

Colorado Association of Conservation Districts
March 12, 2014 7:30AM
Board of Directors Meeting Minutes
Via Conference Call

Attendees:

Gary Moyer, President
Don McBee, Vice President
Sharon Pattee, Secretary/Treasurer
Charlie Carnahan, Director
Gary Thrash, Director
Anthony Lobato, Director
Brian Starkebaum, Director
Scott Nocks, Director
Jim Cecil, Director
Bob Warner, NACD alternate/former Director
Brett Moore, CACD Lobbyist
Dawn Smith, District Outreach Program Coordinator
Janette Terry, CACD Acting Administrator
Larry Sweeney, President – Colorado State Conservation Board (CSCB)
Cindy Lair, Program Manager – CSCB
Phyllis Philipps, State Conservationist - Natural Resources Conservation Service (NRCS)

Call to Order

The meeting was called to order by President Gary Moyer at 7:30 a.m. after establishing a quorum.

President Gary Moyer called for additions to the agenda. A request was made by Don McBee to add discussion regarding Colorado Ag Water Alliance (CAWA) to the agenda.

NRCS Farm Bill and Civil Rights Update

Phyllis Philipps reviewed the changes to the Farm Bill. The Wildlife Habitat Incentive Program (WHIP) has been folded into the Environmental Quality Incentives Program (EQIP) and makes similar practices available. This move essentially doesn't change anything except funding. Eligibility for EQIP will change as adjusted gross income requirements will now include nonfarm income and farm income. The Agricultural Conservation Easement Program (ACEP) was established and consolidated the Wetlands Reserve Program, (WRP), Grassland Reserve Program (GRP), and the Farm and Ranch Lands Protection Program FRPP and keeps funding for wetland and grassland protection in place. Regional Conservation Partnership Program was established and allows groups to submit for funding together to address a specific need.

The Agency is currently "on hold" to contract as essentially there is no current fiscal year funding in place. The Farm Bill has changed deadlines but NRCS will now have two years to spend the funds. Phyllis is hoping to have funding by mid-April. The staff is working on planning and putting producer plans in place.

Representatives from NRCS will be holding public outreach forums around the state to discuss the new Farm Bill and would like to hold the forums in conjunction with watershed and annual meetings. Phyllis requested that watershed representatives contact her via email to set up the Farm Bill Forums to get the meetings on the calendar and advertise the Farm Bill Forums.

NRCS will be conducting annual civil rights training with partners. Civil rights training must be conducted annually. District conservations will be receiving training and will work with every district board to ensure they

are aware of the civil and constitutional rights of employees, customers and applicants. It is very important that NRCS enforce Title VI of the Civil Rights Act of 1964 and treat everyone fairly and equitably. The non-discrimination statement must be included on all publications and brochures. The statement says "USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex (including gender identity and expression), marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program."

Phyllis explained NRCS's outreach efforts will work to achieve parity that is equivalent with the demographics in each county. NRCS will communicate to conservation districts that they, as NRCS partners, are also responsible for outreach and equal customer service. USDA National Agricultural Statistics Service (NASS) reports are used for the ratios in each county that will determine the number of categories and type of producers participating in programs that will meet parity goals. NASS demographics are based on each county by the USDA Agriculture Census. Phyllis pointed out that outreach particularly to female producers can be improved a great deal.

Phyllis spoke about the need for diversity on the National Association of Conservation Districts (NACD) as well as local conservation district boards based on area demographics particularly efforts to recruit female and minority board members. A question was asked how this might work since board members are elected officials. Phyllis responded that local boards need to make efforts to coach and mentor minorities and women to run for seats on the boards. Cindy Lair commented that diversity not only applies to board composition, but as public officials, district boards must also apply diversity standards to hiring staff and awarding matching grants. Any services provided by districts must be without exclusions.

Phyllis explained that Section 1619 of the 2104 Farm Bill prohibits disclosure of specific information about an agricultural operation, farming or conservation practice, or land that was provided by the producer or landowner in order to qualify for a USDA program. District boards are also responsible for ensuring that this information is not disclosed. Once a contract is awarded, the Section does not prohibit the release of payment information in a collective or personally unidentifiable form. NRCS will be updating the three-way agreements with districts to include Section 1619 requirements.

