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September 14, 2016

*(Via Email: pdc@pdc.wa.gov)*

Ms. Evelyn Fielding Lopez  
Executive Director  
Washington State Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

Re: Larry Wasserman, Strategies 360, Inc., and Dennis McLerran  
Complaint re Unregistered Grass Roots Lobbying

Dear Ms. Lopez:

Please accept this letter as a complaint regarding unregistered grass roots lobbying conducted by Larry Wasserman, Strategies 360, Inc., and Dennis McLerran. Mr. Wasserman is an employee of the Swinomish Indian Tribal Community whose business address is 11404 Moorage Way, La Conner, WA 98257-0817. Strategies 360, Inc., is a public affairs consulting firm with offices at 1505 Westlake Avenue North, Suite 1000, Seattle, WA 98109. Mr. McLerran is the Region 10 Administrator for the Environmental Protection Agency whose business address is the US EPA Region 10, Mail Stop RA-210, 1200 6<sup>th</sup> Avenue, Suite 900, Seattle, WA 98101.

This complaint is submitted on behalf of Save Family Farming, a Washington non-profit organization formed in 2016 to respond to misrepresentations and attacks on farming generated in a grass roots campaign led by Mr. Wasserman and Strategies 360 with funding and direction through Mr. McLerran.

The people of the state of Washington and supporters of Save Family Farming are entitled to disclosure of grass roots campaigns and the funding of those campaigns. As recently stated by Attorney General Bob Ferguson, "Washington's campaign disclosure laws demand transparency and accountability. Washington elections, including the financial forces that drive them, will take place in the clear light of day." (Attorney General's Press Release, Aug. 15, 2016.) These values are no less applicable to the disclosure of grass roots lobbying efforts. It should have been disclosed to the people of Washington years ago that Mr. Wasserman and EPA were intending to deploy \$655,000 in federal grant funding on a grass roots campaign to enact new laws and regulations in our state.

Washington law specifically requires a campaign to register as a grass roots lobbying effort when it has made expenditures exceeding one thousand dollars within a three-month period or more than five hundred dollars within any one-month period "presenting a program to the public, a substantial portion of which is intended, designed, or calculated

primarily to influence legislation.” RCW 42.17A.640(1). The law requires such a campaign to register as a grass roots lobbying campaign within thirty days after becoming a sponsor of a grass roots campaign. RCW 42.17A.640(2).

There is little doubt that the fundamental goal of the Wasserman campaign was to develop a coalition and public support for new legislation and rules. Mr. Wasserman made this explicit in his 2012 work plan for the campaign where the “outputs” for the effort included:

Distribution of written educational materials and use of other media describing regulatory deficiencies and **recommended measures** needed to adequately protect water quality and salmon habitat; educational meetings with local and **regional stakeholders and decision makers; and public meetings to develop support for changes in regulatory and enforcement measures.**

(Ex. A, Fiscal Year 2011 Swinomish Indian Tribal Community Non-Point Pollution Public Information Education Initiative – Year 2, at 4.)(Emphasis added.)

There is also doubt that this effort was primarily political and intended to sway elected officials in this state to enact new laws and regulations sought by Mr. Wasserman. This is reflected in polling that was conducted by or through Strategies 360 in 2012 and 2014. (Exs. B and C.) The 2014 polling specially screened out potential participants in the polling on the basis of whether they were registered voters, voted in the 2012 general election and were likely to vote in the 2014 general election. Question 6 asked the respondent’s age and whether they were registered to vote. If the respondent was not old enough to vote or not registered, the survey was terminated. (Ex. C, at 1.) Question 7 asked whether the respondent was able to vote in the 2012 general election. (*Id.*) Question 8 asked whether the respondent was likely to vote in the 2014 general election. If the respondent did not answer that they were “almost certain” or “probably” going to vote, the survey was terminated. (*Id.*) The following is from the Strategies 360 2014 poll:

[Question] 8 As you may know, there will be an election in November of this year for several federal and state offices including US Congress and state legislature. I know that’s a long time from now, but how likely is it that you will vote in this election? Is it... **(READ LIST)**

Almost certain.....	93%
Probably.....	7
About 50-50.....	Terminate
Not very likely.....	Terminate
Not likely at all.....	Terminate
DK/NA/REFUSED.....	Terminate

**IF DIDN’T VOTE IN 2012 AND NOT CERTAIN TO VOTE  
IN 2014, THANK AND TERMINATE**

The poll and thus the Wasserman campaign with EPA funding was clearly intended to develop messages that would be persuasive for likely voters and therefore support legislative efforts. As such, a substantial portion of the Wasserman and EPA campaign from its inception was designed and intended to primarily influence legislation within the meaning of RCW 42.17A.640.

Mr. Wasserman made this intent clear to EPA Region 10 staff in 2015 when questions were raised for the first time by EPA staff about the accuracy of allegations made by Mr. Wasserman in his campaign and legality of the campaign focus on changing state law. On May 19, 2015, EPA staff contacted the Northwest Indian Fisheries Commission regarding Fiscal Year 2014 Proposal by Mr. Wasserman to use EPA funds for his campaign. (Ex. D.) In that communication, EPA staff raised specific concerns about the grass roots lobbying described in the Wasserman proposal as raising “awareness in both the public and decision makers about accountability in the agriculture industry...” (*Id.*) Despite EPA staff concerns, Mr. Wasserman was adamant that he was authorized to pursue his campaign using the EPA funds. In an email message to EPA on June 4, 2015, Mr. Wasserman was reported as demanding to know “the legal and contractual grounds for why he can’t” use EPA funds for grass root lobbying. (Ex. E.)

Mr. McLerran appears to have had a fundamental and direct role in allowing Mr. Wasserman and Strategies 360 to proceed with the grass roots lobbying campaign unabated by EPA staff concerns. Mr. McLerran met with Mr. Wasserman and his attorney by telephone on July 16, 2015. (Ex. F.) EPA staff noted this meeting internally on July 27, 2015. (Ex. G.) Thereafter it appears, from documents released by EPA to Save Family Farming under the Freedom of Information Act, the EPA staff concerns about the accuracy and legality of the campaign disappeared.

EPA staff subsequently provided comments on a proposed update to the campaign website, [whatsupstream.com](http://whatsupstream.com), but those comments were largely ignored in the final version of the updated website presented to EPA by email on September 16, 2015, by Marty Loesch, who at the time was the Chief Operating Officer and Legal Counsel for Strategies 360. (Ex. H.)

The revised website which went online in late October 2015 more directly focused the campaign on influencing legislation. The revised website included a “Take Action!” hyperlink that led to a form letter that would be sent to a person’s state legislators calling for “attention for the Legislature” for the establishment of streamside buffers. (Ex. I.) The letter on the website was accompanied by a promise that it would be sent to “various Washington senators whose votes we hope to influence.” (*Id.*)

In addition to the campaign website, Mr. Wasserman and Strategies 360 ran sponsorships on KUOW radio, placed internet ads on sites such as Facebook.com, ran ads on buses, and placed billboard advertising in Bellingham and Olympia. (Ex. J.)

During the last quarter of 2015, at the same time the website was updated with the call to action and letter to legislators, Mr. Wasserman was active in promoting specific

legislation to implement minimum buffer requirements. House Bill 2352 was introduced on January 11, 2016, and sponsored by Representatives Stanford, Fitzgibbon, Ryu, Peterson, Riccelli and Tarleton. (Ex. K.) HB 2352 would have required any conservation project associated with agricultural salmon habitat to “restore or provide **riparian buffers consistent with the national marine fisheries service buffer guidance.**” (Ex. K, HB 2352, Sec. 1(10)(e))(emphasis added). These are the same buffers long advocated by Mr. Wasserman’s employer (Ex. L) and the bedrock of the grass roots lobbying campaign reflected on the website [whatsupstream.com](http://whatsupstream.com).

It was reported that the prime sponsor of this legislation, Rep. Derek Stanford, “worked for many months on the proposal” with Mr. Wasserman. (Ex. M.) That timing would have corresponded directly with the revamped campaign on the [whatsupstream.com](http://whatsupstream.com) website, billboard and bus advertising, the radio sponsorship and advertising ads from the fall of 2015.

EPA funding of the grass roots lobbying campaign was suspended in the spring of 2016 after two Congressional inquiries and the launch of an EPA Office Inspector General investigation into the unlawful use of federal funds for this campaign. (Exs. N, O and P.) EPA Administrator Gina McCarthy testified before Congress that she was “distressed” by the use of funds by Mr. McLerran, Mr. Wasserman and Strategies 360 to influence state law. While the EPA funding has been suspended, the [whatsupstream.com](http://whatsupstream.com) campaign website remains active although it has been modified to remove the “Take Action!” hyperlink.

For the purposes of your information and investigation in this matter additional information is available in the quarterly progress reports on the campaign that were submitted by Mr. Wasserman to the Northwest Indian Fisheries Commission. The reports are available online at: <http://blogs.nwifc.org/psp/tribal-project-updates/swinomish-tribe>. These reports further detail Mr. Wasserman’s public campaign and the substantial intent from the beginning of the campaign to influence and direct legislation.

Save Family Farming urges the Public Disclosure Commission to take aggressive enforcement action against this blatant disregard of state law. The actions by Mr. Wasserman, Mr. McLerran and Strategies 360 violate the basic policy of the public disclosure law under Ch. 42.17A RCW. The Declaration of Policy in the act expressly provides:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

....

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.



(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

RCW 42.17A.001.

The Act further calls on the PDC to liberally construe the statute to meet these policy declarations:

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to ensure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

RCW 42.17A.001.

The violations of RCW 42.17A.640 began when Mr. Wasserman and Strategies 360 commenced expenditures of EPA funds in 2011. The intent of the campaign from its initiation, through voter contact, building a coalition and the original website, was to achieve new regulations and laws on stream buffers. This effort was only more focused in 2015, with the apparent support and direction of Mr. McLerran, when the campaign updated its website, placed ads, radio sponsorships and developed specific legislation.

The length of the violations is not excused by the absence of specific legislation until the 2016 session of the Legislature. Nor are the violations excused if the 2016 HB 2352 is not somehow associated with Mr. Wasserman's campaign. The only reason for the campaign, the website, the polling, the coalition building, advertising, and radio sponsorships was to influence the legislature. The PDC has long found this kind of campaign unlawful unless it is registered as a grass roots lobbying campaign. PDC Declaratory Order No. 12 (May 24, 1994.)

Mr. Wasserman, Strategies 360 and Mr. McLerran have violated the law for failing to register the campaign in 2011 and for each month thereafter by failing to file monthly reports with the PDC. The monthly violations since 2011 include the specific failure to report monthly expenditures and monthly contributions. These violations are continuing even though EPA has suspended grant funding. The campaign website [whatsupstream.com](http://whatsupstream.com)

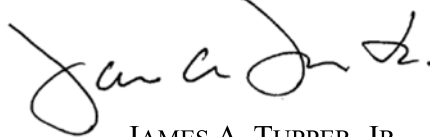
remains active and continues to disclose EPA participation in the campaign and continues to call for new state laws regarding streamside buffers.

Save Family Farming urges the PDC to take immediate enforcement action against Mr. Wasserman, Strategies 360, Inc., and Mr. McLerran to register their campaign and file the required reporting as well as penalties and sanctions for these blatant violations of state law. Save Family Farming requests that the PDC require Mr. Wasserman, Strategies 360, Inc., and Mr. McLerran to immediately register their grass roots lobbying campaign, file delinquent monthly reports and otherwise fully and completely disclose contributions to the campaign including and in addition to EPA funding and expenditures on a monthly basis since the initiation of the campaign.

Save Family Farming requests that it be advised by the actions of the PDC in investigating this matter and that it be provided an opportunity to review and respond to any information provided by Mr. Wasserman, Strategies 360 or Mr. McLerran in defense of their actions.

Save Family Farming appreciates your consideration of this complaint and is available at your convenience to answer any questions or provide additional information in this matter. We have an ongoing FOIA request to EPA and anticipate supplementing this complaint with new information as it is released by the federal agency.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Tupper, Jr.", with a stylized, cursive script.

JAMES A. TUPPER, JR.

Attachments

**Northwest Indian Fisheries Commission Grant Program**

**FY 2011 Noncompetitive Tribal Projects for Restoration and Protection of Puget Sound**

**Swinomish Indian Tribal Community Non-Point Pollution Public Information and Education Initiative – Year 2**

Program Contact:	Charles O'Hara ( <a href="mailto:cohara@swinomish.nsn.us">cohara@swinomish.nsn.us</a> ) Director / Swinomish Planning Office 11430 Moorage Way La Conner, WA 98257
Phone Number:	360-466-7203; Fax 360-466-1615
Grant Name:	NWIFC FY 2010 Noncompetitive Tribal Projects for Restoration and Protection of Puget Sound
Project Period:	September 1, 2012 – August 31, 2013
Project Officer Name and Address:	Tiffany J. Waters Northwest Indian Fisheries Commission 6730 Martin Way East Olympia, WA 98516
Phone Number:	360-528-4318

1. **Project Title:** Non-Point Pollution Public Information and Education Initiative – Year 2
2. **Workplan Abstract:** Implementation of current state and local regulations, and the regulations themselves, have been shown to be inadequate to protect water quality and fish habitat. This project proposes a public education effort that will be directed at decision makers and regional stakeholders to improve the standards and implementation of best management practices, and to increase the level of regulatory certainty that instream resources will be protected, consistent with the Skagit Chinook Recovery Plan.
3. **Tribe:** Swinomish Indian Tribal Community
4. **Project Location:** Efforts will be directed at both the Skagit Watershed and throughout Puget Sound.
5. **Eligible Activities to be Addressed:**
  - a. Skagit Chinook Recovery Plan
  - b. Priority C: Reduce the sources of water pollution
  - c. Activity D.5, directed to improve compliance with rules and regulations in increase the likelihood of achieving ecosystem outcomes
  - d. Activity E.4 directed to increase efforts for communication, outreach and education to increase public awareness

- e. Activity E.3 continually improve the scientific basis for management actions in Puget Sound through a comprehensive and prioritized regional science program
- f. Activity E.4 Increase and sustain coordinated efforts for communication, outreach, and education to increase public awareness and encourage individual stewardship

6. **Proposed Starting and Ending Dates:** September 1, 2012 – August 31, 2013

7. **Project Coordinator:** Larry Wasserman, Swinomish Indian Tribal Community Planning Department, 11430 Moorage Way, LaConner, Wa 360-466-4047 (fax), 360-466-7250 (office), [lwasserman@skagitcoop.org](mailto:lwasserman@skagitcoop.org)

8. **Project Development:**

a. Need for Project:

Completion of the proposed project is a priority to the Swinomish Tribe. Numerous studies conducted within the Skagit watershed have demonstrated that non-point pollution and the lack of riparian vegetation have significant negative impacts on fisheries resources. Two TMDL studies have been conducted by the Department of Ecology (DOE) for the Skagit River and its lower tributaries (Pickett, 1997; Zalewsky & Bilhimer, 2004). The studies explain that many streams are currently on the Clean Water Act 303(d) list as result of high temperatures, low oxygen, and fecal coliform, which in turn is the result in large measure of inadequate riparian buffers and unrestricted cattle access TMDL's, when developed, have either not been implemented or are not adequate to alleviate the source of pollutants.

The Skagit Chinook Recovery Plan has made the development of a regulatory framework, based on Best Available Science, a priority, as can be found in Recommendation 20. Recommendation 21 calls for the identification and implementation of measures necessary to meet water quality standards, and calls for local and state regulations to ensure their implementation. Recommendation 24 calls for the elimination of the agricultural exemption in the Shorelines Management Act. Recommendation 28 identifies the need to ensure the adequacy of water quality violation investigations and follow up, and review of the adequacy of BMP's as implemented. Unfortunately, since the Chinook Recovery Plan was adopted by NOAA, there has been little change in the regulatory structure or the degree of implementation of these measures.

There has also been little local support for adoption or enforcement of regulations to meet water quality standards. Unless stakeholders and decision makers are made aware of the sources of pollution, the adequacy of currently regulations, and the need for additional enforcement, it is unlikely that water quality will improve or that fisheries resources will be protected. While the Puget Sound Partnership currently engages in a Puget Sound-wide public outreach and education campaign (Public Awareness & Engagement Plan, 2006), we have deemed that this project

is necessary to garner support for additional mechanisms to protect and restore water quality and fisheries resources within the Skagit Watershed. Regional stakeholders and decision makers within the Puget Sound region are diverse and while Puget Sound wide protection and outreach is critical, we believe that for Skagit Watershed water quality to improve, there is a great need for targeted information to community members and decision makers to both support improved regulatory mechanisms, as well as encourage better individual actions. We believe that this public information and education initiative will fill a critical, for the benefit of our fisheries and water quality for the whole community.

**b. Project Tasks, Outputs, and Outcomes.**

*Project Tasks and Outputs – Year 2:*

This Year 2 project will implement recommended elements of public information and education strategy developed during Year 1. This will entail written materials, development of earned, paid and social media, and one-on-one meetings with stakeholders and elected officials to inform a target audience capable of influencing public opinion and policy.

1. **Task:** Test and refine messages (developed in Year 1) that can be used to educate general population. Conduct additional 600 person 20 minute statistical survey of statewide sample.  
**Output:** Message refined  
**Cost:** \$20,000
2. **Task:** Provide for a minimum of 5 print ads in Washington newspapers. Distribution and frequency would depend on future tactical decisions around which media outlets would be most effective.  
**Output:** Minimum of 5 paid media ads  
**Cost:** \$55,000
3. **Task:** Design and run ad campaigns on social media platforms. Scope and span would be driven by research in 2012 (Year 1) planning process, but will involve Twitter, Facebook and YouTube platform.  
**Output:** Social media presence established  
**Cost:** \$30,000
4. **Task:** Development of creative print, online and potentially audio materials used in support of communications and outreach efforts.  
**Output:** Creative content developed; workshop attended by two tribal employees  
**Cost:** \$25,000
5. **Task:** Place earned media stories in relevant print, TV and radio, and online channels that tell the story suggested by research and continue the recruitment

and placement of earned media strategies by communications firm.

**Output:** Earned media placement

**Cost:** \$30,000

6. **Task:** Direct person to person outreach with community leaders and organization executives to discuss findings and to solicit support.

**Output:** Outreach with community leaders and organization executives conducted.

**Cost:** \$15,000

7. **Task:** Conduct effectiveness review of educational efforts based on additional surveys and write final report.

**Output:** Surveys conducted; final report written

**Final Deliverable:** A final report will be produced by the communications consultant that details the description and completion of Task 1-7's outputs. This final report will be available as the deliverable of this project.

**Cost:** \$30,000

This funding will additionally support two Tribal staff to attend a public outreach/relations/media workshop and will structurally be included as part of Task 4. As the tribe administers this grant, it is important to have staff with increased capability to determine adequacy of advice being received from our consultants, and to develop in-house capabilities to develop future effective outreach strategies. There are numerous workshops during the year that provide training for professionals to become more proficient in outreach and public relations.

#### *Project Outcomes - Year 2:*

1. Increased public awareness of regulatory and enforcement deficiencies.
2. Increased support for changes and results recommended in the Strategic Plan
3. Measures of the effectiveness of earned, paid and social media to further refine message in out years.

