gorsline, Ms. McColgan Pastore, and Mr. Wood. Ms. Pokorny was also in attendance. Ms. McColgan Pastore reported that the presentation had gone well and was well-received. She noted that there was only one public comment in opposition to the

recommendations, which had to do with the desire to include funding for supporting active recreation at Tamanowas Rock. Ms. Pokorny added that because some additional funds had been available, the BOCC was able to fund both projects fully.

Cultural Resources Sub-Committee Recommendations

The Cultural Resources Sub-committee included Chair Andrus, Lige Christian, and Janet Kearsley; Barbara McColgan Pastore also contributed to the discussion in a meeting prior to the full CFFC meeting of August 30, 2010.

Chair Andrus reported on the following recommendations:

1. To amend Rankings Sheet criterion #10 as follows: To what degree does the acquisition provide educational opportunities, interpretive opportunities, and/ or serve as a general community resource. Item a. would be amended to read: Public access with planned or educational interpretive displays, events or activities. There was a brief discussion emphasizing the intention and types of events this would cover: temporary scheduled events and activities open to the community such as farm tours, berry picking, etc.
2. To amend criterion #11 b, as follows: "b. Project is recognized locally as having historic or culturally significant resources, as defined in the State law." (The RCW references would be listed).

Mr. Gorsline questioned whether farming as a cultural resource had been addressed, and was referred to question 8. Members agreed that farming was addressed there.

Question #10. Ms. McColgan Pastore inquired as to the definition of historically or culturally significant resources under the State law definition in use. Ms. Pokorny noted that the material she had e-mailed had not included the appropriate definition. However, Ms. Kearsley had provided the correct material at a previous meeting.

Ms. McColgan Pastore requested a reading of the applicable definition, for the record. Mr. Gorsline read the definition aloud: "Cultural resources means archeological and historic sites and artifacts, and traditional religious ceremonial and social uses and activities of affected Indian Tribes and mandatory protections of resources under chapters 27.44 and 27.53 RCW." Mr. Gorsline said he had read from the WAC (Washington administrative code) that references two RCW definitions.

Ms. McColgan Pastore questioned whether or not the definition applies only to affected Indian Tribes archeological resources. Mr. Christian said that under #11 a., it applies to projects registered with the National Register of Historic Places, or an equivalent program, and that the criterion specifies historic *or* culturally significant resources. He said the committee had been struggling with the meaning of "culturally significant", not with "historically significant".

Ms. Kearsley recalled that full points had been given to the Brown Dairy project because of the historic building. Mr. Christian suggested that the term "culturally significant" be asterisked and that the lawful definition be appended to the Rankings Sheet.

Chair Andrus then reread aloud the suggested changes to #10, as indicated above: "To what degree does the acquisition provide educational opportunities, interpretive opportunities, and/ or serve as a general

community resource? a. Public access with planned or educational/interpretive displays, events or activities."

Ms. Schultz then moved that item #10 of the Rankings questions be amended to that effect; the motion was seconded by Ms. McColgan Pastore.

Ms. Kearsley noted that the sub-committee had included "and materials", i.e. **"a. Public access with planned or educational/interpretive displays and materials, events or activities."** Ms. Schultz accepted that addition as a friendly amendment.

The motion was approved unanimously; there were no abstentions.

Question #11: Chair Andrus opened the discussion as to how the law should be referenced in the CFFC materials. Mr. Weinmann inquired whether the law and regulations (WAC and RCW) have identical terminology and definitions of terms. Mr. Gorsline affirmed that was the case. Mr. Weinmann suggested that the reference should read "as defined by State law and associated regulations", which would provide convenience to readers.

Mr. Christian moved that the definition of "culturally significant resource" and its source (i.e. the laws from which it is extracted) be appended to the bottom of the rankings sheet and be referenced by asterisk to question #11. Ms. Schultz seconded the motion. [Staff note: no definition for "culturally significant resource" could be found, so the definition cited above for "cultural resources" was used in footnotes added to the application and rankings sheet.]