Title VII of the Civil Rights Act was also reviewed by Phyllis. The Title prohibits employment discrimination and harassment based on race, color, religion, sex and national origin. District boards are responsible for preventing discrimination in hiring and eliminating harassment at the work place or work assignment. This Title will also be addressed in the three-way agreement.

Phyllis entertained questions and was asked if the NRCS \$150 User Fee that is part of the 2014 Farm Bill is hard and fast. Phyllis confirmed that it is part of the Bill however it is at the discretion of the Secretary of Agriculture to assess the fee. The Secretary must put forth the fee to move forward and it appears that at this time it will not be moving forward. The focus is on other areas at this point.

Legislative Update

Brett Moore reviewed the Bill Tracking Update as of March 9, 2014. The session is just over 1/2 of the way through with the Senate introducing 154 bills and the House introducing 311 bills for a total of 465 bills. He is currently tracking 30 bills dealing with natural resource issues. CACD supported Senate Bill 14-052, dealing with soil erosion and county board of commissioners. The Bill was amended to clarify who helps write erosion plans and amends the cap for treatment cost. It was passed in the House and Senate and is waiting for the Governor's signature. House Bill 14-1028 which opposes federal special use permit water rights was passed by the House with amendments. In the Senate it was assigned to the "kill committee". Brian Starkebaum will testify for CACD in support of the Bill today to keep the Bill moving. Brett and the Legislative Committee will continue monitoring bills including Senate Bill 14-115. The bill concerns the draft state water plan and state water policy.

It essentially will require approval from the general assembly through legislation for state water policy and is an executive verses legislative “turf war”. Brett will closely monitor the Bill and keep CACD updated on progress. If applying CACD’s policy to protect Colorado water rights through the Prior Appropriations Doctrine, it appears that “good” policy is to oppose this Bill.

Brett encouraged the group to attend Colorado Ag Day at the Capitol on March 26, 2014. He has extended an invitation to the Governor and various legislators to speak at the event. The event will be staged from 11 a.m. to 2 p.m. It is an excellent opportunity for CACD to network. The event also offers a charitable component with donations for the Colorado Food Bank. He requested that the flyer for the event be sent to the districts.

State Conservation Board Updates

Cindy Lair reported the Department of Agriculture is moving from Lakewood to a new location in the Interlocken Business Park in Broomfield, off Highway 36. It is likely the move will take place in late April.

The CSCB staff is working on Direct Assistance. Most of the applications have been received. All statutorily required documents must be submitted through the state system and offers a “one-stop” site to submit all the required documents. Nicole Reed has been assisting districts with this process. Training for the Direct Assistance reviewers is also in process. The CSCB will approve the Direct Assistance funding distribution at the next meeting in June.

The district certification tests are being graded and there is a back-log due to staff workload. A half time administrative position in the Grand Junction office has been filled. The Colorado Ag Leadership Program is now accepting applications. Cindy has participated in the Program and had found it to be a great experience. She sees a need for more agriculture leaders in the state and this program will help to fulfill that need.

The Camp Rocky Team met via teleconference on March 6. Amy Gossman, the new co-director was introduced at the meeting. The Team is moving forward with planning for the next Camp Rocky from July 6th – July 12th, 2014.

Cindy entertained questions and was asked about the possibility of Mesa Conservation District not existing in the future and if that does happen, what the options might be. Cindy replied that districts are locally led and the CSCB does not have the authority to take over the district. There is the option for consolidation with a neighboring district. Mesa Conservation District is backlogged in meeting statutory requirements and this issue will have to be addressed if a consolidation were to occur. Cindy confirmed that there is currently no CSCB policy on how to deal with the situation except to hold the election process to obtain a new board. Larry Sweeney, CSCB President commented that this situation is something the CSCB will be discussing.

Another question was asked what impact Section 1619 of the 2104 Farm Bill prohibiting disclosure of specific information will have on publicity regarding the Matching Grant Program. Cindy replied that general information about the grants is appropriate however it is not appropriate to give specific, personal and detailed information.

Prior Meeting Minutes

President Gary Moyer entertained a motion to approve the February minutes. Scott Nocks made a motion to approve the minutes. The motion was seconded by Charlie Carnahan. Gary asked for corrections to the minutes. The following corrections were made: add Anthony Lobato and Brian Starkebaum to the absent list; in Ted Ramsey’s report, specify CACD’s strong guidance and involvement in the formation of the National Horse & Burro Rangeland Management Coalition. Charlie Carnahan made a motion to amend the minutes as specified. Sharon Pattee seconded the motion and the motion carried. The minutes were then approved as amended.