#### *Outputs - Years 3 through 6:*

Implementation of recommended actions developed in the Strategic Work Plan, possibly including: Distribution of written educational materials and use of other media describing regulatory deficiencies and recommended measures needed to adequately protect water quality and salmon habitat; educational meetings with local and regional stakeholders and decision makers; and public meetings to develop support for changes in regulatory and enforcement measures

#### *Outcomes - Years 3 through 6:*

Increased public awareness of regulatory and enforcement deficiencies. Increased support for changes and results recommended in the Strategic Plan.

c. Project Timeline – Year 2:

*September 2012 – August 2013*

Activity	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug
Task 1: Message refinement and materials developed												
Task 2: Paid media												
Task 3: Social media												
Task 4: Creative content development												
Task 5: Earned media placement												
Task 6: Leader and executive outreach												
Task 7: Measure effectiveness												

**9. Budget – Year 2:**

a. Annual Budget Summary:

<u>Salaries</u>	
<u>Fringe Benefits</u>	
<u>Travel</u>	\$2,200
<u>Supplies</u>	

Communications/Utilities	
Equipment/Vehicle Rental	
Equipment/Vehicle O&M	
Sub-Contracts	
Capitalized Equipment	
Professional Services	\$205,000
Other (training)	\$1,800
Total of Direct Costs	\$4,000
Indirect Costs	\$1,338
<b>Grand Total</b>	<b>\$210,338</b>

**b. Task Delineated Budget:**

	<u>Task 1</u>	<u>Task 2</u>	<u>Task 3</u>	<u>Task 4</u>	<u>Task 5</u>	<u>Task 6</u>	<u>Task 7</u>	<u>Total</u>
<u>Salaries</u>								
<u>Fringe Benefits</u>								
<u>Travel</u>				\$2,200				\$2,200
<u>Supplies</u>								
<u>Communications/Utilities</u>								
<u>Equipment/Vehicle Rental</u>								
<u>Equipment/ Vehicle O&amp;M</u>								
<u>Sub-Contracts</u>								
<u>Capitalized Equipment</u>								
<u>Professional Services</u>	\$20,000	\$55,000	\$30,000	\$25,000	\$30,000	\$15,000	\$30,000	\$205,000
<u>Other (training)</u>				\$1,800				\$1,800
<u>Total of Direct Costs</u>				\$4,000				\$4,000
<u>Indirect Costs</u>				\$1,338				\$1,338
<b>Grand Total</b>	\$20,000	\$55,000	\$30,000	\$30,338	\$30,000	\$15,000	\$30,000	<b>\$ 210,338</b>



c. Budget Narrative:

*Travel:* The travel costs will be dedicated to per diem as needed for the workshop training of the two employees (as discussed above). We have estimated that per diem (including hotel costs) will average \$200 a day with the workshop occurring over three days and that airfare costs will need to be accounted for to transport the employees to the workshop. Thus, the total travel is estimated to be \$2,200 as shown by the calculation below:

Per diem: \$200/day \* 3 days \* 2 employees = \$1,200

Airfare: \$500/roundtrip ticket \* 2 employees = \$1,000

*Professional Services:* The professional services comprise the bulk of this workplan and are detailed out above within Section 8(b). The \$205,000 estimate is based on information proved to us by our communications consultant that we contracted in Year 1 and are summarized below by task:

Task 1: \$20,000

Task 2: \$55,000

Task 3: \$30,000

Task 4: \$25,000

Task 5: \$30,000

Task 6: \$15,000

Task 7: \$30,000

*Other:* The other costs will be comprised of workshop training fees for the two employees. Cost estimates are based on on-line review of costs and content of public relation/media outreach workshops. The total workshop costs are estimated to be \$1,800 and is shown by the calculation below:

\$900/workshop fee \* 2 employees = \$1,800

*Indirect Costs:* The Swinomish Indian Tribe's most current negotiated cost rate is 33.45%. The professional services detailed within this workplan are not included

**10. Project Management:**

The project management will be overseen by Charles O'Hara, Swinomish Planning Director. Through regular meetings with key staff and project consultants the project's timelines, deliverables, and reports will be evaluated to insure that project goals are met. Funding for project management, with exception of the workshop costs described within the narrative and budget, will be from internal Tribal funds.

**11. Local Coordination and Project Cooperators: N/A**

## **12. Severability:**

Actions in years three through six will entail the further implementation of the public information and outreach strategy. This second year's task is severable from subsequent year tasks in that if funding from this PSP/EPA source is not available, the Tribe can attempt to secure funding from other sources to continue to implement the plan.

## **13. Non-duplication:**

N/A No other federal funding will be contributing to this project. All funding supporting project management will come from internal tribal funds

## **14. References:**

Lawrence, S. 2007. Lower Skagit River Fecal Coliform Total Maximum Daily Load – Water Quality Implementation Plan. Publication No. 07-10-056. Water Quality Program, Washington State Department of Ecology, Bellevue, WA. Retrieved on May 25, 2011 from <http://www.ecy.wa.gov/pubs/0710056.pdf>.

Pickett, P.J. 1997. Lower Skagit River Total Maximum Daily Load Water Quality Study. Publication No. 97-326a. Environmental Investigations and Laboratory Services Program, Washington State Department of Ecology, Olympia, WA. Retrieved on May 25, 2011 from <http://www.ecy.wa.gov/pubs/97326a.pdf>.

Zalewsky, B. & Bilhimer, D. 2004. Lower Skagit River Tributaries Temperature Total Maximum Daily Load Study. Publication No. 04-03-001. Environmental Assessment Program, Washington State Department of Ecology, Olympia, WA. Retrieved on May 26, 2011 from <http://www.ecy.wa.gov/pubs/0403001.pdf>.

1.	Form		3.	Gender	
	A	50%		Male	49%
	B	50		Female	51
2.	Region		4.	Phone use	
	King County	30%		Wireless only	24%
	North Puget	18		Dual use	63
	Western Washington	30		Landline only	12
	Eastern Washington	22		No answer	1

**DNR = Volunteered response**  
\* indicates responses totaled 0.4% or less

Hello, may I please speak with (NAME ON LIST)? My name is \_\_\_\_\_ from \_\_\_\_\_, a public opinion polling firm. We're not selling anything and I will not ask for a donation at any time. We are conducting a short survey about some issues people have been talking about lately. It will take only a few minutes and all responses will be anonymous and used only for research purposes.

**IF UNAVAILABLE AND LANDLINE: ASK FOR YOUNGEST REGISTERED VOTER IN HOUSEHOLD**

5.	First, have I reached you on a landline or mobile telephone?	
	Landline .....	68% <b>GO TO Q7</b>
	Mobile .....	31
	DK/NA/REFUSED .....	1

**6. (ONLY READ IF Q5 = MOBILE) Are you in a place where you can safely take this survey?**

Yes .....	CONTINUE
No .....	SCHEDULE CALL BACK
DK/NA/REFUSED .....	TERMINATE

**7. Are you 18 years or older and registered to vote at your home address in Washington? (IF YES:) Which of the following best describes your age? (READ LIST)**

18-29 .....	14%
30-34 .....	9
35-44 .....	16
45-54 .....	19
55-64 .....	20
65 or older .....	21
--	
DK/NA/REFUSED .....	1
Not old enough / Not registered .....	TERMINATE

**8. To start, in general, would you say that things in Washington State are heading in the right direction or are things off on the wrong track? (IF MIXED OPINIONS:) Well, which way would you say you lean?**

Right direction .....	38%	<b><u>TOTAL RIGHT DIRECTION: 44%</u></b>
Mixed opinions, lean right direction .....	6	
Mixed opinions, lean wrong track .....	6	<b><u>TOTAL WRONG TRACK: 44%</u></b>
Wrong track .....	38	
--		
Mixed opinions, no lean .....	5	
DK/NA/REFUSED .....	8	

9. What would you say is the most important issue facing Washington today? **(READ LIST AND RANDOM ROTATE)**

Economy and jobs .....	39%
Government budget / taxes .....	20
Education.....	16
Health care .....	10
Transportation and congestion.....	5
Public health .....	3
Environmental issues.....	2
Something else .....	3
--	
DK/NA/REFUSED.....	2

10. Overall, how would you rate the health and condition of Washington's water resources, which includes salt water, shorelines, beaches, bays, lakes and the rivers, creeks, and streams found throughout the state? **(READ LIST)**

Excellent.....	14%	<b><u>EXCELLENT OR GOOD: 73%</u></b>
Good.....	59	
Only fair .....	19	<b><u>FAIR OR POOR: 21%</u></b>
Poor.....	2	
--		
DK/NA/REFUSED.....	6	

11. And using that same scale, how would you rate the health and condition of the water resources in and around Puget Sound only? **(READ LIST IF NECESSARY)**

Excellent.....	6%	<b><u>EXCELLENT OR GOOD: 49%</u></b>
Good.....	43	
Only fair .....	24	<b><u>FAIR OR POOR: 28%</u></b>
Poor.....	4	
--		
DK/NA/REFUSED.....	23	

Now, I'm going to read you a list of some public figures, organizations, and institutions you may have heard of and I'd like you to tell me whether you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of each one. If you don't recognize the name or if you recognize the name but do not have an opinion, please just say so and we will move to the next name. Here is the first one...

**TABLE SORTED BY TOTAL FAVORABLE**

RANDOM ROTATE ALL		TOTAL FAV	TOTAL UNFAV	Very Fav	SW Fav	SW Unfav	Very Unfav	Recog., No opin	Don't recog.	DK/ REF
12.	Barack Obama	<b>54%</b>	<b>41%</b>	31%	23%	13%	28%	3%	*%	1%
13.	Indian tribes in Washington State	<b>54%</b>	<b>18%</b>	16	37	12	6	21	3	4
14.	Rob McKenna	<b>37%</b>	<b>20%</b>	17	20	10	9	21	18	4
15.	Mitt Romney	<b>36%</b>	<b>51%</b>	14	22	17	34	9	3	2
16.	Jay Inslee	<b>34%</b>	<b>16%</b>	11	23	8	9	20	25	5
17.	The Washington Farm Bureau	<b>33%</b>	<b>6%</b>	10	22	4	1	31	24	7
18.	The Columbia River Crossing project	<b>13%</b>	<b>6%</b>	2	11	2	4	13	57	10

19. Generally speaking, would you support or oppose stronger laws protecting the health of water resources here in Washington? **(PROBE:)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE:)** Which way would you say you lean at this time?

Strongly support.....	53%	<b><u>TOTAL SUPPORT: 73%</u></b>
Not strongly support.....	14	
Lean support.....	6	
Lean oppose.....	3	<b><u>TOTAL OPPOSE: 19%</u></b>
Not strongly oppose.....	7	
Strongly oppose.....	9	
--		
DK/NA/REFUSED.....	7	

20. Would you support or oppose stronger water resource protection regulations on agriculture and farm activities? **(IF SUPPORT:)** Would this be true even if some foods increased in cost?

Support, even if more costly.....	49%
Support, but not if more costly.....	11
Oppose.....	25
--	
DK/NA/REFUSED.....	15

21. Looking at this a different a different way, let me read you four statements and please tell me which one comes closest to your own view even if none of them is exactly your view. Generally speaking, do you think ... **(ROTATE TOP TO BOTTOM:)**

- The laws protecting Washington's water resources are not strong enough.
- The laws protecting Washington's water resources are strong enough but should be better enforced.
- The laws protecting Washington's water resources and their enforcement should be left as they are.
- The laws protecting Washington's water resources and their enforcement are too strict and need to be relaxed.

**(PROBE:)** Do you feel strongly about that or not so strongly?

Not strong enough, feels strongly.....	10%	<b><u>TOTAL NOT STRONG ENOUGH: 13%</u></b>
Not strong enough, doesn't feel strongly .....	3	
Better enforced, feels strongly.....	31	<b><u>TOTAL BETTER ENFORCED: 46%</u></b>
Better enforced, doesn't feel strongly .....	15	
Should be left, feel strongly .....	18	<b><u>TOTAL SHOULD BE LEFT: 27%</u></b>
Should be left, doesn't feel strongly.....	9	
Too strict, feels strongly .....	5	<b><u>TOTAL RELAXED: 6%</u></b>
Too strict, doesn't feel strongly.....	2	
--		
DK/NA/REFUSED.....	8	

Now I am going to read you a few areas in which the Washington state government plays some role. After I read each one, please tell me if you think the state government should be doing more, doing less, or if it is doing enough in that area. If you don't have an opinion, just say so and we'll move to the next one. Here is the first one... **(IF MORE:)** Is that MUCH more or only a little more?

TABLE SORTED BY TOTAL MORE

RANDOM ROTATE ALL	TOTAL MORE	ENOUGH OR LESS	Much More	A Little More	Enough	Less	DK/REF
22. Ensuring that fish and shellfish are free of toxic contamination and can be eaten.	50%	40%	28%	22%	36%	4%	10%
23. Protecting fish habitat for commercial and recreational fishing.	45%	45%	21	25	39	6	9
24. Ensuring agricultural and farm practices are environmentally responsible.	42%	43%	18	24	36	7	15
25. Ensuring water resources meet high standards for public health.	42%	50%	21	21	47	3	8
26. <b>(SPLIT A)</b> Protecting outdoor areas like beaches and lakes for children and families to safely enjoy.	41%	57%	19	22	54	3	2
27. Protecting the natural beauty of Washington State for its residents and tourists.	39%	57%	18	20	53	4	4
28. Ensuring an adequate supply of clean drinking water.	37%	58%	20	18	56	2	4
29. <b>(SPLIT B)</b> Protecting streams and lakes for recreational purposes like swimming and boating.	34%	57%	17	18	51	6	9

30. Based on what you have seen and heard, which of the following do you think contributes the MOST to water pollution in Washington? And which of those do you think contributes the LEAST to water pollution in Washington?

	MOST	LEAST	MOST – LEAST
Commercial and industrial sites	57%	9%	+48
Agricultural practices	12%	30%	-18
Individuals	22%	48%	-26
DK/NA/REFUSED	9%	13%	N/A

31. Who do you think would BENEFIT the most if stronger laws protecting water resources were passed by the state of Washington? And who do you think would be HURT the most if stronger laws protecting water resources were passed by the state of Washington? Would you say ...

	BENEFIT	HURT	BENEFIT – HURT
People like yourself	38%	9%	+29
Environmentalists	25%	4%	+21
Taxpayers	19%	28%	-9
Farmers and Ranchers	5%	47%	-42
DK/NA/REFUSED	13%	12%	N/A

Now, I'm going to read some specific concerns some people have regarding Washington's water resources. For each one, please rate your level of personal concern about that issue. You can say it is one of the issues that causes you the most concern, an issue that causes a lot of concern, an issue that causes just some concern or whether you are not concerned about that issue. Here is the first one...

**TABLE SORTED BY TOTAL HIGH CONCERN**

RANDOM ROTATE ALL	HIGH CONCERN	TOTAL CONCERN	One of the most	A lot	Some	Not	DK/REF
32. Toxic chemicals from industrial activities in waterways.	58%	90%	25%	33%	32%	8%	2%
33. (SPLIT B) The supply of water for future generations.	57%	84%	25	32	27	15	1
34. (SPLIT A) The quality of water for future generations.	52%	88%	20	32	36	12	*
35. The quality of our drinking water.	41%	72%	23	19	31	27	1
36. Septic tanks leaking into waterways.	39%	78%	15	24	39	20	2
37. The impact of population growth and development on water resources.	38%	80%	14	24	42	18	3
38. Polluted storm water runoff.	36%	79%	14	22	43	19	3
39. The quality of water for fish habitat.	36%	80%	13	23	44	18	2
40. Public health and safety risks posed by our water resources.	27%	71%	10	17	44	23	5
41. The impact of agricultural practices on our water resources.	22%	74%	7	15	52	22	4

42. Moving on, which of the following statements comes closest to your own opinion, even if neither is exactly your opinion? (**ROTATE STATEMENTS:**)

The best way to protect our water resources is public-private partnerships that provide incentives for the private sector to use responsible environmental practices. – **OR** – The best way to protect our water resources is for public agencies to enforce water quality laws and fine those who are not following the law.

(**IF CHOICE GIVEN:**) Do you agree strongly or not so strongly with that? (**IF UNDECIDED:**) Which statement would you say you lean toward?

Strongly incentive ..... 35%  
Somewhat incentive ..... 11  
Lean incentive ..... 3

**TOTAL INCENTIVE: 49%**

Lean enforcement ..... 3  
Somewhat enforcement ..... 10  
Strongly enforcement ..... 33  
--  
DK/NA/REFUSED ..... 5

**TOTAL ENFORCEMENT: 46%**

43. Again, which of the following statements comes closest to your own opinion, even if neither is exactly your opinion? **(ROTATE STATEMENTS:)**

The health and condition of water resources is really only a problem in the Puget Sound region. – **OR** – The health and condition of water resources is a problem throughout the entire state of Washington.

**(IF CHOICE GIVEN:)** Do you agree strongly or not so strongly with that? **(IF UNDECIDED:)** Which statement would you say you lean toward?

Strongly Sound only.....	12%	<b><u>TOTAL SOUND ONLY: 23%</u></b>
Somewhat Sound only.....	9	
Lean Sound only.....	2	
Lean statewide.....	4	<b><u>TOTAL STATEWIDE: 61%</u></b>
Somewhat statewide.....	16	
Strongly statewide.....	41	
--		
DK/NA/REFUSED.....	17	

44. And how about these statements? **(ROTATE STATEMENTS:)**

Protecting water resources in Washington State should be given priority even at the risk of slowing economic growth. – **OR** – Economic growth should be given priority, even if Washington's water resources suffer to some extent.

**(IF CHOICE GIVEN:)** Do you agree strongly or not so strongly with that? **(IF UNDECIDED:)** Which statement would you say you lean toward?

Strongly clean water.....	35%	<b><u>TOTAL CLEAN WATER: 52%</u></b>
Somewhat clean water.....	12	
Lean clean water.....	4	
Lean economic growth.....	3	<b><u>TOTAL ECONOMIC GROWTH: 39%</u></b>
Somewhat economic growth.....	16	
Strongly economic growth.....	21	
--		
DK/NA/REFUSED.....	10	

45. State laws require counties to manage growth and protect shorelines through land use zoning. Which of the following statements comes closest to your own opinion regarding the Growth Management Act and Shorelines Management Act laws in your area. **(READ AND ROTATE LIST:)**

The laws don't go far enough.....	18%
The laws need are fine as they are now.....	47
The laws are too restrictive.....	14
--	
DK/NA/REFUSED.....	21

46. **(SPLIT A)** In Washington, there is a lower property tax rate for land used for agricultural purposes than for non-agricultural land. Would you support or oppose requiring agricultural practices on these lands to meet stronger water protection standards in order to receive the lower tax rate? **(PROBE:)** Is that strongly or only somewhat? **(IF UNDECIDED:)** Which way would you say you lean?

Strongly support.....	35%	<b><u>TOTAL SUPPORT: 67%</u></b>
Somewhat support.....	29	
Lean support.....	3	
Lean oppose.....	2	<b><u>TOTAL OPPOSE: 26%</u></b>
Somewhat oppose.....	11	
Strongly oppose.....	13	
--		
DK/NA/REFUSED.....	7	



47. **(SPLIT B)** In Washington, there is a lower property tax rate for land used for agricultural purposes than for non-agricultural land. Would you support or oppose requiring agricultural practices on small hobby farms to meet stronger water protection standards in order to receive the lower tax rate if those agricultural practices are non-commercial? **(PROBE:)** Is that strongly or only somewhat? **(IF UNDECIDED:)** Which way would you say you lean?

Strongly support.....	33%	<b><u>TOTAL SUPPORT: 67%</u></b>
Somewhat support.....	32	
Lean support.....	2	
Lean oppose.....	1	<b><u>TOTAL OPPOSE: 23%</u></b>
Somewhat oppose.....	9	
Strongly oppose.....	13	
--		
DK/NA/REFUSED.....	10	

48. **(SPLIT A)** Which of the following do you trust MOST to protect water resources in Washington?

