



**Amendment No. 1 to 2022 INTERLOCAL AGREEMENT**  
**WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT- WHATCOM CONSERVATION DISTRICT**  
**Agricultural Best Management Practices Outreach, Farm Planning, and Cost-Share**

WHEREAS, Whatcom County Flood Control Zone District, hereinafter referred to as the “County” and the Whatcom Conservation District, hereinafter referred to as the “WCD”, entered into an interlocal agreement in December 2021 (WCC 202111033) wherein the County provided funding to the WCD to provide farm planning services, community outreach, and a cost share program to support water quality protection in Whatcom County; and

WHEREAS, November 2021 historic flooding in combination with heavy rainfall levels caused some Whatcom County livestock manure storage facilities to reach or overtop capacity during the wet season. In order to prevent discharges to surface waters that could impact Whatcom County surface water quality, the WCD coordinated emergency manure pumping, hauling, and storing at alternate manure storage facilities to address over topping risk; and,

WHEREAS, application of manure during winter months is not advised because pasture grass and other forage species are dormant during this time frame and not able to take up manure derived nutrients. Additionally, manure derived pathogens are more readily transported offsite through overland flow of water during this time of year. In this way, emergency winter application of manure in the vicinity of waterbodies has the potential to cause manure discharges into nearby ditches, streams, and rivers; and,

WHEREAS, Whatcom Clean Water Program (WCWP) partners collaborated to address this environmental emergency through a pilot water quality protection initiative that seeks to quickly and efficiently remove, transport, and store livestock manure in safe locations before ongoing winter rainfall and new flooding events place additional pressure on already strained manure facilities; and,

WHEREAS, the WCD awarded “no match” cost-share to livestock operators so that livestock manure at risk of discharge could be pumped, hauled, and stored in safe locations until applications can be conducted at a suitable time of year following guidance provided through the WCD Application Risk Management program; and,

WHEREAS, the County provided administrative approval to WCD to use small farm cost share funds to support this emergency cost-share pilot program; and,

WHEREAS, this amendment provides additional funds to support both the emergency cost share for manure transport and storage, as well as, continue the standard cost share program to support implementation of best management practices on non-dairy agricultural operations to help protect water quality; and,

WHEREAS, it is in the best interest of each party to enter into this amendment to the Interlocal Agreement.

NOW THEREFORE, the WCD and County agree as follows:

- I. Provide additional funding of \$25,000 to provide total funding of \$140,021.

- II. Replace Exhibits A and B with revised Exhibits A-1 and B-1.
- III. All other terms and conditions remain unchanged.
- IV. The effective date of this amendment is upon execution.

IN WITNESS WHEREOF, the parties have signed this Agreement this \_\_\_\_\_ day of April, 2022.

WHATCOM CONSERVATION DISTRICT

By \_\_\_\_\_  
Heather Christianson, WCD Chair

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

By \_\_\_\_\_  
Satpal Singh Sidhu, County Executive

Approved as to form:

\_\_\_\_\_  
Whatcom County Senior Prosecuting Attorney

\_\_\_\_\_  
Director of Public Works

## **EXHIBIT A-1: SCOPE OF WORK**

### **Agriculture Best Management Practices Outreach, Farm Planning, and Cost-Share**

#### **PROJECT DESCRIPTION**

The purpose of this interlocal agreement is to identify the activities that will be conducted by the WCD to provide outreach and financial assistance to landowners/operators with agricultural operations in support of and in coordination with Whatcom County water quality programs.

#### **Task 1: Community Outreach (\$44,000)**

WCD will develop and implement a community outreach program for landowners/operators with non-dairy agricultural operations in Whatcom County Pollution Identification and Correction (PIC) focus areas. This will include:

- Developing and implementing educational strategies and frameworks in coordination with WCPW to support the PIC.
- Organizing and hosting non-dairy agriculture workshops/trainings. These may include virtual workshops and small group farm tours.
- Developing and distributing educational materials (including social media posts), hosting displays and providing presentations at other community events (in person or virtual).
- Offering incentives for technical assistance programs such as tarps for covering manure storage or soil tests. Other incentives may be jointly agreed upon by WCD and WCPW.

#### **Deliverables and Timelines:**

- Activities will be tracked through progress reports.
  - Monthly reports will be submitted with invoices and include a list of events, materials, and social media posts.
  - Quarterly reports will include the type and location of outreach events, number of participants, and a description of educational materials, social media posts, and programs developed and coordinated.
- Electronic files of advertisements, educational materials, social media screenshots, and workshop evaluations will be provided.

