



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

RESOLUTION-2023.02

SHORT TITLE: Conservation District and WA Dept. Ecology Alignment of Roles and Responsibilities

SPONSOR CD: Mason CD and WACD Livestock Committee Members

AREA: NW SW NC SC NE SE

RESOLUTION TYPE:

- Policy
- Position Statement
- Recognition
- Study

RESOLUTION ACTION AGENCY (check any option that applies):

- WACD
- WSCC
- OTHER STATE AGENCY _____
- NRCS
- NACD
- NON-STATE/FEDERAL PARTNER _____

BACKGROUND/PROBLEM STATEMENT:

Both the Conservation Districts (CDs) and the WA Department of Ecology (DOE) address agricultural non-point water quality concerns. The CD/ WSCC champions voluntary actions by landowners and the DOE has regulatory authority to force compliance with regulations. The details of this relationship vary throughout the state depending on how individual CDs and local DOE personnel have established a local process. Generally, DOE responds to complaints or field observations of water quality concerns by referring the landowner to the CD for technical assistance. The CD offers non-regulatory assistance if requested by the landowner. If the landowner chooses not to work with the CD then DOE pursues further enforcement actions as the regulatory agency charged with enforcing water quality law.

Over the past several years this model has been evolving in a way that has jeopardized progress on water quality improvement success, contributes to inefficient use of scarce resources, and confuses landowners. Some challenges include:

- Staff turnover often requires the relationship between CDs and DOE to be revisited. This can take a substantial amount of time to relearn and reexplain how our relationship can operate effectively.
- Duplication of Effort – DOE field staff are out in the community offering to provide technical assistance and funding to implement agricultural BMPs. This is confusing to landowners who generally see District staff as the technical experts. DOE is also competing with CDs for



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limited funding opportunities to provide this technical assistance.

- Egregious water quality infractions are moving very slowly. This approach of attempting voluntary correction before escalated enforcement action is very valuable and effective. However, some cases need to be remedied immediately. DOE should respond with their regulatory authority quickly when the landowner is not interested in voluntary assistance and cost-share opportunities.
- Clear thresholds and expectations around what constitutes an infraction and what measures are necessary to remedy that infraction are not available. Mixed messaging in communities is causing confusion and apprehension amongst potential cooperators due to the uncertainty around "how much is enough?"
- Expectations have been further complicated by the recent DOE voluntary guidance publications for agricultural best management practices that are related to habitat quality rather than water quality.

A MOU template that addressed the roles of DOE, CDs and the Conservation Commission was developed several decades ago, but many of these MOUs are no longer in place and the template is outdated. Additionally, some of the current issues were not apparent and not addressed in the original MOU template.

PROPOSED RESOLUTION LANGUAGE:

WACD and the Livestock Committee will work with conservation districts and the Washington State Conservation Commission to identify the level of collaboration between Conservation Districts and the Washington Department of Ecology and encourage legislators and/or the Washington Department of Ecology to implement a potential solution to the challenges described above. The solution may be clarification of responsibilities between voluntary and regulatory approaches to water quality goals through legislative action and/or an up-to-date MOU that improves efficiency in meeting water quality objectives.

TYPE OF TEXT OF RESOLUTION (check all boxes that apply):

- Technical (changes address grammar, punctuation, sentence flow and makes **NO** substantive change(s) to the existing policy.
- Substantive change to existing policy. If in doubt, check the box.
- New policy.

ARE WACD RESOURCES (FUNDING, STAFF CAPACITY, ETC.) REQUIRED TO IMPLEMENT THE POLICY?

- NO**
- YES** (briefly explain):