

Voluntary Stewardship Program

An Alternative Approach to the Growth
Management Act & Critical Area Ordinances

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Washington State
Conservation
Commission



Events Leading to VSP

- ▶ Under the Growth Management Act, all counties must adopt a Critical Areas Ordinance (CAO) protecting critical areas.
- ▶ Several counties exempted agriculture from CAO, but subsequent court cases made clear that agriculture couldn't be exempt from CAO.
- ▶ Agriculture community concerns:
 - ▶ regulation impacting agriculture value
- ▶ Environmental concerns:
 - ▶ agriculture impact to critical areas – both ongoing and future agriculture
- ▶ County concerns:
 - ▶ costs of appeals

Creation of VSP

- ▶ Legislation creating VSP added new sections to GMA statute, codified at RCW 36.70A.700-760.
- ▶ VSP is an alternative approach to protecting critical areas in areas used for agricultural activities.
- ▶ VSP is created in the Conservation Commission.
- ▶ VSP focus on agricultural activities rather than ag land designations. Ag activities are defined in Shoreline Management Act ([RCW 90.58.065](#)).

What are the Five Critical Areas VSP seeks to Protect?

1. Wetlands
2. Areas with a critical recharging effect on aquifers used for potable water
3. Fish and wildlife habitat conservation areas
4. Frequently flooded areas
5. Geologically hazardous areas

More on the Five Critical Areas (RCW 36.70A and WAC 365-190)

▶ Wetlands –

▶ “Means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.” RCW 36.70A.030(21).

▶ Areas with a critical recharging effect on aquifers used for potable water –

▶ "Critical aquifer recharge areas" are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge. WAC 365-190-030(3).

▶ Fish and wildlife habitat conservation areas –

▶ “Does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.” RCW 36.70A.030(5). "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. WAC 365-190-030(6)a.

▶ Frequently flooded areas –

▶ "Frequently flooded areas" are lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface. WAC 365-190-030(8).

▶ Geologically hazardous areas –

▶ “Means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.” RCW 36.70A.030(9).

“Agricultural Activities” Defined

- ▶ RCW 90.58.065(2)(a): "Agricultural activities" means agricultural uses and practices **including, but not limited to:** Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