49. **(SPLIT A)** Which of the following do you trust LEAST to protect water resources in Washington?

	<b>MOST</b>	<b>LEAST</b>	<b>MOST – LEAST</b>
<b>Local governments</b>	<b>37%</b>	<b>9%</b>	<b>+28</b>
<b>State government</b>	<b>31%</b>	<b>37%</b>	<b>-6</b>
<b>The private sector</b>	<b>25%</b>	<b>47%</b>	<b>-22</b>
<b>DK/NA/REFUSED</b>	<b>6%</b>	<b>7%</b>	<b>N/A</b>

50. **(SPLIT B)** Which of the following do you trust MOST to protect water resources in Washington?

51. **(SPLIT B)** Which of the following do you trust LEAST to protect water resources in Washington?

	<b>MOST</b>	<b>LEAST</b>	<b>MOST – LEAST</b>
<b>Local governments</b>	<b>45%</b>	<b>20%</b>	<b>+25</b>
<b>State government</b>	<b>34%</b>	<b>36%</b>	<b>-2</b>
<b>Indian tribes</b>	<b>13%</b>	<b>30%</b>	<b>-17</b>
<b>DK/NA/REFUSED</b>	<b>8%</b>	<b>14%</b>	<b>N/A</b>

Now I am going to read you some statements made by SUPPORTERS of stronger laws to protect water resources in Washington. After I read each one, please tell me whether you personally find that statement to be a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to SUPPORT stronger laws to protect water resources in Washington. Here is the first one...

**TABLE SORTED BY TOTAL CONVINCING**

RANDOM ROTATE ALL		TOTAL CONV	TOTAL UNCONV	Very Conv	SW Conv	Not Very	Not at All	DK/NA
52.	<b>(SPLIT B)</b> Washington's water resources are a critical component of public health and safety for every part of the state. We need to ensure that water across the state is drinkable, fishable, and swimmable and no community is being left behind.	<b>84%</b>	<b>14%</b>	47%	37%	9%	5%	2%
53.	<b>(SPLIT B)</b> Everyone in the state foots the bill for cleaning up polluted streams, rivers and lakes and reversing environmental damage. We need a better system for holding polluters accountable that doesn't see taxpayers as an endless well of clean up dollars to pay for bad enforcement.	<b>81%</b>	<b>17%</b>	44	36	11	6	2
54.	<b>(SPLIT A)</b> Clean water is essential for our health and especially critical for children. We need better laws to ensure that all children and future generations have access to water that is drinkable, fishable, and swimmable.	<b>78%</b>	<b>20%</b>	42	37	11	10	1
55.	<b>(SPLIT A)</b> You don't need to be an expert to know what happens when polluters are handed the responsibility for managing pollution. Yet, this is the system we have in Washington, limiting protections to incentives and strongly worded letters. We need a new common sense system that actually holds polluters accountable and discourages irresponsible behavior.	<b>75%</b>	<b>23%</b>	38	37	14	9	2
56.	<b>(SPLIT B)</b> Our current system for protecting water resources combines bad ideas with poor accountability and has predictable results. Not only does the state PAY polluters not to pollute, but it does not require those who are being paid to show any improvement in the conditions of our water resources. We need a real common sense solution that holds polluters accountable and discourages irresponsible behavior.	<b>75%</b>	<b>22%</b>	29	46	14	8	3
57.	<b>(SPLIT B)</b> Pollution is an unavoidable result of our modern economy and society. But we still have a responsibility to protect fish and wildlife in Washington and our current efforts are not getting the job done. 17 populations of salmon, steelhead and trout are listed as endangered or threatened under the Endangered Species Act in Washington due to loss of habitat.	<b>75%</b>	<b>20%</b>	29	46	12	8	5
58.	<b>(SPLIT A)</b> We need to be doing more to avoid costly clean ups. Cleaning up polluted streams, rivers, and lakes costs taxpayers over \$100 million every year. That's more than double what we spent on early learning programs for children. Stronger protections now will lead to fewer clean ups and savings for taxpayers in the future.	<b>70%</b>	<b>27%</b>	34	37	13	14	3
59.	<b>(SPLIT A)</b> Commercial fishing has been one of Washington's most profitable family-wage industries for decades but lax protections are threatening fish habitat. 17 populations of salmon, steelhead and trout are listed as endangered or threatened under the Endangered Species Act in Washington due to loss of habitat.	<b>68%</b>	<b>27%</b>	29	39	15	12	5

60. Now that you've heard a few different perspectives, I'd like to ask one last time, would you support or oppose stronger laws protecting the health of water resources here in Washington? **(PROBE:)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE:)** Which way would you say you lean at this time?

Strongly support.....	45%	<b><u>TOTAL SUPPORT: 71%</u></b>
Somewhat support.....	19	
Lean support.....	7	
Lean oppose.....	3	<b><u>TOTAL OPPOSE: 22%</u></b>
Somewhat oppose.....	8	
Strongly oppose.....	12	
--		
DK/NA/REFUSED.....	7	

61. **(ONLY READ IF OPPOSE)** Which of the following best describes the reason you oppose stronger protections. Is it... **(READ AND RANDOM ROTATE)**

*MULTIPLE RESPONSES ACCEPTED; PERCENTAGES DO NOT ADD TO 100%*

You worry it could lead to higher taxes.....	34%
You worry it could hurt economic growth.....	32
It seems unnecessary.....	20
You worry it will increase costs for goods.....	12
Something else (READ LAST).....	30
--	
DK/NA/REFUSED.....	1

I have just a few questions left for statistical purposes.

62. Regardless of how you plan to vote, in politics, as of today, do you consider yourself **(ROTATE:)** a Republican, a Democrat, or an independent? **(IF INDEPENDENT:)** As of today, do you lean more to the Democratic Party or the Republican Party?

Democrat.....	31%	<b><u>DEMOCRAT OR LEAN: 40%</u></b>
Independent, lean Democratic.....	9	
Republican.....	23	<b><u>REPUBLICAN OR LEAN: 32%</u></b>
Independent, lean Republican.....	9	
Independent.....	21	
--		
Other (DNR).....	4	
DK/NA/REFUSED.....	3	

63. In the 2008 election for president, did you vote for Democrat Barack Obama or Republican John McCain?

Obama.....	50%
McCain.....	31
Can't remember (DNR).....	1
Someone else (DNR).....	5
Didn't vote (DNR).....	7
--	
DK/NA/REFUSED.....	6

64. Are you of Hispanic, Latino, or Spanish origin, such as Mexican, Puerto Rican or Cuban? **(IF NO:)** How would you describe your race? **(READ LIST)**

White or Caucasian.....	82%
Hispanic or Latino (DNR).....	7
Asian or Pacific Islander.....	4
Black or African American.....	3
Native American.....	1
Something else.....	2
--	
DK/NA/REFUSED.....	1

65. What is the highest level of education you have received? **(READ LIST)**

Less than high school .....	1
High school graduate .....	13
Some college or two year college graduate.....	35
Four year college graduate .....	30
Postgraduate or advanced degree .....	20
--	
DK/NA/REFUSED.....	1

66. How would you describe the type of community you live in? Is it... **(READ LIST)**

Urban.....	24%
Suburban .....	34
Small town .....	21
Rural.....	19
--	
DK/NA/REFUSED.....	2

67. How long have you lived in Washington State? Is it... **(READ LIST)**

0-5 years.....	7%
6-10 years.....	8
11-20 years.....	16
21 years or more.....	68
--	
DK/NA/REFUSED.....	1

That completes our survey. Thank you VERY MUCH for your time.

1.	Form		3.	Region	
	A	50%		King County	30%
	B	50		Northwest Washington	17
2.	Gender			Southwest Washington	31
	Male	47%		Eastern Washington	22
	Female	53			

**DNR = Volunteered response, do not read**  
**\* indicates responses totaled 0.4% or less**

Hello, may I please speak with (NAME ON LIST)? My name is \_\_\_\_\_ from \_\_\_\_\_, a public opinion polling firm. We're not selling anything and I will not ask for a donation at any time. We are conducting a short survey about some issues people have been talking about lately. It will take only a few minutes and all responses will be anonymous and used only for research purposes.

4. First, have I reached you on a landline or mobile telephone?

Landline ..... 67% **GO TO Q6**  
Mobile ..... 33

**ONLY READ IF MOBILE**

5. Are you in a place where you can safely take this survey?

Yes ..... CONTINUE  
No ..... SCHEDULE CALL BACK  
--  
DK/NA/REFUSED ..... TERMINATE

6. Are you 18 years or older and registered to vote at your home address in Washington? (IF YES:) Which of the following best describes your age? (READ LIST)

18-24 ..... 4%  
25-34 ..... 12  
35-44 ..... 15  
45-54 ..... 23  
55-64 ..... 22  
65-74 ..... 13  
75 or older ..... 10  
--  
DK/NA/REFUSED ..... 1  
Not old enough / Not registered ..... TERMINATE

7. Some people were not able to vote in the 2012 election for president and other offices. How about you? Were you able to vote in the 2012 election or were you not able to vote for some reason?

Yes, voted ..... 98%  
No, did not vote ..... 1  
Too young (DNR) ..... 1  
--  
DK/NA/REFUSED ..... -

8. As you may know, there will be an election in November of this year for several federal and state offices including US Congress and state legislature. I know that's a long time from now, but how likely it is that you will vote in this election? Is it... (READ LIST)

Almost certain ..... 93%  
Probably ..... 7  
About 50-50 ..... TERMINATE  
Not very likely ..... TERMINATE  
Not likely at all ..... TERMINATE  
--  
DK/NA/REFUSED ..... TERMINATE

**IF DIDN'T VOTE IN 2012 AND NOT CERTAIN TO VOTE IN 2014, THANK AND TERMINATE**

9. To start, in general, would you say things in the state of Washington are heading in the right direction or are things off on the wrong track? (IF MIXED OPINIONS:) If you had to choose between the two, would you say right direction or wrong track?

		<u>Apr 2013</u>
<b>RIGHT TRACK</b> .....	<b>45%</b>	39%
<b>WRONG TRACK</b> .....	<b>46%</b>	45%
Right direction .....	35%	32%
Mixed opinions, lean right direction .....	10	7
Mixed opinions, lean wrong track .....	6	6
Wrong track .....	40	39
Mixed opinions, no lean .....	5	10
--		
DK/NA/REFUSED .....	4	7

10. What would you say is the most important issue facing Washington today? (READ LIST AND RANDOM ROTATE)

Economy and jobs .....	29%
Education .....	21
Government budget and taxes .....	19
Health care .....	10
Transportation and congestion .....	7
Environmental issues .....	3
Public health .....	1
Something else .....	6
--	
DK/NA/REFUSED .....	3

Now, I'm going to read you a list of some public figures, organizations, and institutions you may have heard of and I'd like you to tell me whether you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of each one. If you don't recognize the name or if you recognize the name but do not have an opinion, please just say so and we will move to the next name. Here is the first one...

**RANKED BY TOTAL FAVORABLE**

RANDOM ROTATE ALL		TOTAL FAV	TOTAL UNFAV	Very Fav	SW Fav	SW Unfav	Very Unfav	No opin	Don't recog.	DK/ REF
11.	Farmers and ranchers in Washington	72%	5%	41%	32%	3%	1%	14%	8%	1%
12.	Indian tribes in Washington State	57%	16%	24	33	10	7	22	3	2
13.	The Environmental Protection Agency	57%	32%	17	40	15	17	7	3	1
14.	Environmental groups	54%	29%	16	37	15	14	13	2	2
15.	Barack Obama	51%	46%	26	25	12	34	3	*	1
16.	Washington state government	49%	44%	9	40	27	17	6	*	1
17.	Jay Inslee	44%	33%	14	30	14	19	16	5	1
18.	The Washington Farm Bureau	35%	6%	14	22	4	2	27	29	2
19.	The Puget Sound Partnership	12%	4%	4	8	2	2	15	68	2

Moving on....

20. Overall, would you say you are satisfied or dissatisfied with the health and condition of Washington's water resources, which includes salt water, shorelines, beaches, bays, lakes and the rivers, creeks, and streams found throughout the state? **(PROBE)** Is that very <satisfied/dissatisfied> or only somewhat?

		<u>Apr 2013</u>
<b>SATISFIED</b> .....	<b>71%</b>	66%
<b>DISSATISFIED</b> .....	<b>22%</b>	21%
Very satisfied .....	21%	22%
Somewhat satisfied .....	50	44
Somewhat dissatisfied .....	15	15
Very dissatisfied .....	7	6
Neither / no opinion / neutral (DNR) .....	5	10
--		
DK/NA/REFUSED .....	2	4

21. Would you support or oppose stronger water resource protection regulations on agriculture and farm activities? **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

		<u>Apr 2013</u>
<b>SUPPORT</b> .....	<b>56%</b>	59%
<b>OPPOSE</b> .....	<b>32%</b>	28%
Strongly support .....	34%	41%
Not strongly support .....	11	13
Lean support .....	10	5
Lean oppose .....	5	5
Not strongly oppose .....	9	9
Strongly oppose .....	18	14
--		
DK/NA/REFUSED .....	12	13

22. One idea for protecting water resources is requiring farms and ranches to maintain 100 foot buffers of natural vegetation between cultivated land and salmon streams. Would you support or oppose this rule? **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

<b>SUPPORT</b> .....	<b>66%</b>
<b>OPPOSE</b> .....	<b>25%</b>
Strongly support .....	43%
Not strongly support .....	15
Lean support .....	9
Lean oppose .....	3
Not strongly oppose .....	6
Strongly oppose .....	16
--	
DK/NA/REFUSED .....	9

**ONLY READ IF SUPPORTIVE – MULTIPLE RESPONSES ACCEPTED, TOTALS DO NOT ADD TO 100%**

23. What is the main reason you support this? (OPEN ENDED)

Conserve/protect water .....	29%
Protect salmon/fish .....	28
Keep pollutants/farms/animals from water.....	27
Protect environment/resources .....	14
Good idea/need it .....	7
Protect health.....	3
Protect the future/children .....	3
Protect vegetation .....	3
Protect/assist farmers .....	3
Protect wildlife.....	2
Other .....	5
--	
DK/NA/REFUSED.....	2

**ONLY READ IF OPPOSED – MULTIPLE RESPONSES ACCEPTED, TOTALS DO NOT ADD TO 100%**

24. What is the main reason you oppose this? (OPEN ENDED)

Government involvement/political .....	21%
Too many regulations already .....	17
Hurts farmers .....	17
100 ft is too much/unusable land.....	13
Private property/rights .....	13
Do not see harm/unnecessary .....	13
Costs .....	6
Other .....	10
--	
DK/NA/REFUSED.....	4

25. Moving on, which of the following statements comes closest to your own opinion, even if neither is exactly your opinion? (ROTATE STATEMENTS; IF UNDECIDED:) Which statement would you say you lean toward?

The best way to protect our water resources is public-private partnerships that provide incentives for the private sector to use responsible environmental practices. – **OR** – The best way to protect our water resources is for Washington to enforce water quality laws and fine those who are breaking these laws.

		<u>Apr 2013</u>
<b>INCENTIVE</b> .....	<b>54%</b>	49%
<b>ENFORCEMENT</b> .....	<b>42%</b>	47%
Incentive .....	44%	47%
Lean incentive.....	9	3
Lean enforcement.....	6	2
Enforcement .....	36	44
--		
DK/NA/REFUSED.....	4	4

26. And how about these statements? (ROTATE STATEMENTS; IF UNDECIDED:) Which statement would you say you lean toward?

Protecting water resources in Washington State should be given priority even at the risk of slowing economic growth. – **OR** – Economic growth should be given priority, even if Washington's water resources suffer to some extent.

		<u>Apr 2013</u>
<b>WATER RESOURCES</b> .....	<b>54%</b>	57%
<b>ECONOMIC GROWTH</b> .....	<b>37%</b>	33%
Water resources .....	48%	54%
Lean water resources .....	7	3
Lean economic growth.....	8	2
Economic growth .....	29	31
--		
DK/NA/REFUSED.....	8	10



Earlier I read you a rule that would require farms and ranches to maintain 100 foot buffers between cultivated lands and salmon streams. Here are a few more specifics about that rule. For each one, please tell me if it makes your opinion of this rule more favorable or less favorable. You can also say it doesn't change your opinion. **(PROBE)** Is that much <more/less> likely or only slightly?

**RANKED BY TOTAL MORE**

RANDOM ROTATE ALL		TOTAL MORE	TOTAL LESS	Much More	Slightly More	No Diff.	Slightly Less	Much Less	DK/REF
27.	This rule requires that toxics such as pesticides, fertilizers and manure stay at least 100 feet from salmon streams.	76%	8%	62%	14%	14%	4%	4%	2%
28.	This rule prohibits new construction or new buildings within 100 feet of salmon streams.	59%	17%	42	17	22	7	9	3
29.	This rule prohibits the clearing of natural vegetation located within 100 feet of salmon streams.	52%	20%	33	20	24	10	10	4
30.	Farms or ranches that violate this rule will be fined.	52%	22%	32	20	23	8	15	3
31.	Any farm or ranch with existing roads, buildings, or utilities lines in the buffer zone would be exempted from this rule.	49%	20%	23	25	28	10	9	3
32.	This rule prohibits the growing or cultivation of crops within 100 feet of salmon streams.	47%	20%	28	19	30	9	11	4
33.	This rule would only apply to farms and ranches near salmon streams.	44%	22%	24	20	30	9	13	4
34.	This rule prohibits the grazing or roaming of livestock within 100 feet of salmon streams.	44%	27%	27	16	26	12	15	4
35.	<b>(SPLIT B)</b> The Washington Department of Ecology would be in charge of enforcing this rule and ensuring compliance.	42%	22%	26	16	32	7	16	3
36.	<b>(SPLIT A)</b> Any farm or ranch smaller than 10 square acres would be exempted from this rule.	41%	26%	18	24	28	11	15	4
37.	<b>(SPLIT B)</b> Any farm or ranch smaller than 5 square acres would be exempted from this rule.	41%	26%	21	21	30	12	14	3
38.	<b>(SPLIT A)</b> Washington state government would be in charge of enforcing this rule and ensuring compliance.	41%	26%	22	20	28	9	17	5

39. Now that you've heard a little more, would you support or oppose requiring farms and ranches to maintain 100 foot buffers of natural vegetation between cultivated land and salmon streams. **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

**SUPPORT** ..... 72%  
**OPPOSE** ..... 22%

Strongly support..... 49%  
Not strongly support..... 15  
Lean support..... 8

Lean oppose..... 2  
Not strongly oppose..... 4  
Strongly oppose..... 16

--  
DK/NA/REFUSED..... 6

Here are some reasons others have given for why they OPPOSE this buffer rule. Please tell me if each one causes you to have very serious doubts, somewhat serious doubts, not many doubts, or no serious doubts about this rule. Here is the first one...