Ms. Kearsley suggested that **the definition and reference under discussion should appear within the application (question 27) for the benefit of applicants, as well as within the rankings sheet. Mr. Christian indicated that the suggestion could be made as a friendly amendment, which he accepted.** There was a brief discussion as to the form of the original sub-committee recommendation, and agreement that the phrasing, except for the proposed footnote, would remain unchanged. **The motion regarding question #11 on the rankings sheet and question #27 of the application was approved unanimously; there were no abstentions.**

VI. New Business

Changes for the 2011 Round

Ms. Pokorny reviewed a list of issues and the criteria that had raised questions of interpretation among the CFFC during the previous funding round.

1. Question #1 Should this Ratings Sheet question (#1) be made more general? To what degree does the project leverage contributions for acquisitions from groups, agencies or individuals? Ms. Pokorny said there had also been a question regarding item e. and whether a point should be assigned for 51-59% (instead of 50%, which is a minimal requirement).

Ms. Pokorny pointed out that the specificity of the basis upon which points are awarded is somewhat problematic in that the exact amount of match is not always

known at the time of application and rankings; it is an estimate or expectation on the part of the applicant and sponsor. She noted that applicants are not held to their original match amount over 50%, and there is no consequence for an over estimate. Mr. Wood added that the process is inherently unreliable, and provides a premium for those who estimate on the high side. He said he would prefer softer criteria. Ms. Kearsley pointed out that there is actually no subjectivity and questioned the reason for including the question. Ms. McColgan Pastore said that the question had been changed several times over the years. The current version was a compromise between awarding 5 points for any percentage over 50% and a graduated award of points. She said that the reasoning was that a project was considered more doable when significant match money was already in place.

Mr. Wood said he would prefer to delete the number ranges and leave it to the committee to assign points, based on its quasi-judicial process. Ms. McColgan Pastore said she feels that the guideline is valuable and helpful to committee members who are not experts regarding appraisals, assessments etc. Mr. Weinmann said the committee should have some flexibility in cases where they discern that the match estimate is not firm. Ms. Spaeth said she also agreed with Mr. Wood, noting that otherwise high quality projects should not be penalized for "merely" meeting the 50% requirement. She suggested this should be left to a discussion and consensus of committee members.

Mr. Christian also recalled, from previous funding rounds, concern and lengthy discussion as to the validity and reliability of match funding for certain projects. He noted that the number of possible points is quite high and that a structured guideline was intended to lend some objectivity. He said he would lean toward either elimination of the question or that this criterion should not serve as the main basis for support or lack of support for a project.

Mr. Weinmann said that the CFFC has opportunity during the presentations to obtain a good sense of how firm the match estimates are, but that this is rather useless if the committee must "abide by the numbers". He was in favor of broadening the ranges or softening the question somehow.

Mr. Woods cautioned against avoiding the real problem, which is the lack of a firm match percentage. He advocated reliance on the committee process and ability to discern the likelihood of leveraging other funds for a given project.

Mr. Christian suggested that, in any case, the number of points should be reduced. **He moved that the percentage ranges indicated in a. to e. be eliminated; that the number of categories be reduced to three (i.e. range of points would be 1 to 3, instead of 5); and that the adjusted weight be reduced to 5. That is, significant match funding = 3 points; moderate match funding = 2 points; slight match funding = 1 point.**

(A suggestion that the question should include wording to the effect that the minimal qualifying match funding is 50%, and that projects less than 50% are not eligible was not considered necessary.)

Ms. Schultz expressed support for the motion. Mr. Weinmann and others suggested that the description of the three categories could be improved. **The following rephrasing was accepted as a friendly amendment: Meets minimum requirement for match funding = 1 point".**

Mr. Gorsline requested a re-reading of the motion. The recorder read back several iterations of the motion and revised question.

Mr. Christian then restated the question, as revised, for the record: To what degree does the project leverage contributions for acquisitions from groups, agencies and individuals?

- a. leverages significantly = 3 points**
- b. leverages moderately = 2 points**
- c. meets requirement = 1 point**

The motion for revision to Question #1 as restated above was approved unanimously; there were no abstentions.