Purposes of VSP

RCW 36.70A.700

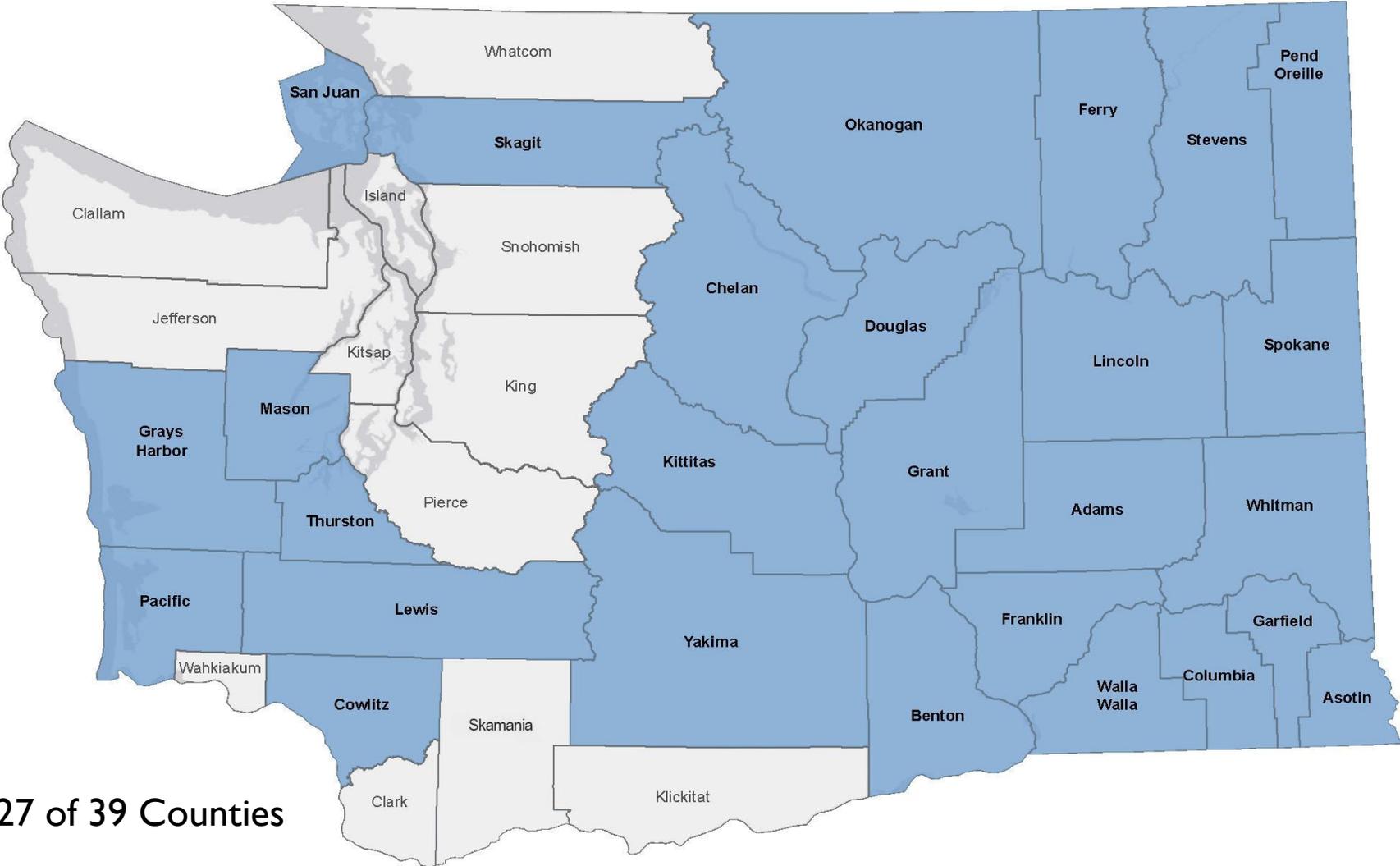
- ▶ Promote plans to **protect and enhance critical areas** within the area where agricultural activities are conducted, **while maintaining and improving the long-term viability of agriculture** in the state of Washington and reducing the conversion of farmland to other uses;
- ▶ Focus and **maximize voluntary incentive programs** to encourage good riparian and ecosystem stewardship as an alternative to historic approaches used to protect critical areas;
- ▶ Rely upon RCW 36.70A.060 for the protection of critical areas for those counties that do not choose to participate in this program;

Purposes of VSP

RCW 36.70A.700

- ▶ **Leverage existing resources** by relying upon existing work and plans in counties and local watersheds, as well as existing state and federal programs to the maximum extent practicable to achieve program goals;
- ▶ Encourage and foster a spirit of **cooperation and partnership** among county, tribal, environmental, and agricultural interests to better assure the program success;
- ▶ Improve compliance with other laws designed to protect water quality and fish habitat; and
- ▶ Rely upon **voluntary stewardship practices as the primary method of protecting critical areas** and not require the cessation of agricultural activities.

COUNTIES OPTING-IN TO THE VOLUNTARY STEWARDSHIP PROGRAM



27 of 39 Counties

As of January 2016

Opting-in

- Counties were required to adopt an ordinance or resolution opting-in to the program.
 - Before adopting the resolution, the county must:
 - Confer with tribes, environmental and agricultural interests; and
 - Provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations.
 - The ordinance or resolution must:
 - Elect to have the county participate in the program;
 - Identify the watersheds that will participate in the program; and
 - Nominate watersheds for consideration by the Commission as state priority watersheds.
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Initial County Responsibilities

Within 60 days of funds being available to a county to implement the program, the county must:

- Designate an entity to administer funds.
 - County may designate itself, a tribe, or another entity to coordinate the watershed group.
- Designate a watershed group.
 - Must confer with tribes and stakeholders before designating the watershed group.
- Must acknowledge receipt of funds.
 - Signing contract with the SCC – triggers timeline for completion of a work plan



Designation of Watershed Work Group

- Must be designated when funds are made available.
- The Watershed Group must include a broad representation of key watershed stakeholders and, at a minimum, representatives of agricultural and environmental groups, and tribes that agree to participate.
- County should encourage existing lead entities, watershed planning units, or other integrating organizations to serve as the watershed group.
- State and federal agencies can be very useful work group participants.