**RANKED BY VERY/SW SERIOUS DOUBTS**

RANDOM ROTATE ALL		VERY/SW SERIOUS	NOT SERIOUS	Very Serious	SW Serious	Not Many	No Doubts	DK/ REF
40.	This regulation infringes on the property rights of Washington's farmers and ranchers. Large portions of private property will become off limits and property owners are not being offered any compensation for the lost of that fertile, productive land.	60%	35%	32%	28%	11%	23%	5%
41.	<b>(SPLIT B)</b> This is a rule written by environmentalists in Seattle that allows state bureaucrats in Olympia to tell farmers and ranchers in rural and small town Washington how to use their land. This is a one-size-fits-all solution with no room for local input or expertise.	59%	38%	38	22	9	29	2
42.	This rule harms small farmers and ranchers by reducing the amount of their own land they can use. This rule would force them to stop farming on large parts of their land so that they can establish a buffer between waterways.	53%	43%	26	27	13	30	3
43.	The biggest threat to a healthy salmon population is overfishing, not agriculture. This rule puts a heavy burden on farmers without addressing the bigger issue of years of unsustainable fishing practices that have led to declining salmon runs.	50%	41%	23	27	12	29	9
44.	<b>(SPLIT A)</b> This rule puts Washington's notoriously bureaucratic and inefficient state government in charge of enforcing and fining farmers and ranchers. We can't rely on bureaucrats in state government to do what's best for farmers or ranchers.	49%	45%	29	20	18	27	6
45.	This regulation would drive up the cost of food and produce in Washington's grocery stores. When farmers have to jump through more hoops to get their foods to market, that cost gets passed on to everyone else. Many families already struggle to get their children healthy foods and increasing the cost of those healthy foods is just a bad idea.	47%	49%	27	20	14	34	4

46. Now that you've heard a little more, would you support or oppose requiring farms and ranches to maintain 100 foot buffers of natural vegetation between cultivated land and salmon streams. **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

**SUPPORT** .....58%  
**OPPOSE** .....34%  
 Strongly support.....40%  
 Not strongly support.....10  
 Lean support.....9  
 Lean oppose.....5  
 Not strongly oppose.....6  
 Strongly oppose.....23  
 --  
 DK/NA/REFUSED.....8

Here are some reasons others have given for why they SUPPORT this buffer rule. Please tell me if each one is a very convincing, somewhat convincing, not very convincing, or not convincing reason to SUPPORT the rule. Here is the first one...

**RANKED BY VERY/SW CONVINCING**

RANDOM ROTATE ALL		VERY/SW CONV.	NOT CONV.	Very Conv.	SW Conv.	Not Very	Not Conv.	DK/ REF
47.	Many farms use chemical pesticides, fertilizers, and manure which can get swept into our waterways. It's reasonable to ask agriculture to put distance between toxic chemicals and the state's waterways to ensure that water resources are protected.	81%	16%	53%	28%	7%	9%	3%
48.	Clean water is essential for our health and especially critical for children. We need better protections to ensure that all children and future generations have access to water that is drinkable, fishable, and swimmable.	77%	21%	50	26	11	11	2
49.	<b>(SPLIT B)</b> Taxpayers are the ones who foot the bill for cleaning up polluted waters and reversing environmental damage. Our water protection laws should be focused on prevention rather than clean up. A 100 foot buffer helps avoid costly cleanup projects by keeping toxics out of streams in the first place.	75%	24%	44	31	11	13	1
50.	<b>(SPLIT A)</b> Taxpayers are the ones who foot the bill for cleaning up polluted waters and reversing environmental damage. In fact, Washington spends \$100 million annually on environmental cleanup. Our water protection laws should be focused on prevention rather than cleanup. A 100 foot buffer helps avoid costly cleanup projects by keeping toxics out of streams in the first place.	74%	22%	39	35	11	11	3
51.	Every other industry that uses land, like timber and city developers, are already required to keep a distance of between 50 and 150 feet from waterways. However, agriculture gets an exemption and doesn't need to keep any distance from waterways. Agriculture creates pollution just like any commercial industry and should be subject to water protection rules just like other industries.	71%	26%	42	29	10	16	3
52.	We have a responsibility to protect fish and wildlife in Washington and our current efforts are not getting the job done. In Washington, 17 populations of salmon, steelhead and trout are listed as endangered or threatened because of polluted habitat.	69%	27%	39	30	13	13	4
53.	Only 3% of all farmland in Washington would be affected by this buffer rule, and small farms and ranches are exempted. This rule has a narrow impact on farmers and ranchers while also protecting our water resources.	66%	31%	34	31	13	18	3
54.	Currently, the state relies on incentives to protect water resources from agricultural pollution. It pays polluters to try to adopt better practices but it does not require those who are being paid to show any improvement in the conditions of our water resources. This new rule is a more accountable system.	59%	37%	25	34	17	20	4

55. One last time, now that you've heard a little more, would you support or oppose requiring farms and ranches to maintain 100 foot buffers of natural vegetation between cultivated land and salmon streams. **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

<b>SUPPORT</b> .....	<b>66%</b>
<b>OPPOSE</b> .....	<b>30%</b>
Strongly support.....	46%
Not strongly support.....	10
Lean support.....	9
Lean oppose.....	4
Not strongly oppose.....	5
Strongly oppose.....	20
--	
DK/NA/REFUSED.....	5

Finally, I'm going to read you two alternative ideas for protecting Washington's water resources, and I'd like you to tell me if you support or oppose each rule. Here's the first one...

**(ROTATE Q56 – Q57)**

56. Requiring farms and ranches to maintain 50 foot buffers of natural vegetation between cultivated land and salmon streams. Would you support or oppose this rule? **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

<b>SUPPORT</b> .....	<b>60%</b>
<b>OPPOSE</b> .....	<b>35%</b>
Strongly support.....	34%
Not strongly support.....	15
Lean support.....	10
Lean oppose.....	4
Not strongly oppose.....	9
Strongly oppose.....	21
--	
DK/NA/REFUSED.....	5

And here is the second one...

57. Requiring farms and ranches to maintain buffers ranging from 50 to 150 feet between cultivated lands and salmon streams with the specific size of the buffer determined by each individual county in Washington. Would you support or oppose this rule? **(PROBE)** Is that strongly <support/oppose> or not so strongly? **(IF UNSURE)** Which way would you say you lean at this time?

<b>SUPPORT</b> .....	<b>50%</b>
<b>OPPOSE</b> .....	<b>45%</b>
Strongly support.....	29%
Not strongly support.....	11
Lean support.....	10
Lean oppose.....	9
Not strongly oppose.....	10
Strongly oppose.....	26
--	
DK/NA/REFUSED.....	5

To finish up, I have just a few questions left for statistical purposes.

58. In politics, as of today, do you consider yourself **(ROTATE:)** a Republican, a Democrat, or an independent? **(IF DEMOCRAT OR REPUBLICAN:)** Would you say you are a strong <Democrat/Republican> or a not strong <Democrat/Republican>? **(IF INDEPENDENT:)** As of today, do you lean more to the Democratic Party or the Republican Party?

<b>DEMOCRAT</b> .....	<b>36%</b>
<b>REPUBLICAN</b> .....	<b>32%</b>
Strong Democrat.....	20%
Not strong Democrat.....	8
Independent, lean Democratic .....	8
Independent.....	24
Independent, lean Republican.....	9
Not strong Republican .....	7
Strong Republican .....	16
Other (DNR) .....	3
--	
DK/NA/REFUSED.....	5

59. Politically, would you say you are... **(READ AND ROTATE LIST, KEEP MODERATE IN MIDDLE)**

Progressive.....	20%
Moderate .....	33
Conservative.....	38
Other <b>(DNR)</b> .....	3
--	
DK/NA/REFUSED.....	6

60. Are you of a Hispanic, Latino, or Spanish-speaking background? **(IF NO:)** How would you describe your race? **(READ LIST)**

White or Caucasian.....	82%
Black or African American.....	1
Native American .....	2
Asian or Pacific Islander.....	2
Something else .....	3
Hispanic or Latino <b>(DNR)</b> .....	6
--	
DK/NA/REFUSED.....	4

61. Which of the following best describes the last level of education you fully completed? Is it... **(READ LIST)**

Some high school .....	2%
High school graduate or GED .....	14
Some college or two year college graduate.....	35
Four year college graduate .....	25
Postgraduate or completed an advanced degree ...	22
--	
DK/NA/REFUSED.....	2

62. How would you describe the type of community you live in? Is it... **(READ LIST)**

A big city.....	21%
Suburban .....	29
Small town .....	25
Rural.....	23
--	
DK/NA/REFUSED.....	2

63. In the 2012 election for president, did you vote for Democrat Barack Obama or Republican Mitt Romney?

Obama.....	47%
Romney .....	38
Can't remember <b>(DNR)</b> .....	1
Someone else <b>(DNR)</b> .....	3
Didn't vote <b>(DNR)</b> .....	3
--	
DK/NA/REFUSED.....	8

That completes our survey. Thank you VERY MUCH for your time.

## Chang, Lisa

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**From:** Chang, Lisa  
**Sent:** Tuesday, May 19, 2015 5:06 PM  
**To:** 'Tiffany Waters'; 'Scott Williamson'  
**Cc:** Bonifacino, Gina; Bonifaci, Angela  
**Subject:** RE: Swinomish FY14 Proposal

Hi Tiffany,

Thanks for the opportunity to review this proposal. Below is some initial feedback, as discussed on the phone today.

Here is an initial comment:

- 1) The proposal cites the following passage from the Skagit Chinook Recovery Plan (SCRП):

“Successful habitat protection depends on three important components. First is a public that recognizes the importance of salmon habitat protection, and that does not condone actions by others that do harm to these resources. This sentiment should be nurtured through a vigorous public information effort, and by providing the technical information to assist landowners and others in their efforts to comply with existing regulations. Technical and financial resources should also be made available to those who voluntarily want to do even more to protect and restore salmon habitat if they so choose. Providing people with the information to make informed decisions that will be protective of salmon habitat when working in and around streams is the first step towards habitat protection. To summarize, providing people the tools to “do the right thing” capitalizes on the vast majority of the public that wants to provide for a future for Skagit River Chinook. “

To me this suggests a public education effort that reaches and educates not only the general public, but all those “working in and around streams” – the agricultural sector as well. It suggests that the aspiration is a collaborative effort, where those “working in and around streams” and the general public are aware of, and have the tools to, protect and restore salmon habitat.

- 2) However, on pp. 5-6, the workplan suggests that the proposed outreach/education work has shifted away from the approach that seems to be laid out in the SCRП and no longer involves engaging/educating all those who “work in and around streams”: The current goal of the proposed work is to “raise awareness in both the public and decision makers about accountability in the agriculture industry where non-point source pollution and our state’s water resources are concerned...” and this would be done through “highly visible distribution channels...earned media stories in relevant print, television, radio and online channels...18 ads in Washington newspapers...and 4 billboard displays in King, Skagit, and Whatcom counties.”

**We would like to further discuss the shift in emphasis between the original narrative and it’s solid basis in the SCRП and the actual direction of this project as we understand it from today’s conversations and the FY14 proposal and would appreciate it if we could have a conversation with NWIFC and the subawardee before work proceeds much further.**

Thanks very much,

Lisa

---

**From:** Tiffany Waters [mailto:twaters@nwifc.org]  
**Sent:** Wednesday, May 06, 2015 10:19 AM

**To:** Chang, Lisa; Scott Williamson  
**Subject:** Swinomish FY14 Proposal

Hello Lisa and Scott,

Enclosed is Swinomish's second FY14 proposal for your review. If you have any questions, please don't hesitate to call or email.

Thanks!  
Tiffany

[Tiffany Waters](#)

Puget Sound Recovery Projects Coordinator  
6730 Martin Way E., Olympia, WA 98516  
(p) 360.528.4318



## Chang, Lisa

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**From:** Chang, Lisa  
**Sent:** Thursday, June 04, 2015 10:50 AM  
**To:** Tiffany Waters  
**Subject:** Notes from today's call

Hi Tiffany, thanks for the catch-up call! Here are my notes:

- Update on Swinomish. Larry, Fran, Tiffany, Lisa, Gina, Dan. Availabilities – 8<sup>th</sup> and 10<sup>th</sup>. Larry will want to know the legal and contractual grounds for why he can't do this. Also, Larry will want specifics about what activities in the proposed workplan is of concern to EPA. Also, be really specific about what is not consistent with the Action Agenda.
- **NON RESPONSIVE**  
[Redacted text block]
- [Redacted text block]
- [Redacted text block]

**Senior Managers Schedules****Dennis J. McLerran****Regional Administrator, US EPA Region 10****Working Schedule for: 07/16/2015**

TIME	EVENT
12:30-1:00pm	Call with Larry Wasserman and Nate Cushman Swinomish Tribes Closed Press
1:00-2:00pm	Call with State Environmental and Agriculture Department Leaders, including: Maia Bellon, Washington State Department of Ecology Derek Sandison, Washington State Department of Agriculture Dick Pedersen, Oregon Department of Environmental Quality Katy Coba, Oregon Department of Agriculture John Tippets, Idaho Department of Environmental Quality Celia Gould, Idaho Department of Agriculture Closed Press

## Chang, Lisa

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**From:** Chang, Lisa  
**Sent:** Monday, July 27, 2015 4:15 PM  
**To:** Tiffany Waters  
**Cc:** Bonifaci, Angela  
**Subject:** Swinomish update

Hi Tiffany,

I just wanted to keep you updated – I think I mentioned last week that Larry and a Swinomish attorney had asked to meet with Dennis regarding the public education and outreach project, and a conversation took place (Angela attended with Dennis, I did not) last week. As a follow-up, they agreed to meet again this week – Larry and several of the Strategies 360 staff will meet with Dan and Angela as well as the manager of our communications team here to discuss the project on Wednesday afternoon. Angela asked me to participate as well. I just wanted you to be aware of this, as of course Swinomish is your subawardee and this concerns the subaward. I am not sure of the exact protocol here – whether NWIFC can/should attend as well, or if you prefer to leave that to the discretion of the subawardee – but I wanted to keep you in the loop! Please let me know if you have any questions or concerns or would like to discuss this!

Lisa

## Chang, Lisa

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**From:** Chang, Lisa  
**Sent:** Friday, September 18, 2015 10:21 AM  
**To:** dschmitt@nwifc.org  
**Cc:** Tiffany Waters  
**Subject:** FW: What's Upstream Web Site  
**Attachments:** 20150916\_WUS-Elected Letter.docx; 20150916\_WUS-HomepageContent.docx

Hi Dietrich,

Hope this message finds you well. I just also forwarded this to Tiffany - it's the Swinomish Tribe's revision of one of their subaward outputs under the NWIFC LO program. It doesn't look like NWIFC was copied so I just wanted to make sure you had this. Since Tiffany is out until Tuesday, but her message said to contact you during her absence, I thought I'd pass it along to you.

I will call Tiffany next week to follow up with her on this. It looks like Marty did address quite a few of the issues we pointed out, although there are still some important issues, including factual clarifications, that we might want to further discuss. I'll be checking with Gina Bonifacino (acting program manager for the Puget Sound team until November), and Dan Opalski (director of our water program), to get their thoughts on the message below from Marty.

Please call me if you'd like to discuss - (b) (6) - and I will certainly call Tiffany early next week.

Lisa

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**From:** Marty Loesch [martyl@strategies360.com]  
**Sent:** Wednesday, September 16, 2015 1:32 PM  
**To:** Bonifaci, Angela; Chang, Lisa; Opalski, Dan  
**Cc:** lwasserman@swinomish.nsn.us; Jeff Reading  
**Subject:** What's Upstream Web Site

Dan, Angela and Lisa,

Thank you for your guidance over the past several months regarding the Swinomish Tribal Indian Community's What's Upstream public information campaign about non-point source pollution. We have reviewed your thoughtful suggested edits to our content, and have incorporated many of them in the final versions of text for the website and the letter to elected officials, which you will find attached.

The updated website will go live by the end of October, and, we believe, is stronger as a result of your team's input. Thank you again for your assistance and support of this important ongoing project.

All the best,  
Marty

## Take Action! We've made it simple:

1. **CLICK HERE** to tell your legislators it's time for stronger protection of our water
2. Use our pre-written letter or customize it to your liking
3. Hit send!

Polluters of our waterways should be held accountable for their impacts on our water, our health and our fish.

### The Problem

Clean water is essential for our health, and especially critical for our children. Cold, clean water is also essential to the health of our fish and shellfish<sup>1</sup>.

That's why, in 1972, Congress passed the landmark Clean Water Act and set the goal of "fishable, swimmable, and drinkable" for all our nation's waterways, declaring that "the discharge of pollutants into the navigable waters be eliminated by 1985."

But, throughout the country, we are far from meeting this goal -- including right here in Washington. One major reason: the agriculture industry has been exempted from federal rules designed to achieve this goal, and our state has no permit system in place to regulate many agricultural practices.

A number of these unrelated agricultural practices send harmful pollutants<sup>2</sup> into our waterways, degrading our water, destroying vital habitat and endangering our fish.

Other industries that use land -- such as timber harvesting and land development -- operate under regulatory requirements and permitting systems to protect our waterways. For agriculture, however, protecting our waterways from polluted run-off is voluntary, and farmers are merely encouraged to use "best management practices."

The voluntary approach that has been tried for decades is insufficient. A recent GAO report of nationwide trends finds that "at historical funding levels and water body restoration rates, it would take longer than 1,000 years to restore all the water bodies that are now impaired by non-point source pollution."

And according to the Environmental Protection Agency, "agricultural nonpoint source pollution was the leading source of water quality impacts on surveyed rivers and lakes, the second largest source of impairments to wetlands, and a major contributor to contamination of surveyed estuaries and ground water."

In Washington, over three quarters of state water pollution clean-up funds were used to clean up waters contaminated by agriculture.

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<sup>1</sup> Doc 17, page 68:

<sup>2</sup> Doc 17, page 86

## Negative Effects

Many farms use chemical pesticides, fertilizers and manure. Unlined manure lagoons at feedlots leach into groundwater aquifers, often contaminating neighboring wells. Farming to the edge of our streams causes pesticides, fertilizers, and land-applied manure to enter into our waterways, which can result in harmful impacts to:

**Fish Health**— [Learn More](#)

**Stream Health** — [Learn More](#)

**Public Health** — [Learn More](#)

## The Solution

**The answer is simple.**

Streamside buffers help other industries, such as timber harvesting and land development, dramatically reduce stream pollution.

Mandatory buffers can help the agriculture industry do its part to protect our water resources, too.

Requiring 100 feet of natural vegetation between farmland and our waterways would keep most pesticides, fertilizers, cows and manure out of our streams. Trees and other natural vegetation alongside our waterways would promote healthy habitat for salmon.

**[Learn More About Riparian Buffers >](#)**

According to opinion polls conducted among 600 Washingtonians in 2012 and again in 2014 (margin of error of plus/minus 4 percent):

**Three-quarters of Washingtonians** are concerned about the impact of agricultural practices on our water resources.

**Three-quarters of Washingtonians** support stronger laws protecting the health of our water resources in Washington.

**Most Washingtonians** believe that protecting our water resources is even more important than growing our economy. Only about a third of Washingtonians believe economic growth is more important than clean water.

**Two-thirds of Washingtonians** support 100-foot natural buffers between agriculture lands and streams.

1. Grazing cattle, pesticides, manure, and fertilizer run-off contaminate rivers and streams, deplete water quality, erode riverbanks and harm habitat.
2. By creating a 100 foot riparian buffer, we can stabilize stream banks and foster vegetation critical for water quality and salmon health.
3. Riparian buffers are a simple, natural way to mitigate much of the harm caused by pesticides, fertilizers, and tilling and grazing at the edge of waterways and streams.

We must ensure that our children and future generations have water that is fishable, swimmable and drinkable.