Administrative Updates

Janette Terry reviewed the status of the 2013 Annual Meeting Survey. One hundred and sixteen surveys were mailed to any individual who registered. Two surveys were returned as undeliverable and fifty four have been received to date. She is in the process of compiling the surveys into Excel spreadsheets for review by the Board. Janette reported that 2014 District Dues Letters and invoices were mailed in mid-February. Sharon Pattee will update the Board on the districts who have paid dues as of the end of February during the Financial Review.

Financial Review and Updates

Sharon Pattee reviewed various financial reports through the end of February 2014. She reported as of the end of February, the following districts have paid dues in full (\$1000): Center, Fremont, Haxtun, South Pueblo County and South Side. The following districts have paid partial (\$500) dues: Central Colorado and Douglas County. Gary Moyer entertained a motion to accept the financial reports. Anthony Lobato made a motion to accept the financial reports as presented. The motion was seconded by Scott Nocks. Motion carried. Sharon commented that she is very encouraged by the dues received so far. She is planning a follow-up letter to promote payment of district dues. She encouraged Board members to take every opportunity to reach out to districts to support CACD through payment of dues.

The State Forest Service has submitted the \$2000 funding pledged for the Conservator. With funding received from the State Forest Service, work will begin on a spring issue of the Conservator. The NRCS \$5000 contribution for the 2013 Annual Meeting has also been received. Funding for the Upper Arkansas River Restoration Project continues to flow through CACD.

The Camp Rocky Team held a teleconference meeting in February and is moving forward under the leadership of the new co-director, Amy Gossman. The fee is \$300 per camper with the camper usually paying the \$75 deposit. If a district sponsor is secured by the camper, the district usually pays the remaining \$225.

District Outreach Program Update

Dawn Smith, District Outreach Program Coordinator reported that she is in the advance stages of drafting the curriculum. She is working on the logistics of a trial run for the training and will be setting up dates with districts for training. She's hoping to have dates scheduled by the second week in April. A question was asked if the Farm Bill Civil Rights responsibilities will be covered in the training. The response was that the training will not cover the Civil Rights responsibilities as CACD has a contract with NRCS to cover very specific curriculum focusing on partnership roles.

Randy Ristau, Colorado Department of Public Health and Environment (CDPHE)

President Gary Moyer reported that a conference call was held with Randy to discuss the possible partnerships CACD and the districts might play with implementation of clean water efforts. Randy is working on getting more specifics and figures together for the potential role CACD might serve as the fiscal agent. CACD will need to be approved by the State to serve as a fiscal agent. Another meeting was discussed and will be scheduled when the Executive Director is hired. Sharon Pattee announced that it appears, at this point, that the original amount mentioned in discussions will likely be considerably less. Randy is working on getting specific figures and if Sharon doesn't hear from him in the next few days with more details, she will touch base with him. At this point there is no specific information on the change to the overall figure as well as the time and energy that will be involved in serving as the fiscal agent.

CACD as Fiscal Agent for Little Thompson CD River Restoration Project

Gordon Gilstrap, President of the Big Thompson Conservation District contacted Gary asking for CACD's assistance with the Little Thompson Watershed Restoration Coalition. The district is taking the lead in the Coalition efforts. The Coalition is a group of landowners and stakeholders along the Little Thompson River. The district is not "business ready" and would like CACD's assistance in administering the Watershed projects. The projects include using teams of volunteers and equipment to remove hazardous items from the river before the spring runoff. Discussion was held regarding, liabilities, work load, various pros and cons of serving as the fiscal agent for the projects. The Board also expressed the need for the district to be a "member in good standing" before CACD agrees to serve as the Fiscal Agent. Gary Moyer asked if the Board would like to have further investigation to get more details or inform Big Thompson CD that CACD does not have the capacity to take on the role. A motion was made by Jim Cecil to pursue avenues to help Big Thompson in any way with the Little Thompson River Restoration including serving as fiscal agent using the Executive Director or outsourcing if needed. The motion was seconded by Scott Nocks. Motion carried. Comments followed regarding using the Executive Committee to outsource if necessary. Scott Nocks also volunteered to help with his wife's assistance if needed.