VSP Development & State Agency Staff

- ▶ Counties and/or lead VSP entities are encouraged to invite state agency reps to participate on the Workgroup. Why?
 - ▶ State agency staff should be able to provide information to help develop the work plan.
 - ▶ The work plan must be reviewed by a state Technical Panel consisting of four state agencies -
 - ▶ WDFW
 - ▶ ECY
 - ▶ WSDA
 - ▶ Commission
 - ▶ Early engagement of agencies at the Workgroup level will improve the work product and chances for quick review and approval by the Technical Panel.

Workgroup Purpose

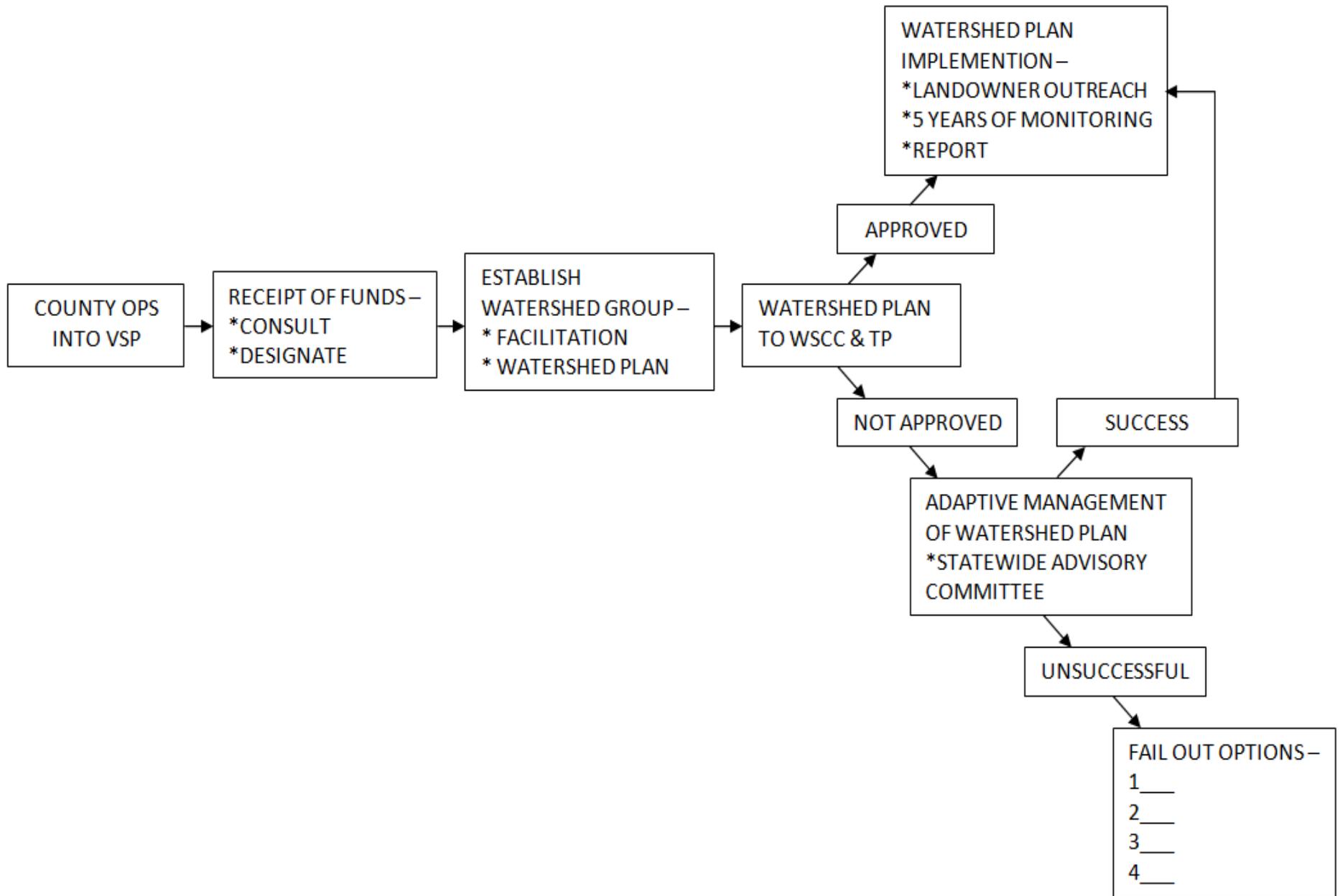
- ▶ The Workgroup must develop a work plan to protect critical areas while maintaining the viability of agriculture in the watershed.
 - ▶ The Workgroup will remain established for the duration of VSP.
 - ▶ The Workgroup will oversee implementation and must periodically evaluate (programmatic, economic, and resource) and report on the VSP.
 - ▶ The Workgroup must adaptively manage implementation if not meeting goals and benchmarks.
 - ▶ The Workgroup submits the work plan to the VSP Technical Panel.