Contact your local elected officials  
and tell them to keep polluted run-off  
out of our waterways. >

Have you witnessed an incident  
of harmful water pollution?  
Report it [here!](#)

## Our Partners

*Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed diam nonummy nibh euismod tincidunt ut laoreet dolore nonummy nibh euismod tincidunt magna aliquam erat volutpat.*

## About Us

What's Upstream? is a project of the Center for Environmental Law and Policy, the Environmental Protection Agency, the People for Puget Sound, Puget Soundkeeper Alliance, the Puget Sound Partnership, the Swinomish Tribal Indian Community, the Western Environmental Law Center, and the Washington Environmental Council. Our goal is to inform the public about leading causes of water pollution and how that pollution affects the health of Washington's waterways, people and fish. The What's Upstream project is made possible by a grant from the Environmental Protection Agency.

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If you have any questions please contact us:  
[info@whatsupstream.com](mailto:info@whatsupstream.com)

## RESEARCH PAGE

The [Clean Water Act](#) of 1972 is the primary way the federal government prevents pollution from entering our waterways.

The Clean Water Act set a national goal of ensuring that all our waterways are fishable, swimmable, and drinkable. But are they? Major exemptions to the law granted to the agriculture industry are putting this goal at risk – in addition to the health of our fish, our waters and our people.

### **Fish Health – Are Our Waterways Fishable?**

Many sources lead to pollution impairments of Washington's waterways, but agriculture is the largest. Cow manure, pesticide and fertilizer run-off, and agricultural practices that disturb riparian habitat increase stream temperatures and decrease dissolved oxygen levels, which is deadly for salmon and shellfish.

- D-051871

In 1991, the federal government listed Snake River sockeye salmon as endangered. In the next few years, 16 more populations of salmon in Washington were listed as either threatened or endangered because of polluted habitat, not harvest. Habitat is not improving, even under the Endangered Species Act.

- [Washington Department of Fish & Wildlife: Salmon Recovery and Restoration](#)

### **Stream Health – Are Our Waterways Swimmable?**

A recent GAO report of nationwide trends finds that "at historical funding levels and water body restoration rates, it would take longer than 1,000 years to restore all the water bodies that are now impaired by non-point source pollution."

- [GAO Report: Clean Water Act: Changes Needed If Key EPA Program Is to Help Fulfill the Nation's Water Quality Goals](#)

### **Public Health – Are Our Waterways Drinkable?**

Manure contains nitrates, which are contaminants that produce immediate (within hours or days) health effects upon exposure. High doses can cause pregnant mothers to miscarry and can cause babies to get "blue baby syndrome" (methemoglobinemia), which can be fatal. High nitrate levels may also increase the risk of spontaneous abortions and other birth defects.

- Andrea's documents
- Andrea's map of Puget Sound Concentrated Animal Feeding Operations (CAFOs)

### **Habitat Health – How Riparian Buffers Ensure Our Waterways Are Fishable, Swimmable and Drinkable and Protect Us from Agricultural Pollution**

Streamside habitat is critical for good water quality and salmon health. Riparian vegetation provides shade to stream channels, contributes large woody debris to streams, adds small



organic matter to streams, stabilizes stream banks, controls sediment inputs from surface erosion, and regulates nutrient and pollutant inputs to streams. Riparian buffers can mitigate much of the harm caused by pesticides, fertilizers, and farming and grazing to the edge of waterways and streams.

- Doc 22
- Doc 23
- Doc 28
- Mantech Chapter 6

## **Washington's Current Regulations**

All states are required to implement the federal Clean Water Act. Washington's current regulatory framework for protecting our waterways from pollution is the product of a handful of separate statutes.

A summary of the state's plan to address non-point source pollution can be found [here](#).

The state's voluntary water quality "Best Management Practices" for agriculture can be found [here](#).

## **Water Quality Improvement Plans**

The state Department of Ecology currently manages 62 water quality improvement projects throughout Washington. To learn more or find out about the project nearest to you, click [here](#).

## **Public Opinion**

What's Upstream? partners have conducted opinion research among Washingtonians over the past three years about the importance of clean and healthy waterways. A summary of the results is included below.

- [Summary page](#)

## Chang, Lisa

---

**From:** Dietrich Schmitt <[dschmitt@nwifc.org](mailto:dschmitt@nwifc.org)>  
**Sent:** Friday, April 01, 2016 10:34 AM  
**To:** Chang, Lisa  
**Subject:** Swinomish Invoices  
**Attachments:** Billboard invoices 2016.pdf; KUOW radio ad invoice 2015&2016.pdf

Attached are invoices that Larry provided for the radio spots and billboards.

Dietrich Schmitt

Salmon Recovery Projects Coordinator

6730 Martin Way E.

Olympia, WA 98516

Email: [dschmitt@nwifc.org](mailto:dschmitt@nwifc.org)

Phone: 360.528.4339

Seattle, WA  
3601 Sixth Avenue South  
Seattle, WA 98134  
Phone: 206-682-3833  
Fax:



CONTRACT # 2538283

Date: 2/4/2016  
New/Renewal: NEW  
Account Executive: Nancy Kupp  
Phone: 206-682-3833

CONTRACTED DIRECTLY BY ADVERTISER	
Customer #	42686-15
Name	STRATEGIES 360 INC.
Address	1505 WESTLAKE AVE. N.
City/State/Zip	SEATTLE, WA 98109
Contact	Shekinah Sarver
Email Address	shekinahs@strategies360.com / lindsayb@strategies3
Phone #	(206) 282-1990
Fax #	(206) 282-2704
P.O./ Reference #	
Advertiser/Product	SWINOMISH INDIAN TRIBAL COMMUNITY
Campaign	

Production/Other Services							
Department	Plant	Production Type	Misc	Service Dates	# Billing Periods	Invest Per Period	Cost
Vinyl	425 Seattle, WA	3 12'x24' Vinyl Production and Installation		02/22/16	1	\$1,050.00	\$1,050.00
Vinyl	425 Seattle, WA	2 8'x18' Vinyl Production and Installation		03/07/16	1	\$360.00	\$360.00
Total Production/Other Services Costs:							\$1,410.00

Space										
# of Panels: 9								Billing Cycle: Every 4 weeks		
Panel # TAB ID	Market	Location	Illum	Media Type	Size	Misc	Service Dates	# Billing Periods	Invest Per Period	Cost
TBD (1)	425-KING, WA	TBD	Yes	Poster			02/22/16-07/10/16	5	\$1,500.00	\$7,500.00
TBD (1)	425-THURSTON, WA	TBD		Poster			03/07/16-07/24/16	5	\$1,100.00	\$5,500.00
983 619183	425-WHATCOM, WA	GUIDE MERIDIAN HWY SR 539 EL 650F N/O HORTON RD SF-4	Yes	Junior Bulletin	8' 0" x 18' 0"		03/07/16-06/26/16	4	\$850.00	\$3,400.00
1621 619214	425-SKAGIT, WA	SH 20 SL 0.19M E/O CHRISTIANSEN RDWF-2	No	Junior Bulletin	10' 0" x 24' 0"		05/02/16-07/24/16	3	\$950.00	\$2,850.00
1014 619188	425-WHATCOM, WA	GUIDE MERIDIAN HWY SR 539 EL 380F S/O STUART RD SF-3	No	Junior Bulletin	8' 0" x 18' 0"		06/27/16-07/24/16	1	\$850.00	\$850.00
TBD (1)	425-KING, WA	TBD	Yes	Poster			07/11/16-07/24/16	1	\$750.00	\$750.00
TBD (1)	425-THURSTON, WA	TBD		Poster			07/25/16-08/07/16	1	\$550.00	\$550.00
1014 619188	425-WHATCOM, WA	GUIDE MERIDIAN HWY SR 539 EL 380F S/O STUART RD SF-3	No	Junior Bulletin	8' 0" x 18' 0"		07/25/16-08/07/16	1	\$425.00	\$425.00
1621 619214	425-SKAGIT, WA	SH 20 SL 0.19M E/O CHRISTIANSEN RDWF-2	No	Junior Bulletin	10' 0" x 24' 0"		07/25/16-08/07/16	1	\$475.00	\$475.00
Total Space Costs:										\$22,300.00
Total Costs:										\$23,710.00

Special Considerations: Rates are net.

Advertiser authorizes and instructs The Lamar Companies (Lamar) to display in good and workmanlike manner, and to maintain for the terms set forth above, outdoor advertising displays described above or on the attached list. In consideration thereof, Advertiser agrees to pay Lamar all contracted amounts within thirty (30) days after the date of billing. Advertiser acknowledges and agrees to be bound by the terms and conditions on all pages of this contract.

The Agency representing this Advertiser in the contract executes this contract as an agent for a disclosed principal, but hereby expressly agrees to be liable jointly and severally and in solidio with Advertiser for the full and faithful performance of Advertiser's obligations hereunder. Agency waives notice of default and consents to all extensions of payment.

The undersigned representative or agent of Advertiser hereby warrants to Lamar that he/she is the Manager

(Officer/Title)

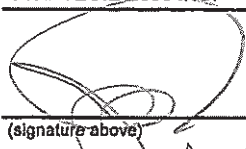
of the Advertiser and is authorized to execute this contract on behalf of the Advertiser

Seattle, WA  
3601 Sixth Avenue South  
Seattle, WA 98134  
Phone: 206-682-3833  
Fax:



CONTRACT # 2538283

Date: 2/4/2016  
New/Renewal: NEW  
Account Executive: Nancy Kupp  
Phone: 206-682-3833

Customer:	STRATEGIES.360.INC.
Signature:	 (signature above)
Name:	Jeff Reading (print name above)
Date:	2-12-16 (date above)

THE LAMAR COMPANIES	This contract is NOT BINDING UNTIL ACCEPTED by a Lamar General Manager.	
ACCOUNT EXECUTIVE: Nancy Kupp	GENERAL MANAGER	DATE

### STANDARD CONDITIONS

- 1. Late Artwork:** The Advertiser must provide or approve art work, materials and installation instructions ten (10) days prior to the initial Service Date. In the case of default in furnishing or approval of art work by Advertiser, billing will occur on the initial Service Date.
- 2. Copyright/Trademark:** Advertiser warrants that all approved designs do not infringe upon any trademark or copyright, state or federal. Advertiser agrees to defend, indemnify and hold Lamar free and harmless from any and all loss, liability, claims and demands, including attorney's fees arising out of the character contents or subject matter of any copy displayed or produced pursuant to this contract.
- 3. Payment Terms:** Lamar will, from time to time at intervals following commencement of service, bill Advertiser at the address on the face hereof. Advertiser will pay Lamar within thirty (30) days after the date of invoice. If Advertiser fails to pay any invoice when it is due, in addition to amounts payable thereunder, Advertiser will promptly reimburse collection costs, including reasonable attorney's fees plus a monthly service charge at the rate of 1.5% of the outstanding balance of the invoice to the extent permitted by applicable law. Delinquent payment will be considered a breach of this contract. Payments will be applied as designated by the Advertiser; non designated payments will be applied to the oldest invoices outstanding.
- 4. Service Interruptions:** If Lamar is prevented from posting or maintaining any of the spaces by causes beyond its control of whatever nature, including but not limited to acts of God, strikes, work stoppages or picketing, or in the event of damage or destruction of any of the spaces, or in the event Lamar is unable to deliver any portion of the service required in this contract, including buses in repair, or maintenance, this contract shall not terminate. Credit shall be allowed to Advertiser at the standard rates of Lamar for such space or service for the period that such space or service shall not be furnished or shall be discontinued or suspended. In the case of illumination, should there be more than a 50% loss of illumination, a 20% pro-rata credit based on four week billing will be given. If this contract requires illumination, it will be provided from dusk until 11:00p.m. Lamar may discharge this credit, at its option, by furnishing advertising service on substitute space, to be reasonably approved by Advertiser, or by extending the term of the advertising service on the same space for a period beyond the expiration date. The substituted or extended service shall be of a value equal to the amount of such credit.
- 5. Entire Agreement:** This contract, all pages, constitutes the entire agreement between Lamar and Advertiser. Lamar shall not be bound by any stipulations, conditions, or agreements not set forth in this contract. Waiver by Lamar of any breach of any provision shall not constitute a waiver of any other breach of that provision or any other provision.
- 6. Copy Acceptance:** Lamar reserves the right to determine if copy and design are in good taste and within the moral standards of the individual communities in which it is to be displayed. Lamar reserves the right to reject or remove any copy either before or after installation, including immediate termination of this contract.
- 7. Termination:** All contracts are non-cancellable by Advertiser without the written consent of Lamar. Breach of any provisions contained in this contract may result in cancellation of this contract by Lamar.
- 8. Materials/Storage:** Production materials will be held at customer's written request. Storage fees may apply.
- 9. Installation Lead Time:** A leeway of five (5) working days from the initial Service Date is required to complete the installation of all non-digital displays.
- 10. Customer Provided Production:** The Advertiser is responsible for producing and shipping copy production. Advertiser is responsible for all space costs involved in the event production does not reach Lamar by the established Service Dates. These materials must be produced in compliance with Lamar production specifications and must come with a 60 day warranty against fading and tearing.

Seattle, WA  
3601 Sixth Avenue South  
Seattle, WA 98134  
Phone: 206-682-3833  
Fax:



**CONTRACT # 2538283**

Date: 2/4/2016  
New/Renewal: NEW  
Account Executive: Nancy Kupp  
Phone: 206-682-3833

11. Bulletin Enhancements: Cutouts/extensions, where allowed, are limited in size to 5 feet above, and 2 feet to the sides and 1 foot below normal display area. The basic fabrication charge is for a maximum 12 months.
12. Assignment: Advertiser shall not sublet, resell, transfer, donate or assign any advertising space without the prior written consent of Lamar.



# Produce Install & Maintain Advertising Contract

(USA TRANSIT)  
Contract No. — E2537523

5551 Corporate Blvd.  
Baton Rouge, LA 70808  
Phone — 800.235.2627 Fax — 225.923.0658

Date 2/4/16

☒ New ☐ Renewal: Previous Contract No. \_\_\_\_\_  
(see provision # 3 on reverse side hereof)

Advertiser/Agency Agrees to purchase the following:

**Produce and Install:** The Lamar Companies ("Lamar") agrees to produce and install the below described transit advertising display(s) (hereinafter called the "Display"), in conformity with the specifications and conditions set forth herein. Advertiser or Advertising Agency agrees to pay the billing rate indicated below for the four (4) week periods specified. Contract scheduled to commence on dates stated on this document. If production or installation is delayed, contract to commence for the term noted beginning on the day immediately following completion of posting. Rate includes original basic copy only. In addition, Advertiser or Advertising Agency agrees to pay all taxes applicable to this contract. Additional charges will apply as approved by Advertiser or Advertising Agency. Title to Display passes to Advertiser upon installation of Display.

**Space and Maintenance:** The Lamar Companies ("Lamar") further agrees to provide space and maintain the Display in conformity with the specifications and conditions set forth herein.

Advertiser or Advertising Agency acknowledges that all representations and all agreements not herein set forth in writing are deemed waived. This contract shall not be binding upon Lamar until executed by an Officer or designee of Lamar. This Transit Advertising Display Contract is subordinate to the contract between the relevant transit Authority and Lamar.

☐ **Annual** — Upon commencement of installation, Advertiser or Advertising Agency agrees to pay the rate of billing described below per four (4) week period, in advance for 13 consecutive billing periods (52 weeks).

MARKET	DISPLAY TYPE	QUANTITY	BILLING RATE
			\$
			\$

☒ **Other** — The term of this contract shall begin as described below. Advertiser or advertising agency agrees to pay the rate of billing described below per designated four (4) week period, in advance.

MARKET	DISPLAY TYPE	DISPLAY SIZE	QUANTITY	TERM	BILLING RATE
Bellingham	King	24x140	5	From 2/22/16 To 7/10/16	\$ 1,786.00
				From 7/11/16 To 7/24/16	\$ 895.00
				From To	\$
Bellingham	Tail	14x58	5	From 2/22/16 To 7/10/16	\$ 1,018.00
				From 7/11/16 To 7/24/16	\$ 510.00
				From To	\$
				From To	\$
				From To	\$
				From To	\$

☒ **Additional Services** Such as: Embellishments/Extensions/Snipes/Copy Changes. Please set out in detail additional charges and how these charges should be invoiced.

☒ Advertiser or Advertising Agency will pay \$ 160.00 for additional services: ☒ upon first billing OR ☐ over contract term.

This is a 22 week contract, with 5 four week and 1 two week billing cycle. Contract total \$15,425.

5 bonus tails on a space available basis for the duration of the campaign. \$160 in additional services covers production of space available tails plus one extra king and tail, plus \$15.36 in Sales tax.

Applicable sales and use taxes will be added.

This Advertising Display Contract is expressly subject to the additional terms and conditions set out on the reverse side hereof, and Advertiser/Advertising Agency acknowledges full review and acceptance of all written terms and conditions set out on both sides of this contract.

LAMAR MEDIA SALES  
REPRESENTATIVE:

Nancy Kupp

(PRINT NAME OF SALES REPRESENTATIVE)

ADVERTISER:

Swinomish Indian Tribal Community

(PRINT NAME OF ADVERTISER)

ADVERTISING  
AGENCY:

Strategies 360

(PRINT NAME OF ADVERTISING AGENCY)

ACCEPTED BY:

Ted Mann, VP/Transit General Manager

(PRINT NAME AND TITLE OF LAMAR COMPANIES OFFICER/DESIGNEE)

AUTHORIZED  
REPRESENTATIVE

Jeff Reading, Vp Communications

(PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE)

SIGNATURE

DATE

X

SIGNATURE

DATE

SHIP DISPLAY  
MATERIALS TO:

(ALL SHIPMENTS MUST BE PREPAID)

Bob Erickson

(NAME)

3601 6<sup>th</sup> Avenue South

(MAILING ADDRESS)

Seattle, Wa 98134

(CITY, STATE, ZIP)

BILLING  
ADDRESS:

(NAME — ATTENTION TO)

1505 Westlake Ave N, Suite 1000

(MAILING ADDRESS)

Seattle, Wa 98109

(CITY, STATE, ZIP)

PHONE NUMBER:

(206) 282

FAX NUMBER:

1990

E-MAIL ADDRESS:

Jeffr@Strategies360.Com

Taxpayer ID Number 93-0966515





## Additional Terms and Conditions of Advertising Display Contract

1. The terms "Advertiser" and "Advertising Agency" shall mean and refer to the firms or individuals so designated on the face page of this contract, and "Advertiser" shall include the contracting Advertising Agency, if any. "Lamar" shall mean and refer to The Lamar Companies, its successors and assigns and any affiliated company having a contract with the Authority. "Authority" shall mean and refer to the public agency or authority having jurisdiction over the public transit vehicles and facilities on which the advertising materials are to be displayed.
2. Advertiser and/or Advertising Agency must provide approved artwork in an acceptable format 21 days prior to contract start date. If production is delayed due to artwork, Advertiser or Advertising Agency remains responsible for payment of contracted amount per contract period(s).
3. If this contract is a renewal contract, Advertiser or Advertising Agency agree to pay the billing rate set out in the previous contract for billing periods extending beyond the expiration of the previous contract term until the start date set out in this contract.
4. The text and illustrations on each Display shall be subject to approval or disapproval by Lamar and by each Authority on whose units the Display will be posted and such decision shall be final. In the event the Authority or its representatives shall disapprove of any Display, Lamar shall have the right to remove the Display forthwith and the Advertiser or Advertising Agency shall receive a pro rata credit (space only) from the date of removal of the Display.
5. Lamar accepts this contract subject to all federal, state and municipal laws and regulations with respect to the advertising matter to be displayed ("Laws"). In the event that such advertising Display becomes illegal or a request is received to terminate the Display for violation of Laws, Lamar reserves the right to terminate same, but there shall be no short rate charge because of such termination.
6. Advertiser or Advertising Agency grants to Lamar for the term of this contract, and any renewal thereof by Advertiser or Advertising Agency, an irrevocable license to use the Display, such license to commence on completion of installation. Upon expiry of the license, Advertiser or Advertising Agency agrees that Lamar can dispose of the Display.
7. It is understood and agreed that this contract may not be canceled by Advertiser or Advertising Agency without prior written consent of an Officer of Lamar. Lamar reserves the right to cancel this contract at any time upon default by the Advertiser or Advertising Agency in the payment of bills or other breach, or in the event of any material violation on the part of the Advertiser or Advertising Agency of any of the conditions herein contained; and upon such cancellation, all unpaid charges for advertising done hereunder, including short term rates or other charges under this contract shall become immediately due and payable. In case of delinquency in payment, waiver by Lamar of any specific breach of this contract by the Advertiser or Advertising Agency shall not prejudice Lamar's rights hereunder with respect to any breach or breaches not specifically waived by Lamar.
8. Execution of this contract does not constitute an extension of credit by Lamar to Advertiser or Advertising Agency. In the event Advertiser or Advertising Agency applies for credit, the terms, representations and conditions of the credit application are incorporated into this agreement. Upon credit approval by Lamar, all payments under this contract will be due in advance every four weeks. A late payment charge of 1.5% per month (18% per annum), or the maximum amount allowed by law, whichever is less, shall be charged to and paid by Advertiser or Advertising Agency on any amount remaining unpaid after 30 days from a given invoice date. Advertiser or Advertising Agency agrees to pay all taxes applicable to this contract. In addition, Advertiser acknowledges and agrees that no payment made to the Advertising Agency shall constitute satisfaction of a payment obligation under this contract unless and until Lamar actually receives said payment.
9. If this contract is placed with a collection agency or an attorney for collection, Advertiser or Advertising Agency shall pay Lamar's collection fees and reasonable attorney fees, even though no suit or action is filed. If a suit or action is filed, the amount of such reasonable attorney fees shall be fixed by the court or courts in which the suit or action, including any appeal therein, is tried, heard or decided, and shall include an amount estimated by the court as the reasonable costs and fees to be incurred in collecting any monetary judgment or enforcing any other order entered in the suit or action.
10. Failure to make any payment as herein provided shall, at Lamar's option, be deemed a complete and fundamental breach by Advertiser or Advertising Agency of this contract, and upon any such failure the full amount of the remaining installments shall immediately become due and payable, and in the event of failure to make payment thereof on demand, Lamar is authorized, but not obligated, to remove the Display from any or all of the spaces covered by this contract, to relet the spaces or any of them for the whole or any part of the unexpired term of this contract to such person or persons and upon such terms and conditions as Lamar may determine, to collect and receive the income or rent therefrom, to apply the income or rent so received from such reletting, first to Lamar's costs of replacing the Display (including, but not limited to, costs incurred for production and installation of the replacement display), and to apply the balance thereof to satisfaction of any amounts which may then be due to Lamar from Advertiser or Advertising Agency under this contract.
11. Advertiser or Advertising Agency shall indemnify and save harmless Lamar against any liability to which Lamar may be subjected by reason of the advertising material displayed under this contract, including, but not limited to, liability for infringement of trademarks, trade names, copyrights, invasion of rights of privacy, defamation, illegal competition or trade practices, as well as all reasonable costs, including attorney's fees, in defending any such action or actions.
12. Lamar will not be deemed to be in default with respect to its performance of or compliance with any of the terms or conditions of this advertising display contract if the failure to perform or comply is due to any act of God, armed conflict, riots, civil commotion, sabotage, vandalism, strikes or lockouts or any other event or cause, whether similar or dissimilar to the foregoing, beyond the control of Lamar.
13. This contract is not assignable by the Advertiser or Advertising Agency.
14. Any bill rendered to the Advertiser or Advertising Agency shall be conclusive as to the correctness of the items therein set forth and shall constitute an account stated unless written objection is made thereto by the Advertiser or Advertising Agency within thirty (30) days after billing.
15. Advertiser and Advertising Agency, if any, are jointly and severally responsible for payment under this contract. This contract contains the entire agreement between parties, and no representation or promise not set forth herein shall affect the obligations of the parties hereunder.
16. The Advertising Agency, if any, represents and warrants that it is authorized to execute this contract on behalf of the Advertiser and to legally bind the Advertiser to the payment and performance of the obligations provided in this contract.
17. Advertiser and Advertising Agency agree that Lamar makes no express or implied promise or commitment that Display will be posted on any specific unit or that Display will be posted on a unit that travels on any specific route.
18. Advertiser warrants that all approved designs do not infringe upon any trademark or copyright, state or federal. Advertiser agrees to defend, indemnify and hold Lamar free and harmless from any and all loss, liability, claims and demands, including attorney's fees arising out of the character, contents or subject matter, including but not limited to any claims for false or misleading advertising, of any copy displayed pursuant to this contract.

Customer Signature \_\_\_\_\_

Contract Number 2537523

# INVOICE



Invoice #: IN-1151224288  
Invoice Date: 12/30/2015  
Contract #: 11467  
Page: 1  
Net Amount: \$4,375.80

Agency: Strategies 360  
1505 Westlake Av N  
Suite 1000  
Seattle, WA 98109

Station(s): KUOW-FM

Advertiser: whatsupstream.com  
Product:  
Estimate #:  
Agency Client Code:  
Buyer Name: Jeff Reading

Salesperson(s): Jana Pagaran  
Terms: Due in 30 days, please include INV #

Day	Date	Time	Ln	Length	Product	ISCI	Rate
TUE	12/01/15	07:37a	1	20			\$198.00
TUE	12/01/15	09:58a	1	20			\$198.00
TUE	12/01/15	11:39a	3	20			\$198.00
TUE	12/01/15	03:29p	2	20			\$198.00
WED	12/02/15	06:29a	1	20			\$198.00
WED	12/02/15	08:27a	1	20			\$198.00
WED	12/02/15	05:19p	2	20			\$198.00
THU	12/03/15	05:00a	1	20			\$198.00
THU	12/03/15	11:50a	3	20			\$198.00
THU	12/03/15	03:49p	2	20			\$198.00
FRI	12/04/15	05:32a	1	20			\$198.00
FRI	12/04/15	02:59p	3	20			\$198.00
FRI	12/04/15	03:48p	3	20			\$198.00
FRI	12/04/15	05:59p	2	20			\$198.00
SUN	12/06/15	01:20p	3	20			\$198.00
MON	12/14/15	09:29a	4	20			\$198.00
MON	12/14/15	07:59p	6	20			\$198.00
TUE	12/15/15	08:21a	4	20			\$198.00
TUE	12/15/15	03:19p	6	20			\$198.00
TUE	12/15/15	05:30p	5	20			\$198.00
WED	12/16/15	04:19p	5	20			\$198.00
THU	12/17/15	05:18a	4	20			\$198.00
THU	12/17/15	04:30p	6	20			\$198.00
FRI	12/18/15	06:18a	4	20			\$198.00
FRI	12/18/15	04:18p	5	20			\$198.00
SUN	12/20/15	02:59p	6	20			\$198.00

Thank you for supporting KUOW 94.9 Public Radio.  
Cancellation of schedules requires 2 weeks advance notice.  
KUOW Underwriting now includes a link to your business from our website at KUOW.org.



# INVOICE



Invoice #: IN-1151224288  
Invoice Date: 12/30/2015  
Contract #: 11467  
Page: 2  
Net Amount: \$4,375.80

Remit To:  
KUOW Puget Sound Public Radio  
Suite 310  
4518 University Wy NE  
Seattle, WA 98105

## Invoice Totals

Total Spots:	26
Gross Amount:	\$5,148.00
Agency Commission:	(\$772.20)
Net Amount:	\$4,375.80

KUOW/Puget Sound Public Radio provides all underwriting credits on an equal opportunity basis.  
KUOW/Puget Sound Public Radio is a 501 (C) 3 not-for-profit organization.

# INVOICE



Invoice #: IN-1160124406  
Invoice Date: 01/31/2016  
Contract #: 11471  
Page: 1  
Net Amount: \$3,803.75

Agency: Strategies 360  
1505 Westlake Av N  
Suite 1000  
Seattle, WA 98109

Station(s): KUOW-FM

Advertiser: whatsappstream.com

Product:

Estimate #:

Agency Client Code:

Buyer Name: Jeff Reading

Salesperson(s): Jana Pagarán

Terms: Due in 30 days, please include INV #

Date	Ln	Ordered Ln Dates	Quantity	Rate	Amount	Line Remark
01/03/16	1	12/28/15 - 01/03/16	25		\$895.00	
01/10/16	13	01/04/16 - 01/10/16	25		\$895.00	
01/17/16	14	01/11/16 - 01/17/16	25		\$895.00	
01/24/16	15	01/18/16 - 01/24/16	25		\$895.00	
01/31/16	16	01/25/16 - 01/31/16	25		\$895.00	

Streaming cancellations require 30 day notice.

Cancellation of schedules requires 2 weeks advance notice.

KUOW Underwriting now includes a link to your business from our website at KUOW.org.

Remit To:  
KUOW Puget Sound Public Radio  
Suite 310  
4518 University Wy NE  
Seattle, WA 98105

## Invoice Totals

Gross Amount: \$4,475.00  
Agency Commission: (\$671.25)  
Net Amount: \$3,803.75

KUOW/Puget Sound Public Radio provides all underwriting credits on an equal opportunity basis.

KUOW/Puget Sound Public Radio is a 501 (C) 3 not-for-profit organization.

# INVOICE



Invoice #: IN-1160124408  
 Invoice Date: 01/31/2016  
 Contract #: 11467  
 Page: 1  
 Net Amount: \$5,553.90

Agency: Strategies 360  
 1505 Westlake Av N  
 Suite 1000  
 Seattle, WA 98109

Station(s): KUOW-FM

Advertiser: whatsupstream.com

Product:

Estimate #:

Agency Client Code:

Buyer Name: Jeff Reading

Salesperson(s): Jana Pagan

Terms: Due in 30 days, please include INV #

Day	Date	Time	Ln	Length	Product	ISCI	Rate
MON	12/28/15	06:59a	4	20			\$198.00
MON	12/28/15	12:58p	6	20			\$198.00
MON	12/28/15	03:29p	5	20			\$198.00
TUE	12/29/15	05:56a	4	20			\$198.00
TUE	12/29/15	11:19a	6	20			\$198.00
TUE	12/29/15	03:19p	5	20			\$198.00
WED	12/30/15	08:49a	4	20			\$198.00
WED	12/30/15	10:39a	6	20			\$198.00
FRI	01/01/16	06:30a	4	20			\$198.00
FRI	01/01/16	05:18p	5	20			\$198.00
SUN	01/03/16	07:18a	6	20			\$198.00
MON	01/11/16	09:29a	4	20			\$198.00
MON	01/11/16	04:29p	5	20			\$198.00
TUE	01/12/16	08:18a	4	20			\$198.00
TUE	01/12/16	10:19a	6	20			\$198.00
WED	01/13/16	06:50a	6	20			\$198.00
WED	01/13/16	07:59p	5	20			\$198.00
THU	01/14/16	08:32a	4	20			\$198.00
THU	01/14/16	11:50a	6	20			\$198.00
FRI	01/15/16	09:48a	4	20			\$198.00
FRI	01/15/16	01:58p	6	20			\$198.00
FRI	01/15/16	05:48p	5	20			\$198.00
MON	01/25/16	08:30a	4	20			\$198.00
MON	01/25/16	03:59p	5	20			\$198.00
WED	01/27/16	05:41a	4	20			\$198.00
WED	01/27/16	06:59a	6	20			\$198.00
WED	01/27/16	04:18p	5	20			\$198.00
THU	01/28/16	06:30a	4	20			\$198.00
THU	01/28/16	12:40p	6	20			\$198.00
FRI	01/29/16	05:18a	4	20			\$198.00
FRI	01/29/16	02:48p	6	20			\$198.00
FRI	01/29/16	05:29p	5	20			\$198.00
SUN	01/31/16	04:39p	6	20			\$198.00

# INVOICE



Invoice #: IN-1160124408  
Invoice Date: 01/31/2016  
Contract #: 11467  
Page: 2  
Net Amount: \$5,553.90

Thank you for supporting KUOW 94.9 Public Radio.  
KUOW Underwriting now includes a link to your business from our website at KUOW.org.  
Cancellation of schedules requires 2 weeks advance notice.

Remit To:  
KUOW Puget Sound Public Radio  
Suite 310  
4518 University Wy NE  
Seattle, WA 98105

Invoice Totals	
Total Spots:	33
Gross Amount:	\$6,534.00
Agency Commission:	(\$980.10)
Net Amount:	\$5,553.90

KUOW/Puget Sound Public Radio provides all underwriting credits on an equal opportunity basis.  
KUOW/Puget Sound Public Radio is a 501 (C) 3 not-for-profit organization.

# INVOICE



Invoice #: IN-1160224541  
Invoice Date: 02/29/2016  
Contract #: 11467  
Page: 1  
Net Amount: \$3,702.60

Agency: Strategies 360  
1505 Westlake Av N  
Suite 1000  
Seattle, WA 98109

Station(s): KUOW-FM

Advertiser: whatsupstream.com  
Product:  
Estimate #:  
Agency Client Code:  
Buyer Name: Jeff Reading

Salesperson(s): Jana Pagarán  
Terms: Due in 30 days, please include INV #

Day	Date	Time	Ln	Length	Product	ISCI	Rate
MON	02/08/16	07:32a	4	20			\$198.00
MON	02/08/16	05:49p	5	20			\$198.00
TUE	02/09/16	08:32a	4	20			\$198.00
TUE	02/09/16	11:31a	6	20			\$198.00
WED	02/10/16	09:29a	4	20			\$198.00
WED	02/10/16	11:50a	6	20			\$198.00
WED	02/10/16	07:29p	5	20			\$198.00
THU	02/11/16	08:32a	4	20			\$198.00
FRI	02/12/16	02:29p	6	20			\$198.00
FRI	02/12/16	05:19p	5	20			\$198.00
SUN	02/14/16	09:39a	6	20			\$198.00
MON	02/22/16	09:48a	4	20			\$198.00
MON	02/22/16	03:30p	5	20			\$198.00
TUE	02/23/16	06:38a	4	20			\$198.00
WED	02/24/16	05:30a	4	20			\$198.00
WED	02/24/16	10:32a	6	20			\$198.00
WED	02/24/16	07:59p	5	20			\$198.00
THU	02/25/16	06:18a	4	20			\$198.00
THU	02/25/16	05:59p	5	20			\$198.00
THU	02/25/16	07:59p	6	20			\$198.00
FRI	02/26/16	11:39a	6	20			\$198.00
SUN	02/28/16	06:58a	6	20			\$198.00

Thank you for supporting KUOW 94.9 Public Radio.  
KUOW Underwriting now includes a link to your business from our website at KUOW.org.  
Cancellation of schedules requires 2 weeks advance notice.

## INVOICE



Invoice #:	IN-1160224541
Invoice Date:	02/29/2016
Contract #:	11467
Page:	2
Net Amount:	\$3,702.60

Remit To:  
KUOW Puget Sound Public Radio  
Suite 310  
4518 University Wy NE  
Seattle, WA 98105

### Invoice Totals

Total Spots:	22
Gross Amount:	\$4,356.00
Agency Commission:	(\$653.40)
Net Amount:	\$3,702.60

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KUOW/Puget Sound Public Radio is a 501 (C) 3 not-for-profit organization.

# INVOICE



Invoice #: IN-1160224533  
Invoice Date: 02/29/2016  
Contract #: 11471  
Page: 1  
Net Amount: \$1,521.50

Agency: Strategies 360  
1505 Westlake Av N  
Suite 1000  
Seattle, WA 98109

Station(s): KUOW-FM

Advertiser: whatsupstream.com  
Product:  
Estimate #:  
Agency Client Code:  
Buyer Name: Jeff Reading

Salesperson(s): Jana Pagarán  
Terms: Due in 30 days, please include INV #

Date	Ln	Ordered Ln Dates	Quantity	Rate	Amount	Line Remark
02/14/16	2	02/08/16 - 02/14/16	25		\$895.00	
02/28/16	3	02/22/16 - 02/28/16	25		\$895.00	

Cancellation of schedules requires 2 weeks advance notice.  
Streaming cancellations require 30 day notice.  
KUOW Underwriting now includes a link to your business from our website at KUOW.org.

Remit To:  
KUOW Puget Sound Public Radio  
Suite 310  
4518 University Wy NE  
Seattle, WA 98105

Invoice Totals  
Gross Amount: \$1,790.00  
Agency Commission: (\$268.50)  
Net Amount: \$1,521.50

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KUOW/Puget Sound Public Radio is a 501 (C) 3 not-for-profit organization.

## Chang, Lisa

---

**From:** Chang, Lisa  
**Sent:** Thursday, March 24, 2016 5:18 PM  
**To:** Dietrich Schmitt; Murchie, Peter  
**Cc:** Rachel Norman  
**Subject:** RE: Swinomish add campaign

Thank you Dietrich!

Some of my colleagues have mentioned that there are pop-up ads with some local/regional merchants' web sites - and Larry had mentioned this to me as well. I will follow up with my colleagues to try to track down exactly where they have seen these, but if you hear anything more from Larry or from Strategies 360 on those, please let me know.

Lisa

---

**From:** Dietrich Schmitt [dschmitt@nwifc.org]  
**Sent:** Thursday, March 24, 2016 3:35 PM  
**To:** Chang, Lisa; Murchie, Peter  
**Cc:** Rachel Norman  
**Subject:** RE: Swinomish add campaign

I spoke to Larry today about other campaign elements that are active. He indicated that there are radio spots on 94.9 KUOW that direct traffic to the What's Upstream website. He indicated these are airing 4-5 times a day.

In summary there are active billboards; Web presence at What's Upstream and soon to be at FB; and lastly radio spots.

Thanks,

Dietrich

-----Original Message-----

**From:** Chang, Lisa [mailto:Chang.Lisa@epa.gov]  
**Sent:** Thursday, March 24, 2016 2:11 PM  
**To:** Dietrich Schmitt <dschmitt@nwifc.org>; Murchie, Peter <Murchie.Peter@epa.gov>  
**Cc:** rnorman@nwifc.org  
**Subject:** RE: Swinomish add campaign

Thank you, Dietrich. I have a meeting with an attorney scheduled for Monday, the soonest we were able to find a time to meet. I'll let you know the outcome of that discussion.

On a related note, FYI, this article just came out:  
<http://www.capitalpress.com/Washington/20160324/federally-funded-website-hits-at-washington-farmers>

---

**From:** Dietrich Schmitt [dschmitt@nwifc.org]  
**Sent:** Thursday, March 24, 2016 10:35 AM  
**To:** Chang, Lisa; Murchie, Peter  
**Cc:** rnorman@nwifc.org  
**Subject:** RE: Swinomish add campaign



I have sent an additional inquiry to Larry to fill in the location and content gaps. There will also be a facebook presence soon. I also provided you information on the chang.org website yesterday where the Tribe is proposing to have media present. Once you have reviewed that material it would be great too touch base. Larry is waiting on a response and is eager to move forward.