#### **Task 2: Technical Assistance to Agricultural Operations (\$50,000)**

- Through direct landowner/ operator contacts in watersheds outside PIC areas, WCD staff will offer free technical assistance to landowners/operators in the form of confidential risk assessments, farm plan development, and guidance in the implementation of BMPs. BMP cost-share options will be described and offered as available.
- WCD will offer technical assistance for temporary fixes to problems identified through the risk assessment that require immediate attention (e. g. animal access to creek, discharge or potential discharge of manure to creek or ditch). Permanent fixes for these problems will be addressed through development and implementation of a farm plan.
- Whatcom County will exercise prosecutorial discretion in withholding enforcement action for violations of the Critical Areas Ordinance or referral of landowners to other agencies for enforcement so long as the landowner is demonstrating good faith in working with the WCD to correct pollution problems.
- WCPW, WCPDS, and WCD staff will meet monthly to discuss any adaptations needed to improve the process for landowner contacts. WCPW and WCD technical assistance staff will also participate in WCWP field staff coordination meetings.

**Deliverables:**

- Monthly summaries of landowner/ operator contacts shall be submitted to the County by the tenth day of the following month. Monthly summaries will include a list of landowners/ operators that have been contacted, landowners/ operators participating in the program, and the corresponding parcels owned or operated.
- Progress will be tracked through quarterly reports described above including number of landowners/ operators contacted, number of landowners/ operators participating in the program, number and type of pollution sources identified, number of farm plans completed, number of BMPs planned and installed. This information will be aggregated by watershed focus area.
- A minimum of 25 landowners/ operators with non- dairy agriculture operations will receive site assessments/ technical assistance in Whatcom County watersheds outside PIC areas per year. Actions will be initiated to reduce bacteria pollution risk within six months (implement BMPs) of the risk assessment as seasonally feasible. There is a goal of producing farm plans for 50% of the parcels that receive technical assistance/ site assessments, however, not all sites have resource concerns and require a farm plan. Assessments that are completed and find current management strategies are protective of water quality will also be tracked. Adaptations to site visits will be made to address social distancing requirements associated with COVID restrictions. This may include technical assistance provided by phone, virtual interactions, or physical site visits with proper precautions in place.

**Task 3: Non-Dairy Agricultural Operations Cost-Share (\$46,000)**Emergency Cost-Share:

- WCD will assist landowners/operators in completing cost-share applications for emergency manure pumping, transport, and storage in response to conditions created by the November 2021 Atmospheric River Event.
- The WCD will award “no match” cost-share to livestock operators so that livestock manure at risk of discharge can be pumped, hauled, and stored in safe locations until applications can be conducted at a suitable time of year following guidance provided through the WCD Application Risk Management program.

Standard Cost-Share:

- WCD and WCPW staff will develop an agreed upon list of eligible cost-share projects. Guidance and application documents created for the 2014 non-dairy agriculture cost-share program have been adapted for this program. WCD and WCPW staff will develop an agreed-upon phased approach for advertising, receiving applications, and selecting priority projects for funding.
- WCD will direct landowners/operators to the most appropriate sources of cost-share funding including funding provided by the County under this agreement, funding provided to the WCD from other sources, and other options through the Whatcom Clean Water program (WCWP).
- WCD staff will assist landowners/operators in completing cost-share applications and provide copies to WCPW for approval of cost-share funding prior to submission to the WCD Director. WCD Director will approve cost-share applications awarded funding by WCPW. No reimbursement will be made where the implementation of BMPs has begun before WCPW and WCD approval. WCD will assist landowners with BMP installation and recordkeeping according to the cost-share program requirements. WCD will receive notification of project completion from landowner/operator and schedule a site visit to verify that BMPs have been installed according to plan specifications. Following the site visit, WCD will approve or deny reimbursement of funds. If reimbursement is denied, the WCD will provide the landowner with information on what is required to improve the BMP to meet specifications needed to sign off as complete and to be approved for reimbursement. The County will reimburse WCD for eligible

cost-share expenses as specified in Exhibit B of this Agreement and landowner/operator cost-share agreement contract.

**Deliverables:**

- Progress will be tracked through quarterly reports summarizing the location, type of pollution sources identified, and type and number of BMPs installed. These statistics will be summarized on a quarterly basis by PIC focus area.
- Final cost-share report including approved applications, installed BMPs, date and findings of site visit, and cost-share reimbursement (with background invoices) by December 31, 2022. Requests from the WCD to the County for reimbursement for cost-share on qualified projects must be submitted with all necessary documentation no later than December 17, 2022.