VSP Technical Panel

- ▶ "Technical panel" means the directors or director designees of the following agencies:
 - ▶ Washington Department of Fish & Wildlife – Amy Windrope
 - ▶ Washington Department of Agriculture – Kelly McLain
 - ▶ Washington Department of Ecology – Lauren Driscoll
 - ▶ Conservation Commission – Brian Cochran
- ▶ The Technical Panel is to review the work plan and assess whether the plan, in conjunction with other plans and regulations, will protect critical areas while maintaining and enhancing the viability of agriculture in the watershed.
 - ▶ If the Technical Panel determines the plan will accomplish its goals, the Commission director must approve the plan.
 - ▶ If the Technical Panel determines the plan will not accomplish its goals, the Commission director must advise the Workgroup the reasons for the disapproval and work with the Statewide Advisory Committee and the local work group.

Statewide Advisory Committee

- ▶ The Commission Director is required to appoint and, in certain circumstances, consult with a Statewide Advisory Committee consisting of two persons representing:
 - ▶ County government.
 - ▶ Agricultural organizations.
 - ▶ Environmental organizations.
- ▶ The Commission, in conjunction with the Governor's Office, shall also invite participation by two representatives of tribal governments.



Work Plan Timeline

- ▶ Workgroups have 2 years 9 months of receipt of funds to prepare and submit a work plan.
- ▶ If no watershed plan is submitted by the deadline:
 - ▶ The Commission to engage the local Workgroup in discussion with the Statewide Advisory Committee.
 - ▶ Must have work plan in 3 years or “fail out” of VSP.
 - ▶ Statute defines what happens if a county “fails out.”

How to start

- ▶ **Collect and evaluate background information.**
 - ▶ E.g. Chelan County white paper.
- ▶ **Hold local informational meetings.**
 - ▶ Need to reach out to local stakeholders and let them know about the VSP effort, how to be involved.
- ▶ **Conduct specific outreach using methods already used in your community.**



What topics must the work group address?

- The work plan must:
 - Identify critical areas and ag activities.
 - Identify economic viability of agriculture in county.
 - Identify outreach plan to contact landowners.
 - Identify entity to provide landowner assistance.
 - Identify measurable programmatic and implementation goals and benchmarks.



Work Plan Elements

In developing and implementing the work plan, the watershed group must:

- a) **Review and incorporate** applicable water quality, watershed management, farmland protection, and species recovery **data and plans**;
- b) **Seek input** from tribes, agencies, and stakeholders;
- c) **Develop goals** for participation by agricultural operators necessary to meet the protection and enhancement benchmarks of the work plan;
- d) Ensure **outreach and technical assistance** is provided to agricultural operators in the watershed;
- e) Create **measurable benchmarks** that, within 10 years after receipt of funding, are designed to result in the protection and enhancement of critical areas functions and values through voluntary, incentive-based measures;
- f) Designate the **entity** that will provide technical assistance;



Work Plan Elements

- g) Work with the entity providing technical assistance to ensure **individual stewardship plans contribute** to the goals and benchmarks of the work plan;
- h) **Incorporate** into the work plan existing development regulations relied upon to achieve the goals and benchmarks for protection;
- i) **Establish baseline monitoring** for: (i) participation and implementation of the voluntary stewardship plans and projects; (ii) stewardship activities; and (iii) the effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed;
- j) **Conduct periodic evaluations**, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and the Commission within 60 days after the end of each biennium;
- k) **Assist state agencies** in their monitoring programs; and
- l) Satisfy any **other** reporting requirements of the program.



Work Plan Goals

Goals are programmatic and resource oriented:

- Programmatic Goals – Those measuring progress on implementation of the work plan. Include landowner participation and stewardship plan implementation.
- Natural Resource Goals – Are the identified critical areas being protected; is enhancement occurring on available funds.
- Economic Resource Goals – Is the viability of ag being protected and enhanced.