Dietrich

Dietrich Schmitt  
Salmon Recovery Projects Coordinator  
6730 Martin Way E.  
Olympia, WA 98516

Email: dschmitt@nwifc.org  
Phone: 360.528.4339

-----Original Message-----

From: Chang, Lisa [mailto:Chang.Lisa@epa.gov]  
Sent: Wednesday, March 23, 2016 9:44 PM  
To: Dietrich Schmitt <dschmitt@nwifc.org>; Murchie, Peter <Murchie.Peter@epa.gov>  
Subject: RE: Swinomish add campaign

Thank you very much, Dietrich! This is extremely helpful. One additional question - Larry said that Strategies 360 has also placed digital (e.g., REI website, but he wasn't sure about this, and he didn't know the scope of where the ads had been placed - I checked the REI website and didn't see anything) and radio ads (e.g., NPR). Do you have any information on what content is being delivered via social media and other mechanisms to drive traffic to the website?

Thank you again!

Lisa

---

From: Dietrich Schmitt [dschmitt@nwifc.org]  
Sent: Wednesday, March 23, 2016 4:49 PM  
To: Chang, Lisa; Murchie, Peter  
Subject: Swinomish add campaign

Lisa and Peter.

I had a conversation with Larry Wasserman today regarding Lisa's request for better understanding of the current geographical distribution and content of the billboards. He has indicated that the picture (see below) used in the current billboards is the same ones used on the Whatcom Co.

Buses- which were pulled. The current schedule of the Billboard campaign is as follows:

- . King County Billboard:
  - o Started week of 2/29, rotates to new locations 4/25 and 6/20
- . Thurston County Billboard:

- o Started week of 3/7, rotates 4/4, 5/2, 6/27

new locations will be determined 3-4 weeks before each rotation.

. Also our smaller billboards post as follows:

- o #983 Guide Meridian/Horton (Bellingham) - posted week of 3/7
- o #1621 State Highway 20/Christiansen Rd. - week of 5/2
- o #1014 Guide Meridian/Stuart (Bellingham) - week of 6/27

[cid:image005.png@01D18523.F72435B0][cid:image006.png@01D18523.F72435B0]

The What's Upstream website went active last year.

Regards,

Dietrich

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HOUSE BILL 2352

---

State of Washington

64th Legislature

2016 Regular Session

**By** Representatives Stanford, Fitzgibbon, Ryu, Peterson, Riccelli, and Tarleton

Prefiled 01/05/16. Read first time 01/11/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to riparian restoration and planting on  
2 farmlands; and amending RCW 79A.15.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79A.15.130 and 2009 c 341 s 5 are each amended to  
5 read as follows:

6 (1) The farmlands preservation account is established in the  
7 state treasury. The board will administer the account in accordance  
8 with chapter 79A.25 RCW and this chapter, and hold it separate and  
9 apart from all other money, funds, and accounts of the board. Moneys  
10 appropriated for this chapter to the farmlands preservation account  
11 must be distributed for the acquisition and preservation of farmlands  
12 in order to maintain the opportunity for agricultural activity upon  
13 these lands.

14 (2)(a) Moneys appropriated for this chapter to the farmlands  
15 preservation account may be distributed for (i) the fee simple or  
16 less than fee simple acquisition of farmlands; (ii) the enhancement  
17 or restoration of ecological functions on those properties, including  
18 but not limited to riparian restoration and planting; or (iii) both.  
19 In order for a farmland preservation grant to provide for an  
20 environmental enhancement or restoration project, the project must  
21 include the acquisition of a real property interest.

1 (b) If a city, county, federally recognized Indian tribe in the  
2 state, nonprofit nature conservancy organization or association, or  
3 the conservation commission acquires a property through this program  
4 in fee simple, the city, county, federally recognized Indian tribe in  
5 the state, nonprofit nature conservancy organization or association,  
6 or the conservation commission shall endeavor to secure preservation  
7 of the property through placing a conservation easement, or other  
8 form of deed restriction, on the property which dedicates the land to  
9 agricultural use and retains one or more property rights in  
10 perpetuity. Once an easement or other form of deed restriction is  
11 placed on the property, the city, county, federally recognized Indian  
12 tribe in the state, nonprofit nature conservancy organization or  
13 association, or the conservation commission shall seek to sell the  
14 property, at fair market value, to a person or persons who will  
15 maintain the property in agricultural production. Any moneys from the  
16 sale of the property shall either be used to purchase interests in  
17 additional properties which meet the criteria in subsection (9) of  
18 this section, or to repay the grant from the state which was  
19 originally used to purchase the property.

20 (3) Cities, counties, federally recognized Indian tribes in the  
21 state, nonprofit nature conservancy organizations or associations,  
22 and the conservation commission may apply for acquisition and  
23 enhancement or restoration funds for farmland preservation projects  
24 within their jurisdictions under subsection (1) of this section.

25 (4) The board may adopt rules establishing acquisition and  
26 enhancement or restoration policies and priorities for distributions  
27 from the farmlands preservation account.

28 (5) The acquisition of a property right in a project under this  
29 section by a county, city, federally recognized Indian tribe in the  
30 state, nonprofit nature conservancy organization or association, or  
31 the conservation commission does not provide a right of access to the  
32 property by the public unless explicitly provided for in a  
33 conservation easement or other form of deed restriction.

34 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated  
35 for this section may not be used by the board to fund staff positions  
36 or other overhead expenses, or by a city, county, federally  
37 recognized Indian tribe in the state, nonprofit nature conservancy  
38 organization or association, or the conservation commission to fund  
39 operation or maintenance of areas acquired under this chapter.

1 (7) Moneys appropriated for this section may be used by grant  
2 recipients for costs incidental to restoration and acquisition,  
3 including, but not limited to, surveying expenses, fencing, and  
4 signing.

5 (8) The board may not approve a local project where the local  
6 agency's, Indian tribe's, or nonprofit nature conservancy  
7 organization's or association's share is less than the amount to be  
8 awarded from the farmlands preservation account. In-kind  
9 contributions, including contributions of a real property interest in  
10 land, may be used to satisfy the local agency's, Indian tribe's, or  
11 nonprofit nature conservancy organization's or association's share.

12 (9) In determining the acquisition priorities, the board must  
13 consider, at a minimum, the following criteria:

14 (a) Community support for the project;

15 (b) A recommendation as part of a limiting factors or critical  
16 pathways analysis, a watershed plan or habitat conservation plan, or  
17 a coordinated regionwide prioritization effort;

18 (c) The likelihood of the conversion of the site to  
19 nonagricultural or more highly developed usage;

20 (d) Consistency with a local land use plan, or a regional or  
21 statewide recreational or resource plan. The projects that assist in  
22 the implementation of local shoreline master plans updated according  
23 to RCW 90.58.080 or local comprehensive plans updated according to  
24 RCW 36.70A.130 must be highly considered in the process;

25 (e) Benefits to salmonids;

26 (f) Benefits to other fish and wildlife habitat;

27 (g) Integration with recovery efforts for endangered, threatened,  
28 or sensitive species;

29 (h) The viability of the site for continued agricultural  
30 production, including, but not limited to:

31 (i) Soil types;

32 (ii) On-site production and support facilities such as barns,  
33 irrigation systems, crop processing and storage facilities, wells,  
34 housing, livestock sheds, and other farming infrastructure;

35 (iii) Suitability for producing different types or varieties of  
36 crops;

37 (iv) Farm-to-market access;

38 (v) Water availability; and

39 (i) Other community values provided by the property when used as  
40 agricultural land, including, but not limited to:

1 (i) Viewshed;

2 (ii) Aquifer recharge;

3 (iii) Occasional or periodic collector for storm water runoff;

4 (iv) Agricultural sector job creation;

5 (v) Migratory bird habitat and forage area; and

6 (vi) Educational and curriculum potential.

7 (10) In allotting funds for environmental enhancement or  
8 restoration projects, the board will require the projects to meet the  
9 following criteria:

10 (a) Enhancement or restoration projects must further the  
11 ecological functions of the farmlands;

12 (b) The projects, such as fencing, bridging watercourses,  
13 replanting native vegetation, replacing culverts, clearing of  
14 waterways, etc., must be less than fifty percent of the acquisition  
15 cost of the project including any in-kind contribution by any party;

16 (c) The projects should be based on accepted methods of achieving  
17 beneficial enhancement or restoration results; ~~((and))~~

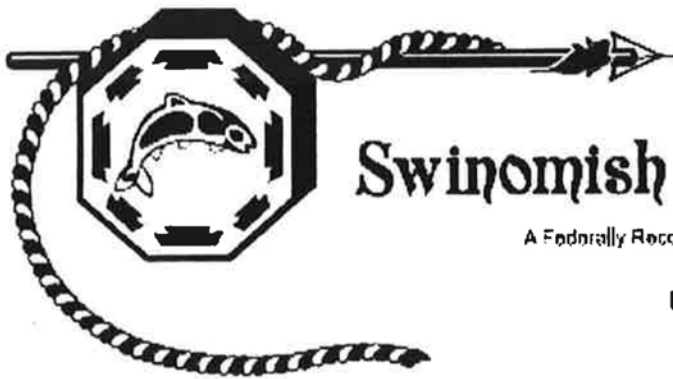
18 (d) The projects should enhance the viability of the preserved  
19 farmland to provide agricultural production while conforming to any  
20 legal requirements for habitat protection; and

21 (e) Projects with salmon habitats must restore or provide  
22 riparian buffers consistent with the national marine fisheries  
23 service buffer guidance.

24 (11) In allotting funds for acquisition projects with salmon  
25 habitats, the board must require the projects to include riparian  
26 buffers consistent with the national marine fisheries service buffer  
27 guidance.

28 (12) Before November 1st of each even-numbered year, the board  
29 will recommend to the governor a prioritized list of all projects to  
30 be funded under this section. The governor may remove projects from  
31 the list recommended by the board and must submit this amended list  
32 in the capital budget request to the legislature. The list must  
33 include, but not be limited to, a description of each project and any  
34 particular match requirement.

--- END ---



Phone (360) 466-3163

Fax (360) 466-5309

# Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476

11404 Moorage Way

LaConner, Washington 98257-0817

June 25, 2012



Mr. Dennis McClerran  
Regional Administrator  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

Ms. Roylene Rides at the Door  
State Conservationist  
USDA - Natural Resources  
Conservation Service  
316 West Boone Avenue, Suite 450  
Spokane, Washington 99201-2348

Mr. Will Stelle  
Regional Administrator  
Northwest Region National Oceanic and  
Atmospheric Administration's National  
Marine Fisheries Service  
7600 Sand Point Way N.E.  
Seattle, Washington 98115

Re: Swinomish Tribal Request to Initiate Forum to Discuss Treaty  
Rights at Risk Issue

Dear Administrators and State Conservationist:

*Dennis, Will, Roylene,*

As part of its May 3, 2012, response to the Northwest Indian Fisheries Commission regarding our Treaty Rights at Risk initiative, the federal government identified a forum intended to address problems affecting salmon recovery. The Swinomish Indian Tribal Community (the "Tribe") seeks to invoke the forum process between the Tribe and your three federal agencies. As an initial effort, I believe that if we start with a single issue, our efforts will be focused and the likelihood of coming to a resolution enhanced. The issue we want to address is the need to assure that federal funds applied to agricultural lands in the Skagit basin are used in a manner that is consistent with salmon recovery, state water quality standards, and the Tribe's treaty rights. Significant federal funds are expended on agriculture-related activities in the Skagit basin. Alignment of agricultural activities and federal funding with good land stewardship is essential to recovery of Skagit basin salmon populations. Since your agencies exercise considerable discretion regarding funding priorities and criteria, we think resolution of this funding alignment issue is both feasible and necessary in an era where fewer funds need to provide more conservation and salmon populations are facing ever increasing risks.

Mr. Dennis McClellan  
Ms. Roylene Rides at the Door  
Mr. Will Stelle  
June 25, 2012  
Page Two

At the outset, we note that all three of you have already made commitments that should help pave the way toward resolving our issue. We appreciate that each of you have stated that you are committed to ensuring that federal activities are aligned and consistent with salmon recovery plans. The Environmental Protection Agency (the "EPA") has committed to working with tribes to, among other things, negotiate funding agreement work plans that address shellfish and habitat and impediments to salmon recovery plans. The Natural Resources Conservation Service (the "NRCS") promised to expand its conservation programs related to the protection and restoration of riparian functions and values in support of rebuilding salmon habitats. During the Ag/Fish/Water negotiations, the National Oceanic and Atmospheric Administration (the "NOAA") provided guidance regarding compromised riparian buffers on agricultural lands that would be minimums necessary to protect and restore salmon. We want to work with you to take these federal commitments and findings and assure that federal funds spent on agricultural land management/protection in the Skagit basin are consistent with them.

The current expenditure of some federal funding serves to protect farmland and preserve ongoing farming practices. Maintenance of the status quo through these programs perpetuates degraded salmon habitat, results in excessive water temperatures, and is not consistent with the Skagit Chinook Recovery Plan, State water quality standards, nor implements Total Maximum Daily Loads ("TMDLs") for temperature. Your agencies have the discretion, authority and the obligation to condition the use of federal funds to support achievement of salmon and water quality goals. To this end, we believe it is imperative for each of your agencies to adopt riparian Best Management Practices ("BMPs") necessary to protect and recover salmon affected by agricultural land use activities. To receive federal funds intended to support activities that are consistent with salmon recovery and achievement of water quality standards, recipients must agree to implement riparian BMPs consistent with meeting these objectives. The Northwest Indian Fisheries Commission has forwarded to you in previous emails, a set of BMPs designed for agricultural settings that were developed by the National Marine Fisheries Service (the "NMFS") during the Ag/Fish/Water process. These are ready to implement now. The NRCS and the EPA both play a role in providing the funding, and the NOAA has responsibility for ensuring that the expenditure of these funds is consistent with the requirements of the Endangered Species Act. Further, each agency has a trust responsibility to ensure that its actions are not having adverse impacts on Treaty protected fisheries resources.

As a proposed agenda, we would appreciate it if you would come prepared to discuss the following funding-related issues:

1. Consistent with your commitments, how will you ensure that funding of farmland preservation will be predicated on the use of farm practices that do not impede salmon recovery?



Mr. Dennis McClerran  
Ms. Roylene Rides at the Door  
Mr. Will Stelle  
June 25, 2012  
Page Three

2. Funding for streamside buffers to reduce fecal coliform frequently ignores the fact that many of these very same streams are listed as water quality impaired due to high temperature and/or low dissolved oxygen levels. As a result, while shellfish may benefit, fundamental salmon issues remain unaddressed. We would like to know if you will commit to insuring that when providing funding for streamside vegetation, this funding will only be provided if all salmon impacts associated with land use along streams are addressed?
3. Are your agencies willing to adopt a suite of BMPs for use on agricultural lands consistent with meeting water quality standards and supporting salmon recovery? The proposed BMPs would not be regulatory in nature. Rather, they would be required conditions for voluntary recipients of federal funding.
4. It appears to us that funding of the following programs has not required incorporation of all streamside buffer habitat elements necessary to recovery salmon. The list includes, but is not complete:
  - a. National Estuary Program
  - b. EQIP
  - c. CREP
  - d. Clean Samish Initiative
  - e. TMDLs
  - f. CWA § 319
  - g. State Shorelines
  - h. Puget Sound Partnership farmland preservation programs
  - i. Coastal Zone Management Act

We believe that there is both an opportunity and a commitment by the federal government to assure that these programs are implemented consistent with achieving state water quality standards, shellfish protection, and salmon recovery. We look forward to a productive discussion and we hope that this will be just the beginning of our collaborative efforts to reconcile salmon recovery and ongoing federal activities. I am available during the following dates: **August 13, August 14 and the week of August 20** and request that you please contact Larry Wasserman of my staff at 360-466-7250 to arrange scheduling.

Sincerely,



Brian Cladoosby, Chairman

cc: Michael Grayum, Executive Director  
Northwest Indian Fisheries Commission

# What's Upstream finally makes impression on Washington lawmakers

**Don Jenkins • Capital Press**

Published on May 4, 2016 11:00AM

Last changed on May 4, 2016 3:44PM

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DON JENKINS/CAPITAL PRESS

Washington House Agriculture Committee Chairman Brian Blake, shown here during a committee hearing in Olympia, says Environmental Protection Agency officials should be held accountable if they broke the law in supporting the What's Upstream advocacy campaign directed at state lawmakers.

A campaign funded by the U.S. Environmental Protection Agency to sway Washington legislators apparently went unnoticed during the 2016 session, but it's getting unflattering attention now.

The chairmen of the Senate and House agriculture committees Tuesday criticized the What's Upstream advocacy campaign, saying it reinforced negative views of the EPA as an overreaching agency.

"If they truly did agree to this lobbying, someone with the EPA needs to be held accountable, not just a slap on the wrist."

If they truly did agree to this lobbying, someone with the EPA needs to be held accountable, not just a slap on the wrist, but held accountable for violating the law,” said House Agriculture Committee Chairman Brian Blake, D-Aberdeen.

What’s Upstream has angered some federal lawmakers, who allege the EPA has broken laws related to lobbying and unauthorized spending.

The campaign, however, was ostensibly directed at state lawmakers. The campaign’s lead organizers, the Swinomish Indian tribe, set a goal of changing state water-pollution control laws by this year, according to EPA records.

In separate interviews, Blake and Senate Agriculture Committee Chairwoman Judy Warnick, R-Moses Lake, said they learned about the EPA-funded campaign after the Legislature adjourned March 10.

“It was a total waste of time and money if they were trying to get my attention,” Warnick said. “The only attention they got from me was a negative impression.

“I was angry about how it was paid for, how it came about and even more angry about where the actual picture of cows came from,” said Warnick, referring to a What’s Upstream billboard photo taken in Amish country of cows in a stream.

Warnick said she’s met constituents who see the EPA-funded campaign as more evidence government is hostile toward agriculture.

“They think every time they turn around there’s another fee, another requirement. To have an agency like EPA come in and do something like this is over-the-top, in their opinion,” she said.

Visitors to the What’s Upstream website were urged to “take action” by sending a form letter to state legislators asking for mandatory 100-foot buffers between farm fields and waterways.

The link has been removed from the website. Before then, the EPA said the link did not violate prohibitions on using federal funds to lobby because the letter did not take a position on specific pending legislation.

The Swinomish tribe, however, had been involved in a proposal presented during the 2016 session to require buffers on some farmland.

Rep. Derek Stanford, D-Bothell, introduced a bill to require property owners participating in a voluntary farmland preservation program to leave buffers along salmon-bearing waterways.

Stanford said Tuesday that he worked for many months on the proposal with the tribe’s environmental policy director, Larry Wasserman.

“I don’t know if they were working on the What’s Upstream campaign at that point. I hadn’t heard of that until much more recently. But, yeah, it would tie with what the goals are of protecting the salmon,” Stanford said.

Stanford said he can understand why the website upset farm groups and some lawmakers. But he also said the site has an important message.

“I think it’s reasonable to say, ‘This is a problem and needs to be fixed,’” Stanford said. “I think part of the problem is that people feel frustrated about how little progress has been made.”

The bill was referred to the House Agriculture Committee, and Blake declined to give it a hearing.

Blake said the bill would have undermined voluntary farmland preservation efforts by imposing uniform-sized buffers.

“You may get 95 percent of the benefit with 10 feet of buffer. Adding another 95 feet makes no sense. It’s taking land

out of production with very little benefit,” he said.

Efforts to reach Wasserman were unsuccessful.

According to EPA records, by the time the Legislature convened in January, the Swinomish tribe already had spent an estimated \$570,000 on the campaign.

Washington Public Disclosure Commission spokeswoman Lori Anderson said groups that organize grass-roots lobbying must register if they spend at least \$700 in a month or \$1,400 over three months.

What’s Upstream did not register. “We haven’t heard about them before now,” Anderson said Wednesday.

The Swinomish tribe hired a Seattle PR firm in 2012 and formed partnership with several environmental groups. The campaign was launched by 2013, according to EPA records, but apparently had little impact.