2. Question #7 To what degree does the project preserve habitat for flora and fauna? Ms. Pokorny noted there had been discussion with regard to a. which refers to endangered or threatened native species. It was noted that these terms have very technical definitions, that species must be listed in State or Federal registries, that the question limits species accordingly, and that the sensitive category is not mentioned. Mr. Gorsline recalled that locally rare species are not covered; Mr. Weinmann said that item b. could cover those instances, if reworded.

There was further discussion and several specific suggestions were raised, including:

- 1. capitalize Threatened as well as Endangered;
- 2. mention Sensitive as well as Threatened and Endangered species;
- 3. Ensure that the wording of application and corresponding ranking sheet questions are completely consistent with each other;
- 4. Ensure that both State and Federal references are included and consistent.

Mr. Gorsline moved that the wording of Question 7 a. be revised as follows: "State or Federally listed Endangered, Threatened or Sensitive species". Mr. Christian seconded the motion.

There was a brief discussion related to State priority habitats that resulted in a friendly amendment to Mr. Gorsline's motion, as follows: **"State of Washington Priority Habitat and/or State or Federal Endangered, Threatened or Sensitive species". Mr. Gorsline and Mr. Christian accepted the friendly amendment. The amended motion was approved unanimously, with no abstentions.**

Ms. Kearsley made a motion to amend the application, question 21, as follows: "The proposed acquisition provides habitat for State of Washington Priority Habitat and/or State or Federal Threatened, Endangered or Sensitive species." Mr. Christian seconded the motion. The motion was approved unanimously, with no abstentions.

3. Question 8. To what degree does the project preserve farmland for agricultural use? Ms. Pokorny recalled that the committee had raised the need to define the "other conservation programs" referred to in part a.

There was a brief discussion acknowledging the impracticality of listing all programs, and Ms. Pokorny read aloud related portions of the application (question 22).

Hearing no specific proposal for improving the text of question 8, Chair Andrus closed this discussion.

Ms. Pokorny then invited CFFC members to suggest any other changes or modifications to the program that may be of interest to the BOCC. There were no other immediate suggestions from CFFC members.

Outreach for 2011 Round

Ms. Pokorny reviewed the changes that had been implemented in the previous year:

1. Meeting time was changed to evening to encourage more public to attend; however, attendance did not change.
2. Mr. Gorsline and Ms. Pokorny attended the Conservation District Tree Sale to disseminate information about the program.
3. Paid newspaper ads were placed in advance of the funding cycle; this did generate some interest/inquiries.
4. Outreach meetings were held in various parts of the County, including Forks and Quilcene.

Ms. Spaeth suggested Chumsortium and Landworks meetings as good venues for reminding those organizations of the CFF funding cycle schedule.

Ms. Spaeth also noted that the negotiations with landowners require months and even years of conversations, and landowners usually require significant lead time before being ready to sell a conservation easement or the like. In addition, the process followed by the Land Trust also requires significant time for preparation and decision making. Therefore, most projects actually begin years in advance of the application period in any given funding round. Therefore the outreach in any year may not see fruition until several rounds in the future.

Jerry Gorsline noted that only two people attended the Forks presentation that he and Tami Pokorny had hosted. The Quilcene attendance was similar. Tami said that announcing at the Watershed Planning or Salmon Recovery, etc. meetings would be helpful.

Lige Christian agreed that it is unlikely that this will bring out "shovel ready" projects but that continuing outreach is worthwhile in the long run. It was noted that this allows more flexibility as to the scheduling of outreach meetings and attendance at community events throughout the year.

Chair Andrus asked if anyone would be interested in participation in an Outreach subcommittee. Mr. Gorsline noted that he and several others had formed a subcommittee in the previous year, for brainstorming as well as holding scheduled events.

It was agreed that Tami Pokorny would make announcement arrangements with WRIA - 17 and 20, HCCC, Chumsortium, and any other entities where the opportunity arises.

There was a brief discussion about the seeming lack of awareness about the CFF program throughout the County. One idea was to periodically prepare articles or letters to the editor for the local newspapers about past projects, and to try to keep the program in the public eye.