Work Plan Implementation

- ▶ Various incentive programs are available to be identified in the landowner stewardship plan and work plan (some examples below):
 - ▶ CREP – Conservation Reserve Enhancement Program.
 - ▶ EQIP – Environmental Quality Incentive Program.
 - ▶ CSP – Conservation Stewardship Program.
 - ▶ ACEP – Agricultural Conservation Easement Program.
 - ▶ Conservation District Programs – Funded through Commission funding and other fund sources such as ECY water quality grants and local assessment funds.

VSP & Existing Regulatory Programs

- ▶ Engagement in VSP is voluntary –
 - ▶ For the county to opt-in, and
 - ▶ For the landowner to participate.
- ▶ For an opt-in county, protection of critical areas from ag activities must be done through voluntary stewardship plans.
- ▶ Landowner not doing a stewardship plan is not subject to other local critical area regulations.
- ▶ But – other laws and regulations do still apply. State water quality laws, local clearing and grading ordinances, etc.

Work Plan Implementation

- ▶ “Traditional GMA” uses a regulatory approach – required buffers on each parcel with critical areas.
- ▶ VSP uses a voluntary approach – landowners use stewardship plans and voluntary programs.
- ▶ Voluntary programs have provisions for standards and practices for best management practices.
- ▶ Agricultural operators implementing an individual stewardship plan consistent with a work plan are presumed to be working toward the protection and enhancement of critical areas. RCW 36.70A.750(I).

Voluntary Implementation

- ▶ If the Workgroup determines that additional or different practices are needed to achieve the Work plan's goals and benchmarks, the agricultural operator
 - ▶ May not be required to implement those practices but may choose to.
 - ▶ An agricultural operator participating in the program may withdraw from the program and is not required to continue voluntary measures after the expiration of an applicable contract.
- ▶ The Workgroup must account for any loss of protection resulting from withdrawals when establishing goals and benchmarks for protection and a Work plan.

VSP v. GMA

- ▶ “Traditional GMA” approach – must be able to demonstrate protection of critical areas at the parcel scale.
 - ▶ Demonstration typically done through regulatory buffers combined with enforcement program.
 - ▶ Efforts to use landowner plans have been questioned because of challenges related to being able to demonstrate protections are met.
- ▶ VSP approach – relies on evaluation at a watershed scale. Demonstrate progress on work plan goals every 5 years.
 - ▶ Focus is on critical area function rather than per parcel.

VSP v. GMA

- ▶ VSP approach – Requires reporting to the Commission on progress for achieving the goals of protection of critical areas, with protection and enhancement of viability of agriculture.
 - ▶ State agency (Commission) evaluation of progress and may disagree with Workgroup.
 - ▶ Workgroup, and thus the county, may be kicked out of VSP if not achieving or adaptively management to get to goals.

Commission VSP Web Page:

<http://scc.wa.gov/vsp/>



HOME ABOUT WHAT WE DO CONTACT



VOLUNTARY STEWARDSHIP PROGRAM (VSP)

Overview

Washington State's Voluntary Stewardship Program (VSP) provides an alternative approach for counties to address our state's Growth Management Act requirements. The program uses a watershed-based, collaborative stewardship planning process, and relies on incentive-based practices for protecting [critical areas](#), promoting viable agriculture, and encouraging cooperation among diverse stakeholders.

Background

In 2007, the State Legislature tasked the [William D. Ruckelshaus Center](#) with facilitating a "common ground" solution that would ensure productive agriculture in our state, protect critical areas, and resolve long-standing controversies related to the Growth Management Act. Following a three-year collaborative process involving state and local governments, tribes, the agricultural community, and environmental interests, the Ruckelshaus Center presented the framework for the Voluntary Stewardship Program (VSP), which uses incentive-based programs to support BOTH critical areas and viable agriculture. The Legislature created VSP within the State Conservation Commission in 2011 ([RCW 36.70A.705](#)). In 2015 they provided funding that allowed all 27 counties that opted-in to VSP to move forward with the program.