**EXHIBIT B-1: BUDGET**  
**Agriculture Best Management Practices Outreach, Farm Planning and Cost-Share**

As consideration for services provided in Exhibit A-1, Scope of Work, the County agrees to compensate the contractor according to the actual composite hourly rates of personnel working on this project. \*Composite rates are based on actual taxes and benefits, which may vary by month. Estimated hourly composite rates are provided below. Revised Composite Rate forms will be provided to the County for any rate changes upon adjustment. The total budget is not to exceed **\$140,027**. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed including mileage at the current IRS rate. For mileage reimbursement submit: copies of mileage records, including the name of staff member, date of travel, and number of miles traveled. Lodging and per diem for training shall not exceed the GSA rate for the location where training is provided. Other expenditures such as supplies, postage, rentals, and cost-share shall be reimbursed at actual cost. Expense reimbursement requests must be accompanied by copies of paid invoices. Contractor certifies that all personnel charging to this contract are program personnel and are not also included in the Contractor's overhead rate. Any work performed prior to the effective date or continuing after the completion date of the contract, unless otherwise agreed upon in writing, will be at the contractor's expense.

Title	Maximum 2022 Wage Rate	Estimated 2022 composite Rate*	Estimated Task 1 Hours	Estimated Task 2 Hours	total per staff per year	Total cost per employee
GIS Tech	\$ 38.56	\$ 55.97				\$ -
Admin	\$ 31.77	\$ 47.36	12	12	24	\$ 1,137
District Manager	\$ 47.46	\$ 69.92				\$ -
Ed Coordinator	\$ 35.24	\$ 58.73	395		395	\$ 23,197
Ed Assistant	\$ 21.41	\$ 34.24	222		222	\$ 7,601
Fire Prevention Specialist	\$ 31.77	\$ 47.52			0	\$ -
HIP Coordinator	\$ 31.58	\$ 50.90			0	\$ -
Wetland Specialist	\$ 31.77	\$ 58.98			0	\$ -
CREP Coordinator	\$ 41.00	\$ 66.43			0	\$ -
CREP Tech	\$ 31.77	\$ 54.25			0	\$ -
Livestock Coordinator	\$ 33.25	\$ 54.52		695	695	\$ 37,893
Planner	\$ 24.74	\$ 45.61			0	\$ -
Planner	\$ 29.98	\$ 47.47			0	\$ -
Assistant	\$ 20.59	\$ 38.87			0	\$ -
WQ Data Coordinator	\$ 31.77	\$ 53.14			0	\$ -
Scientist	\$ 33.25	46.137			0	\$ -
		<b>Totals</b>	\$ 31,366.62	\$ 38,461.54	sub-total	\$ 69,828
					Overhead 30%	\$ 20,948
					<b>total personal plus overhead</b>	<b>\$ 90,777</b>
					Supplies/postage	\$ 3,000
					Mileage	\$ 250
					Cost Share	\$ 46,000
					<b>Total</b>	<b>\$ 140,027</b>

**Emergency Manure Transfer Cost-Share Description:**

Eligible landowners with approved cost-share applications will receive 100% cost-share towards emergency pumping, transport, and/or storage of manure in relation to the extreme weather events and flooding in November 2021. Whatcom Conservation District will submit invoices to the County which for each project shall include the landowner cost-share approval form, field inspection sign off, landowner reimbursement form (including landowner timesheet), and copies of all receipts. Reimbursement will be based upon actual costs.

**Non-Dairy Livestock Standard Cost-Share Reimbursement Description:**

Eligible landowners with applications that are approved by the WCD and WCPW will receive the designated percentage cost-share towards a maximum project cost of \$4,000 (maximum \$3,000 reimbursement). Approved BMPs will be reimbursed through the cost-share program utilizing actual costs and the established rate table. Landowners have the option to do labor themselves. The reimbursable rate for owner/operator services are based upon the established rate sheet (below). Whatcom Conservation District will submit invoices to the County which for each project shall include the landowner cost-share approval form, field inspection sign-off / maintenance agreement, landowner reimbursement form (including landowner timesheet), and copies of all receipts.

**Standard Cost-Share Reimbursement Rates for Producer Labor and Producer Owned Machinery/Equipment**

Description	Rate
Individual labor/operator labor	\$22.00/hr
Equipment only, without operator:	
Small tractor, 20Hp-59Hp	\$17.00/hr
Medium Tractor, 60Hp-99Hp	\$28.00/hr
Large Tractor, 100+Hp	\$55.00/hr
Front end loading	\$17.00/hr
Excavator, Light	\$50.00/hr
Excavator, Med	\$88.00/hr
Excavator, heavy	\$132.00/hr
Chain saw	\$11.00/day

Landowners eligible for standard cost-share assistance through the PIC Non-Dairy Livestock BMP cost-share program can utilize this rate sheet if they choose to do their own labor. Rates will be reimbursed at 75%. Landowner pays 25% of the project costs (labor and materials). An invoice with hours, description of work, and rate must be submitted with cost-share.