Website Update

Gary Moyer announced that the website is up and running. Brett Moore's Bill Tracking Sheet was added under the Legislative Tab. The Campy Rocky brochure has also been added to the site. Website developer Mike Macklin will train staff and board members to upload to the website so the site can be kept updated and current. Gary encouraged the Board to review the site to offer comments and suggestions for improvements.

NACD 2014 Legislative Conference March 2014 in Washington DC

Gary has booked his hotel and plane reservations. He is working with Brett Moore and Ted Ramsey to schedule meetings. He is confirming times to meet with the Colorado delegation. Gary identified water rights, 2014 Farm Bill clarification and implementation and sage grouse issues as the issues that he will focus on during the Legislative Conference. He called for any other issues that he should be focusing on during the Conference and none were heard.

2014 Resource Committee Update – Gary Moyer

The Legislative Committee is seeking guidance from the Water Committee on policy. A tab on the website for each committee is being planned. Brian Starkebaum commented that he is trying to get as much feedback from the committees as he can concerning current legislation.

2014 Annual Meeting Update

Gary Moyer and Don McBee, meeting chair, have discussed getting the Meeting Committee in place and recruiting committee chairs. The Committee will focus on the theme, content, and time line under Don McBee's leadership assisted by the Executive Director when hired.

NACD 2014 Annual Meeting Review

Gary Moyer reported that Colorado was well represented at the meeting. He, Brian Starkebaum, Bob Warner and Sharon Pattee attended representing CACD. Cindy Lair and Larry Sweeney, representing CSCB, attended as well as district representatives, Callie Hendrickson and Joyce Wallace. The three resolutions submitted by Colorado addressing manual snow courses, forest management, and the Lesser Prairie Chicken Listing were approved. The resolutions, simple and concise, were not edited in committee which positively impacted the smooth movement through the resolution approval process. Gary reviewed a resolution submitted by Oregon concerning listing of the greater sage grouse which was specific to Oregon and did not work for all states affected by the sage grouse issue. The resolution was killed in the Natural Resource Committee. The resolution was re-worked to address all states concerned. After a 2/3 vote by all the states to reintroduce the resolution, it was approved.

Executive Session - Executive Director Hiring

Brian Starkebaum made a motion to move to executive session to discuss the personnel issue, hiring of the Executive Director. The motion was seconded by Jim Cecil. Discussion followed specifying that the process to conduct the session on a conference call is to have only voting Board members remain on the call and all others will log off the call with notification via phone call for others to log back onto the call when the executive session is over. Sharon Pattee, candidate for the position, abstained from the executive session and subsequent vote. Roll call vote was conducted with eight affirmative votes to approve the motion. The voting members of the Board, with the exception of Sharon Pattee, went into executive session at 9:50 a.m. The meeting reconvened at 10:09 a.m. President Gary Moyer entertained a motion to accept the recommendation of the personnel committee. Charlie Carnahan made a motion to accept the Personnel Committee's recommendation to offer the first choice of the Committee, Sharon Pattee, the position and second choice offer to Esther Duke. Jim Cecil seconded the motion and the motion carried. Gary Moyer will communicate with Sharon Pattee by email to extend a written offer to her for the Executive Director position. A decision will need to be made regarding the Secretary/Treasurer position. The Board moved out of the Executive Session.

Other Discussion

Don McBee attended a CAWA Basin Roundtable regarding the State Water Plan. He objected to the representatives who were appointed by county commissioners as deriving 15% to 20% of income from agriculture but were mostly retired commissioner and not agricultural producers. He expressed disappointment in the lack of consensus on what needs to be done. The only consensus is that more conservation is needed. The draft plan is due by December 2014 and not many specifics were brought forth. He is concerned about agriculture having to give up water rights and the "dry-up" of agricultural land.

Other Business

Gary Moyer called for additional business. Antony Lobato reported he is becoming more involved in Envirothon. The 2014 National Competition is not being held primarily due to inadequate funding. He will continue efforts to be more involved as a new plan for the National Envirothon Competition moves forward.

Next Board Meeting

Gary Moyer entertained a motion to schedule the next meeting. Jim Cecil made a motion to schedule the next meeting for Wednesday, April 9, 2014 at 7:30 a.m. via teleconference. Scott Nocks seconded the motion and the motion carried.

Adjourn

The meeting adjourned at 10:25 a.m.

Respectfully Submitted,

Janette Terry
Acting Executive Administrator