Resources for VSP Administrators:

Counties

VSP Workgroups

Technical Panel

Statewide Advisory Committee



Contact:

[Bill Eller, VSP Coordinator](#)
State Conservation Commission
509.385.7512

Learn more:

- [Description of VSP entities / roles \(pdf\)](#)
- [Diagram of VSP process \(pdf\)](#)
- [A Framework for Stewardship](#) (Ruckelshaus Center VSP report, pdf)
- [Growth Management RCW 36.70A](#)

STEVENS

[Stevens County VSP](#)

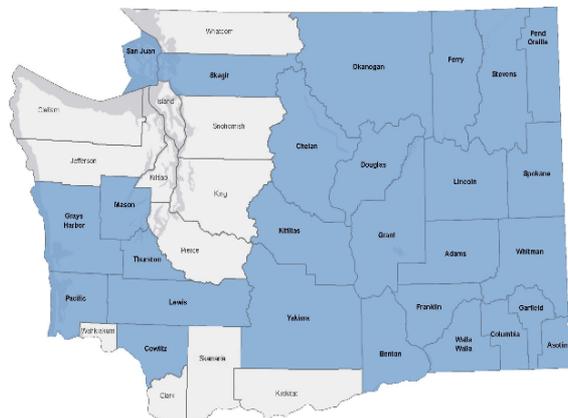
[VSP Resolution 2011-05](#)

Contact:

[Adam Cares](#), Voluntary Stewardship Program Coordinator - Stevens County Conservation District.
509.680.2149

Workgroup meeting:

- Thursday, April 14th from 6:00 to 8:00pm in the Council Chambers at Chewelah City Hall



Commission's VSP Newsletter



VSP Newsletter – April 2016

Hi folks! This is the second installment of a Voluntary Stewardship Program (VSP) informational newsletter. I will produce these periodically. Feedback is welcome at beller@scc.wa.gov.

VSP UPDATE: 27 of 39 counties in Washington have opted-in to VSP. Almost all have signed contracts with the Commission to begin the work group process. We are working through the paperwork on the last few. Some of you are involved in running the work group in your County, others are not. The choice is up to each individual county. If you want more information about that process, please contact me.

COMMISSION VSP WEB PAGE: A VSP web page at the Commission's web site is up and running [here: http://scc.wa.gov/vsp/](http://scc.wa.gov/vsp/). It will be updated by me as I have time (hopefully monthly). Let me know if you see any errors, mistakes, or edits that need to be made.

VSP MONTHLY CONSULTANT Q&A: I'll be hosting a teleconference/webinar each month for all those interested in VSP at a state-wide level. This conference call is meant to be a Q & A on VSP for all 27 VSP opt-in counties. The purpose of the call is to be a forum to disseminate information about VSP on a state-wide level and to answer VSP related questions. It is open to any who want to phone in, but mainly directed at County staff, Conservation District staff, and consultants and facilitators responsible for VSP. The first call is tomorrow from 9am-10am. Register [here](#).

VSP WORKGROUPS: As part of the Commission's VSP web page, we are trying to keep up to date workgroup meeting times, dates, and locations. Please have your workgroup coordinator pass along to me by email your workgroup's meeting time, date, and location so it can be posted on our web page.

COFFEE AND LIGHT REFRESHMENT DURING VSP WORKGROUP MEETINGS: Coffee and light refreshments are allowable VSP costs which can be reimbursed under your VSP contract, but just what exactly is "coffee and light refreshments?"

The State Office of Financial Management has defined what coffee and light refreshment is for purposes of VSP contract reimbursement. The definition can be found in the State Administrative & Accounting Manual (SAAM) Glossary [here](#). A more complete discussion can also be found in Section 70.10.40 of the SAAM at this [link](#).

Meals are not an allowable expense. If a VSP Workgroup is having a working meeting, they are allowed coffee and light refreshments. In the SAAM, "coffee and light refreshment" is defined as:

COFFEE AND LIGHT REFRESHMENTS - For state purposes, coffee encompasses any non-alcoholic beverage, such as tea, soft drinks, juice, or milk. For state purposes, a light refreshment is an edible item that may be served between meals, for examples, doughnuts, sweet rolls, and pieces of fruit or cheese.

- ▶ Periodic (monthly)
- ▶ State-wide perspective
- ▶ Available through the Commission's GovDelivery system.
- ▶ For current GovDelivery subscribers who want to update their subscriptions to receive the VSP newsletter, please update your subscriptions here: <https://public.govdelivery.com/accounts/WASCC/subscriber/edit?preferences=true#tab1>
- ▶ For new subscribers to GovDelivery, please sign up for subscriptions at the link below: <https://public.govdelivery.com/accounts/WASCC/subscriber/new>
- ▶ For new and current users: you'll want to choose the subscription for the "Voluntary Stewardship Program (VSP)" under the *Programs and Policy* tab.

Questions?

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