“I can’t categorically say I never received a letter, but I don’t remember seeing anything,” said Longview Rep. Dean Takko, the top-ranking Democrat on the Senate Agriculture Committee.

Takko said he took his first look at the website Tuesday. “It looks like someone went out of their way to make farmers look like bad guys,” he said. “If you want to see water that color (brown), wait until a good rain, especially on this (west) side of the mountains.”

Efforts to obtain comment from the EPA were unsuccessful.

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**United States Senate**  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

April 5, 2016

The Honorable Arthur A. Elkins, Jr.  
Inspector General  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Inspector General Elkins:

We write to request the U.S. Environmental Protection Agency's (EPA) Office of Inspector General (OIG) audit and investigate the activities and expenditures relating to the \$3 million cooperative agreement between EPA and the Northwest Indian Fisheries Commission.<sup>1</sup> We are troubled to learn that EPA's financial assistance appears to improperly fund an advocacy campaign in Washington state that unfairly targets and demonizes farmers and ranchers. According to a recent news report, the EPA-funded advocacy campaign includes multiple billboards, bus placards, and an interactive website urging the public to contact state lawmakers.<sup>2</sup> The website assists the public in contacting lawmakers by providing a pre-written email criticizing the actions of agricultural producers and blaming them for polluting local waterways. Further, the billboards and placards do not cite EPA as a funding source of the campaign. According to an EPA Region 10 official, the failure to attribute EPA as the source of the funding "looks like a violation."<sup>3</sup>

As you may be aware, the Committee on Environment and Public Works (EPW) is conducting oversight of the controversial and legally suspect rulemaking by EPA and the U.S. Army Corps of Engineers as they define "Waters of the United States" (WOTUS) under the Clean Water Act. The EPW Committee is also investigating EPA's use of social media to promote the rule. In an effort to provide a thorough examination of WOTUS, the Committee on Agriculture, Nutrition, and Forestry has also scrutinized the WOTUS rulemaking process. Such scrutiny has proven to be necessary because the tactics employed by EPA throughout its rulemaking process completely undermined the integrity of the inter-agency review process and the public's trust. On December 14, 2015, the Government Accountability Office (GAO) issued a legal decision that was

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<sup>1</sup> See, <http://blogs.nwifc.org/psp/files/2009/01/PA-00J32201-0.pdf>.

<sup>2</sup> "EPA: Anti-farmer billboard violate agency rules," by Don Jenkins, Capital Press, April 1, 2016; available at: <http://www.capitalpress.com/Washington/20160401/epa-anti-farmer-billboards-violate-agency-rules>.

<sup>3</sup> *Id.*

requested by the EPW Committee regarding EPA's use of social media to promote the WOTUS rulemaking. GAO found, among other things, that EPA violated congressional restrictions on grassroots lobbying when it linked to environmental activists' websites that encouraged the public to write to Congress to oppose legislation that would have halted the WOTUS rulemaking.

It appears a large portion of EPA's financial assistance to the Northwest Indian Fisheries Commission is being funneled to pay a public relations and lobbying firm, Strategies 360, to conduct an advocacy campaign called "*What's Upstream?*" in partnership with several environmental activists, including Puget Soundkeeper Alliance and Western Environmental Law Center.<sup>4</sup> The campaign features billboards and placards with the statement, "*Unregulated agriculture is putting our waterways at risk,*" and a link to the campaign's website. The billboards and placards do not identify EPA as the source of any funding, or the role played by the grant recipient, Northwest Indian Fisheries Commission. This is important information and the lack of transparency by the campaign and EPA is disconcerting. In particular, displayed prominently at the top of the campaign webpage is a link to "*Take Action!*" allowing users to send a pre-written email to their state representatives concerning the need for increased regulation of the agriculture industry. The bottom of the campaign's main webpage states the campaign's goal, "is to inform the public about the leading causes of water pollution and how pollution affects the health of Washington's waterways, people and fish. This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PA-00J32201." Peculiarly, the statement also includes a disclaimer that the website does not necessarily reflect the views or policies of the EPA. However, EPA's past actions speak for themselves, and it is not friendly to our farmers and ranchers.

Recipients of federal grants agree to spend the federal money on costs allowed under federal law and Office of Management cost principles, which prohibit, among other things, spending federal money on lobbying and political activities at the federal, state, and local level.<sup>5</sup> The Antilobbying Act also imposes criminal penalties for improperly using federal appropriations to "influence in any manner ... an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation."<sup>6</sup> The fact that the Northwest Indian Fisheries Commission campaign website, fully or partially funded by the EPA, enables the public to use a script criticizing

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<sup>4</sup> *Id.* See also, <http://whatsupstream.com/>.

<sup>5</sup> See, OMB Circular A-21, "Cost Principles for Education Institutions"; OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments"; Circular A-122, "Cost Principles for Non-Profit Organizations."

<sup>6</sup> 18 U.S.C § 1913.

agricultural producers in an effort to influence lawmakers deserves immediate legal scrutiny.

As GAO determined, EPA has already been found to have engaged in prohibited grassroots lobbying and covert propaganda to generate public support for its WOTUS rule, and the rule will have dire impacts on farmers if allowed to stand. This Northwest Indian Fisheries Commission grant appears to be part of a broader war on farmers and rural communities that the Obama Administration, through the EPA, has been waging in concert with its allies in the environmental activist community. It is imperative we learn whether EPA officials are turning a blind eye to this deceptive wrongdoing, and why the administration did not perform the necessary oversight to confirm taxpayer dollars are not mismanaged, and ensure well-established and important federal restrictions against lobbying are being followed.

Accordingly, we request that OIG investigate and audit this EPA cooperative agreement and grant to the Northwest Indian Fisheries Commission to determine:

1. Whether EPA has followed applicable laws, regulations, and policies in awarding this cooperative agreement/grant to the Northwest Indian Fisheries Commission;
2. Whether EPA has followed applicable laws, regulations, and policies in performing required oversight of this cooperative agreement/grant awarded to the Northwest Indian Fisheries Commission, including receiving copies of any required reports or work products. Please include a summary of any material weaknesses or lack of institutional controls that contributed to any such lack of oversight;
3. Whether the Northwest Indian Fisheries Commission (and any subgrantees) has followed applicable laws, regulations, and policies in performing and implementing this cooperative agreement/grant award;
4. Whether any of the costs or expenses associated with the cooperative agreement/grant to Northwest Indian Fisheries Commission are unallowed, including those associated with the "What's Upstream" advocacy campaign. For any such unallowed costs, please provide a detailed summary and whether any such costs have been recovered; and
5. Whether EPA has had any communication with the Northwest Indian Fisheries Commission and/or Strategies 360 regarding the "What's Upstream" advocacy campaign.

The Honorable Arthur A. Elkins, Jr.

April 5, 2016

Page 4

Thank you for your attention to this request. Please contact Byron Brown of the EPW Committee majority staff at 202-224-6176, or Andrew Rezendes of the Agriculture Committee majority staff at 202-224-2035 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Inhofe".

James M. Inhofe,  
Chairman,  
Committee on Environment  
and Public Works

A handwritten signature in blue ink, appearing to read "Pat Roberts".

Pat Roberts,  
Chairman,  
Committee on Agriculture,  
Nutrition, and Forestry

CC: The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency



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**U.S. House of Representatives**  
**Committee on Agriculture**  
Room 1301, Longworth House Office Building  
**Washington, DC 20515-6001**

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MINORITY STAFF DIRECTOR

April 12, 2016

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator McCarthy:

We write today regarding the recent controversy surrounding the U.S. Environmental Protection Agency's (EPA) \$3 million cooperative agreement with the Northwest Indian Fisheries Commission.<sup>1</sup> EPA financial assistance was used to fund an advocacy campaign attacking farmers and ranchers and blaming them for water pollution in Washington state. The advocacy campaign includes billboards, bus placards, and a website that encourages the public to contact their state lawmakers using a pre-written email.<sup>2</sup> The billboards and placards do not include a required disclaimer citing EPA as the campaign's funding source.<sup>3</sup> Further, according to a recent news report, EPA has acknowledged that the use of EPA financial assistance to fund this campaign was a violation of federal law.<sup>4</sup> We write to request documents and information on how EPA plans to address these specific violations, as well as how EPA conducts oversight of grant recipients.

Both the Northwest Indian Fisheries Commission and one of its subaward recipients, the Swinomish Indian Tribal Community, used EPA funds to partner with environmental activist groups and finance an advocacy campaign called "What's Upstream."<sup>5</sup> The campaign includes billboards that state, "Unregulated agriculture is putting our waterways at risk," and direct the public to a campaign website.<sup>6</sup> The

<sup>1</sup> U.S. Environmental Protection Agency, Cooperative Agreement PA-00J32201, December 28, 2010, <http://blogs.nwifc.org/psp/files/2009/01/PA-00J32201-0.pdf>.

<sup>2</sup> Don Jenkins, "EPA: Anti-farmer billboards violate agency rules," *Capital Press*, April 1, 2016, available at: <http://www.capitalpress.com/Washington/20160401/epa-anti-farmer-billboards-violate-agency-rules>.

<sup>3</sup> *Id.*

<sup>4</sup> Don Jenkins, "EPA: What's Upstream is a misuse of federal funds," *Capital Press*, April 5, 2016, available at: <http://www.capitalpress.com/Washington/20160405/epa-whats-upstream-is-a-misuse-of-federal-funds>.

<sup>5</sup> <http://whatsupstream.com/#footer>

<sup>6</sup> Jenkins, *supra* note 2.

billboards do not identify EPA as the source of their funding. The website, however, does include a disclaimer at the bottom of the page stating that the project has been funded by the EPA. Meanwhile, a button at the top of the page urges the public to “Take Action!” by sending a pre-written email to their state senators encouraging increased regulation of the agriculture industry.

While this advocacy campaign is troubling, we are even more concerned that it appears to be part of a broader pattern of mismanagement of federal funds at EPA. The cooperative agreement with the Northwest Indian Fisheries Commission is one of many awarded as part of EPA Region 10’s Puget Sound Action Agenda.<sup>7</sup> In July of 2014, the EPA’s Office of Inspector General (OIG) released a report calling for greater oversight of these cooperative agreements. In that report, the EPA OIG expressed concern that “a lack of systematic oversight of activities for cooperative agreements with subawards...potentially puts federal funds at risk.”<sup>8</sup> EPA OIG was specifically concerned that EPA’s Region 10 project officers relied heavily on cooperative agreement recipients to ensure any subawards they made were in compliance with terms and conditions of federal financial assistance without reviewing monitoring records or ensuring recipients were aware of their subaward monitoring expectations.<sup>9</sup> Notably, only three of the nine cooperative agreements with subawards had a monitoring policy containing a required provision advising subaward recipients that using those funds for lobbying activities is prohibited.<sup>10</sup>

A separate but related issue involves an ongoing oversight investigation by the Senate Committee on Environment and Public Works (EPW) of the EPA’s “Waters of the United States” (WOTUS) rulemaking. Pursuant to that investigation, on December 14, 2015, the Government Accountability Office (GAO) issued a legal decision related to EPA’s use of social media during the rulemaking. GAO found that EPA violated anti-lobbying restrictions by using hyperlinks on the EPA website to connect visitors with external websites run by environmental activists that urged the public to contact Congress in support of the WOTUS rule.<sup>11</sup> GAO also found that EPA engaged in “covert propaganda” by using a platform called Thunderclap to promote a pro-WOTUS message without identifying itself as the source.<sup>12</sup>

When viewed in context with the EPA OIG report and the recent GAO legal decision, the “What’s Upstream” campaign seems to be merely the most recent indicator of a lack of

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<sup>7</sup> U.S. Environmental Protection Agency, Cooperative Agreement PA-00J32201, December 28, 2010, <http://blogs.nwifc.org/psp/files/2009/01/PA-00J32201-0.pdf>.

<sup>8</sup> U.S. Environmental Protection Agency: Office of Inspector General, *EPA Should Improve Oversight and Assure the Environmental Results of Puget Sound Cooperative Agreements*, Report No. 14-P-0317, at 13.

<sup>9</sup> *Id.* at 9-13.

<sup>10</sup> *Id.* at 10.

<sup>11</sup> U.S. Government Accountability Office, *Environmental Protection Agency – Application of Publicity or Propaganda and Anti-Lobbying Provisions*, Decision B-326944, December 14, 2015.

<sup>12</sup> *Id.*

appropriate oversight at EPA. In order to better understand EPA's oversight of grant recipients and what corrective action is necessary to resolve what appear to be systemic problems at the agency, we request that EPA respond to the following questions:

1. A recent news report quotes an EPA spokesman saying the agency is "in the process of correcting" the misuse of EPA funds for the "What's Upstream" campaign.<sup>13</sup>
  - a. What action has EPA taken to date and what is its corrective action plan going forward? Please include a projected time frame for any planned future measures.
  - b. Has EPA cut off funding for the Northwest Indian Fisheries Commission cooperative agreement pending an investigation of this violation? Will EPA attempt to recoup the funds misspent on the "What's Upstream" campaign?
  - c. Will Northwest Indian Fisheries Commission or the Swinomish Indian Tribe be disqualified from receiving future EPA financial assistance as a result of this violation?
2. In September 2015, the Swinomish Indian Tribe reported its projects had been delayed "as a result of extensive reviews and engagement by EPA."<sup>14</sup> Were EPA staff in direct contact with the subaward recipient? Please provide all documents and communications, including emails, between and among employees of EPA, Northwest Indian Fisheries Commission, and the Swinomish Indian Tribe related to the "What's Upstream" campaign.
3. EPA responded to the EPA OIG's 2014 report with a series of intended corrective actions. According to the EPA response, each should have been completed by the final quarter of 2015. Did EPA complete all of those objectives?
  - a. If so, what were the findings of the planned review of existing grant management policies, guidance and regulations? Were updates or clarifications made? Please provide copies of the original documents, as well as any updated versions resulting from the EPA OIG recommended review.
  - b. EPA promised to develop training materials and conduct training sessions on cooperative agreement recipients' subaward monitoring responsibilities.

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<sup>13</sup> *Id.*

<sup>14</sup> EPA Puget Sound Financial and Ecosystem Accounting Tracking System (FEATS), September 30, 2015, available at: <http://blogs.nwifc.org/psp/files/2016/02/Swinomish-FY12-4.1.15-9.30.15.pdf>.

Was that training program implemented in 2014 as planned? If so, please provide the committee with copies of any training materials used.

4. In 2014, EPA dismissed the EPA OIG's concern that lack of oversight of EPA's Puget Sound program put federal funds at risk. Has EPA reconsidered its position in light of recent events?
5. Does EPA plan to review Region 10's current grant management policies and procedures to look for ways to strengthen oversight and better protect federal funds? If so, when do you expect such a review to be complete?
6. Does EPA periodically audit regions to evaluate compliance with federal regulations governing EPA grants? If so, how often, and what were the results of Region 10's most recent evaluation?

In case we should need to request additional documents and so that a full and complete record of those documents can be produced to the Committee in response to pending and future requests, please:

1. Preserve all e-mail, electronic documents, and data ("electronic records") **created since January 1, 2009** related to the award and management of EPA Region 10's cooperative agreement with the Northwest Indian Fisheries Commission. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved; and,
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

The Committee on Agriculture is the principal authorizing committee for all matters related to agriculture in the House of Representatives and "shall have general oversight responsibilities" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

Please provide the requested documents and information on or before April 29, 2016. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 1301 of the Longworth House Office Building and the Minority

The Honorable Gina McCarthy  
April 12, 2016  
Page 5

Staff in Room 1010 of the Longworth House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Emily Wong of the majority staff at 202-225-2171. Thank you for your attention to this matter.

Sincerely,

  
K. Michael Conaway  
Chairman

Encl.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

May 13, 2016

**MEMORANDUM**

**SUBJECT:** Project Notification:  
Congressionally Requested Audit of Improper Funding of Advocacy Campaign for  
Northwest Indian Fisheries Commission Puget Sound Protection and Restoration  
Implementation Grant No. PA00J32201  
Project No. OA-FY16-0178

**FROM:** John Trefry, Director, Forensic Audits  
Office of Audit

A handwritten signature in blue ink, reading "John Trefry", is placed over the "FROM:" line.

**TO:** Dennis McLerran, Regional Administrator  
Region 10

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) plans to begin preliminary research on an audit of the Northwest Indian Fisheries Commission (NWIFC) Puget Sound Protection and Restoration Implementation Grant No. PA00J32201. This assignment is being initiated based on a request from the United States Senate, Committee on Environment and Public Works and Committee on Agriculture, Nutrition, and Forestry. In that request, the committees expressed concerns over what appears to be EPA improperly funding an advocacy campaign, called *What's Upstream*, in Washington state. The request stated that the campaign unfairly targets and demonizes farmers and ranchers.

Our audit will address the following questions raised by the committees:

- 1) Did the EPA follow applicable laws, regulations and policies with awarding this agreement?
- 2) Did the EPA follow applicable laws, regulations and policies in performing required oversight of the cooperative agreement?
- 3) Has NWIFC followed applicable laws, regulations and policies in performing and implementing this cooperative agreement?
- 4) Are there any unallowable cost associated with the *What's Upstream* advocacy campaign?
- 5) Has the EPA had any communication with the NWIFC and/or Strategies 360 regarding the *What's Upstream* advocacy campaign?

The OIG plans to conduct its work at Region 10 and the office of the NWIFC in Olympia, Washington. We will interview grant award and program oversight officials in Region 10, and review grant files. At NWIFC, we will conduct an audit of the costs claimed under the grant award, including compliance with grant terms and conditions. We will be issuing a separate notification letter to NWIFC advising them of the audit. Applicable generally accepted government auditing standards will be used in conducting our

work. The anticipated benefit of this audit is to ensure that all activities conducted under this grant award and the costs claimed by NWIFC comply with federal requirements.

This audit will be conducted concurrently with the *Audit of Northwest Indian Fisheries Commission Puget Sound Protection and Restoration Implement Grant Nos. PA00J32201 and PA00J91201*, Project No. OA-FY16-0176. The other audit will address whether costs claimed under the grants are reasonable, allowable and allocable in accordance with the applicable laws, regulations, and grant terms and conditions. We anticipate starting our work in mid to late May. We will contact the audit coordinator to arrange a mutually agreeable time to discuss our objectives and the purpose of the preliminary research phase of the assignment. We would also be particularly interested in any areas of concern that you may have. We will answer any questions you may have about the project process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the course of the project. Throughout the project, we will provide updates on a regular basis through monthly meetings and via email, phone or video conference.

We respectfully note that the OIG is authorized by the Inspector General Act of 1978 to have timely access to personnel and all materials necessary to complete its objectives. We will request your resolution if an agency employee or contractor refuses to provide requested records to the OIG, or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the Administrator and include the incident in the Semiannual Report to Congress.

The project will be supervised by me, and the Project Manager will be Angela Bennett. Should you or your staff have any questions, please contact me at (202) 566-2474 or [trefry.john@epa.gov](mailto:trefry.john@epa.gov), or Angela Bennett at (404) 562-9844 or [bennett.angela@epa.gov](mailto:bennett.angela@epa.gov).

cc: Michelle Pirzadeh, Deputy Regional Administrator, Region 10  
Edward H. Chu, Assistant Regional Administrator, Region 10  
David Allnutt, Director, Office of Ecosystems, Tribal, and Public Affairs, Region 10  
Carrie Williams, Audit Follow-Up Coordinator, Region 10  
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Jeffrey Lagda, Congressional and Media Liaison, OIG