

Washington Tribal Conservation Advisory Council
Video Teleconference
July 12th, 2011

MINUTES

Agenda

- Conservation Innovation Grants (CIGs)
- Aquaculture practices, practice standards feedback
- Adding prescribed burning as a practice
- Finalize EQIP ranking criteria and practice list for FY12
- Tribes as Technical Service Providers (TSPs)
- State Resource Assessment/Tribal Resource Assessment - how to document tribal data
- Identify agenda items for July 12 (12:40-12:50)

Participants

- Colville Tribe
- Port Gamble S'Klallam Tribe
- Quinault Tribe
- Shoalwater Bay Tribe
- Snoqualmie Tribe
- Squaxin Island Tribe
- Tulalip Tribe
- Yakama Nation
- NRCS

Greeting from Roylene Rides at the Door, WA NRCS State Conservationist

Roylene welcomed the group, and asked everyone to introduce themselves. She then reviewed the agenda items, and asked to postpone the discussion on prescribed burning until the August meeting when Bonda Habets, State Resource Conservationist, could participate.

Conservation Innovation Grants (CIGs)

There are two CIG components - national and state levels. The national level is for larger projects that are reviewed at the national level. The state level component is designed to be as broad as possible to accommodate a variety of projects. The only input WA NRCS can provide at the National level is a letter of support. If tribes are submitting applications to the National level, WA NRCS would like to see those so the agency can provide a letter of support. NRCS would like to involve WATCAC members in the state level review of applications. The agency also can discuss proposals and ideas with the tribes, but cannot write or help write the applications.

National selections were made a few weeks ago, and state selections are pending. In-state, NRCS has \$150,000 for three projects. Last year, WA NRCS funded four projects due to not hitting the \$50,000 cap for each.

CIGs are not for research projects. The program is intended to help improve NRCS's conservation practices list, to establish demonstration projects that can be used under the EQIP program.

Squaxin Island asked whether pilot projects were allowed. NRCS explained that where the basic research was completed and the project would be tested to determine whether or how it worked, the project could be considered.

Tulalip asked whether such technology would be in the public domain. There is concern about protecting traditional knowledge and intellectual property. NRCS asked for time to research the question. NOTE - The question was researched and answered via email with NRCS in Washington DC:

WA NRCS: Do you know if there is any language in the CIG policy that would limit an applicant's ability to apply if they wanted to demonstrate a proprietary item? For example, a patented nutrient capture process for a digester, a patented piece of equipment, or maybe some patented nutrient amendment for the soil, etc.

NRCS DC: Patents and Inventions - Allocation of rights to patents and inventions shall be in accordance with USDA regulation 7 CFR §3019.36. This regulation provides that small businesses normally may retain the principal worldwide patent rights to any invention developed with USDA support. In accordance with 7 CFR §3019.2, this provision will also apply to commercial organizations for the purposes of CIG. USDA receives a royalty-free license for Federal Government use, reserves the right to require the patentee to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically.

WA NRCS: The answer [above] is directed to situations where an idea is developed using USDA funding. More generally though for CIG, there is no restriction on an applicant who wants to demonstrate existing proprietary technology.

Several web sites provide for more information about the CIG. The first site provides program information. The second site is for FY11, but it provides considerable detail about the topical areas available to applicants. The third site includes links to past awards.

<http://www.nrcs.usda.gov/technical/cig/InfoForGrantees.html>

http://www.nrcs.usda.gov/technical/cig/pdf_files/CIG_FY_2011_Announcement_for_Program_Funding.pdf

<http://www.nrcs.usda.gov/technical/cig/index.html>

State Resource Assessment/Tribal Resource Assessment, Roylene Rides at the Door and Peter Bautista, Assistant State Conservationist

NRCS received a budget tool last week and is having training on it this week. The agency will share the data for FY12 and would like an emergency WATCAC meeting at the end of the month to review the budget proposal, which is based on the SRA. The budget proposal is due August 5th.

Peter is preparing a report to supplement the SRA powerpoint file that was sent to the WATCAC last month. The report will be sent to the WATCAC.

NRCS asked for guidance on how to collect tribal resource assessment data, and proposed the September WATCAC meeting as an opportunity for further discussion and a working session similar to what was done with the Local Work Groups who assisted with data collection for the SRA. The group agreed to the September working session. Participants will need to bring data and/or resource plans to that meeting.

Finalize EQIP ranking criteria and practice list for FY12, Dave Brown, Assistant State Conservationist

Two changes need final approval. The first change was an increase in the hold down for the fish passage practice from \$75,000 to \$100,000. The second change was with ranking question #23 “Will culturally important plants be restored?”, which is worth 100 points. This question includes a note that each tribe should have an approved plant list.

The group agreed with the two changes but had concerns about the plant list. Protecting traditional knowledge and intellectual property are of concern to the group. NRCS only needs plant names, however, even this information can be problematic. How will NRCS protect the information? The agency’s tribal liaisons were suggested as the keepers but the group did not comment on that. NRCS suggested working on this issue in August and the group agreed.

Tribes as Technical Service Providers (TSPs), Larry Johnson, State Conservation Engineer

Documents providing an overview of TSPs were sent to the WATCAC prior to the meeting. Larry explained that TSPs were authorized in the 2002 Farm Bill to allow producers a choice between working with NRCS or with a TSP. There is a general certification and application process that potential TSPs must go through. That begins with a visit to the local Service Center to get set up, which is followed by the application. The NRCS State Office reviews and approves the applications. The process is cumbersome and requires persistence and patience. More information can be found at:

<http://www.wa.nrcs.usda.gov/programs/tsp.html>

It was further explained that a contract can have a line-item that allows producers to use a TSP for a specific practice or component in a contract. The money goes to the producer to hire a TSP. There are six areas approved for TSPs in Washington state:

- Conservation activity plan
- Nutrient management
- Integrated pest management
- Irrigation water management
- Forestry plan
- Agricultural Energy Management Plan – Facilities Conservation Activity Plan

Aquaculture practices

The information provided following the last WATCAC meeting on aquaculture practices 396 (Aquatic Organism Passage) and 400 (Bivalve Aquaculture Gear and Biofouling Control) are national standards, and NRCS’s first aquaculture practices. While these standards are finalized at the national level, WA NRCS has a year to modify them for our state needs.

WA NRCS has hired Betsy Daniels to facilitate scoping meetings with the tribes and other partners to discuss the aquaculture program and the national standards. We need to determine what that program will look like for the state. NRCS also needs to develop payment scenarios for the practices.

Quinault asked whether the 400 practice could apply to more than bivalves as they need to clean up rivers, bays, and harbors. NRCS pointed out that the practice standard notes “other waste” so it may be possible.

Emergency July meeting – July 26, 2011 8:30-9:30

This video teleconference will be held to discuss NRCS’s FY12 budget proposal. Materials will be sent out soon to the WATCAC.

**August meeting (teleconference) – NOTE date change to avoid conflict with Tribal Green Summit:
August 23, 2011 9:30-12:00**

Agenda Items

- Prescribed burning (Bonda Habets)
- EQIP tribal plant lists – how to address/protect
- State standards, if any
- More on TSPs

September meeting – September 21, 2011 (as part of ATNI meeting in Tulalip)

Agenda Items

- SRA/TRA working session
- Tribal Conservation Districts – pros and cons
- Aquaculture program and practices (state standards, payment schedules) (Betsy Daniels)