Calendar FOR 2011 Round

Ms. Pokorny had provided copies of the draft Calendar for the 2010-11 Round based on the previous year's calendar. Chair Andrus asked for any comments from CFFC members.

Lige Christian asked the committee to consider moving the March 15 presentation meeting and the March 29 site visits and the ranking meeting forward in time to late April or May. This would allow Mr. Christian to attend the mandatory meetings, since he plans to return from a lengthy trip in early April. Mr. Gorsline had one constraint in that he wished to schedule travel in late April or early May. Mr. Weinmann also preferred that the process be completed by May 13.

Ms. Pokorny said she thought such a change could be considered as long as the BOCC has the opportunity to hear the CFFC recommendations and make a decision by the end of June.

After further consideration and discussion of several options, committee members requested that Ms. Pokorny work out a new schedule within those parameters and return with or e-mail a recommendation. It was noted that Ms. Kisler and Mr. Beck may also have schedule constraints; they will be informed of the new proposed schedule.

The next meeting is scheduled for November 2.

Overarching topics and needs for the program

Members agreed that the program was going well and that there were no other significant issues to address at this time.

VII. Other/ Administrative

Staff Update:

Project updates – Tami Pokorny and Sarah Spaeth reported that all pre-2010 projects are closed except for Brown Dairy. The State RCO grant has not closed yet pending the restoration component in the fall and winter. Ms. Spaeth also discussed the World Business Enterprise grant from the USDA for a feasibility study on rehabilitating the dairy. This includes exploring additional product lines, production facilities and costs for expansion. The Creamery has reached capacity in Port Townsend. The preliminary study results are favorable; some questions regarding septic systems and the permit requirements for commercial structures remain. It is likely that the dairy herd would be managed by another entity under contract to the Creamery. One outstanding issue is the investment model that best fits for: the property rehabilitation itself; the Creamery expansion; and the Nutrient Management system, which also has potential for revenue generation.

Regarding Tamanowas Rock, there is a meeting in mid-September at which State Parks, the Tribe, and Land Trust will discuss funding and ownership strategies. She mentioned recent developments connected to the Western Toad. There is a possibility for State

Parks to sell the 12-acre forested land across from Anderson Lake State Park as a source of funds for the Tamanowas project.

In response to a question, Ms. Spaeth gave a brief update on the plans to open a farm store at the corner of Rte. 19 and Chimacum Road, which is unrelated to the above.

The Salmon Creek-Ruck property has been on hold due to an injury suffered by the owner. However, the owner will be in the area in December, at which time the project will resume.

Membership – Ms. Pokorny noted that several terms expire in the next few months: Barbara McColgan Pastore – Sept. 8; Lige Christian and Sarah Spaeth – Oct. 14; Janet Kearsley and Jerry Gorsline – Dec. 4. Ms. Pokorny requested that those who wish to renew their terms send a brief letter to the BOCC. Ms. McColgan Pastore said that after a lengthy term on the CFFC, she does not plan to renew. She is no longer serving on the Parks and Recreation Board; the City will appoint another person to represent the City on the CFFC. Ms. Pokorny said she would send reminders to those with expiring terms.

Fund Balance – The Fund balance as of July 31, 2010 was \$300,871. Of that, about \$265,000 is committed to the two 2010 projects, Tamanowas Rock and Salmon Creek, with an additional \$14,000 for O & M and remainder for staff/administrative costs. Since \$100,000 of the 2011 funds have already been allocated, about \$60,000 remains for 2011 at this time. However, that amount will grow as the second half of annual property taxes are collected throughout the spring of 2011.

VIII. Observer Comments

Members expressed their appreciation to Ms. McColgan Pastore for her contributions and years of service on the CFFC. Lige Christian requested that staff arrange for a letter of appreciation to Ms. McColgan Pastore.

Sarah Spaeth mentioned that Heather Harding had spoken at the Land Trust picnic held at Tamanowas Rock the previous week. She said that the feedback had been extremely positive and that Ms. Harding would be invited back to speak within a more public venue.

IX. Adjournment

Chair Andrus adjourned the meeting at 5:40 PM.