The Voluntary Stewardship Program What Commissioners Need To Know





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State Conservation Commission

Washington State Association of Counties November 20, 2019



Agenda

Objective: An introduction to the Voluntary Stewardship Program (VSP)

- Why was the VSP developed?
- What is the relationship to GMA?
- County requirements for opting-in and accepting funds
- County work plans and implementation
- Monitoring, evaluation, and consequences
- Reporting requirements and roles
- Resources available and questions



Why was the Voluntary Stewardship Program (VSP) Created?

Background

- Under the Growth Management Act (GMA), all counties must adopt a Critical Areas
 Ordinance (CAO) protecting critical areas
- Ongoing and existing agriculture is exempt from the Shoreline Management Act (SMA)
- Several counties exempted agriculture from CAO
- Trend in court decisions in early 2000's agriculture not exempt from CAO requirements



Concerns

- Agriculture community Regulation impacting agriculture value
- Environmental community Agriculture impact to critical areas both ongoing and future agriculture
- Counties Costs of litigation



History Leading to Creation of VSP

- 2006 Initiative 933 addressing taking of agricultural lands due to regulations. Fails by 60%.
- 2007 State Supreme Court Case Swinomish v. Skagit Co. Agriculture not exempt from critical areas requirements of GMA. Counties must regulate agriculture in CAO.
- 2007 Legislature directed the Ruckelshaus Center to examine the conflict between protecting agricultural land and protecting critical areas in local ordinances adopted under the GMA.
- 2010 Agreement is reached and legislation introduced in 2011 ESHB 1886 but no funding until 2015.
- Under the VSP statute, counties are not obligated to implement VSP until funding is provided.



Creation of the VSP

- The Voluntary Stewardship Program (VSP) is created July 22, 2011 & codified in RCW Chapter 36.70A
- Alternative to GMA regulation for counties to meet GMA requirement to
 - protect critical areas and
 - maintaining agricultural viability



Local Control

- Local program implementation is the responsibility of the county
- The county may delegate to another entity to implement locally
- Administered by the State Conservation Commission (Commission)
- Focused on agricultural activities rather than agricultural land designations



Applies to "Agricultural Activities"

Shoreline Management Act (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;



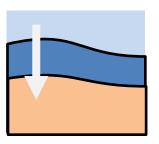
The 5 Critical Areas



Wetlands



Frequently flooded areas



Critical aquifer recharge areas



Geologically hazardous areas



Fish and wildlife habitat conservation areas



The Purposes of VSP

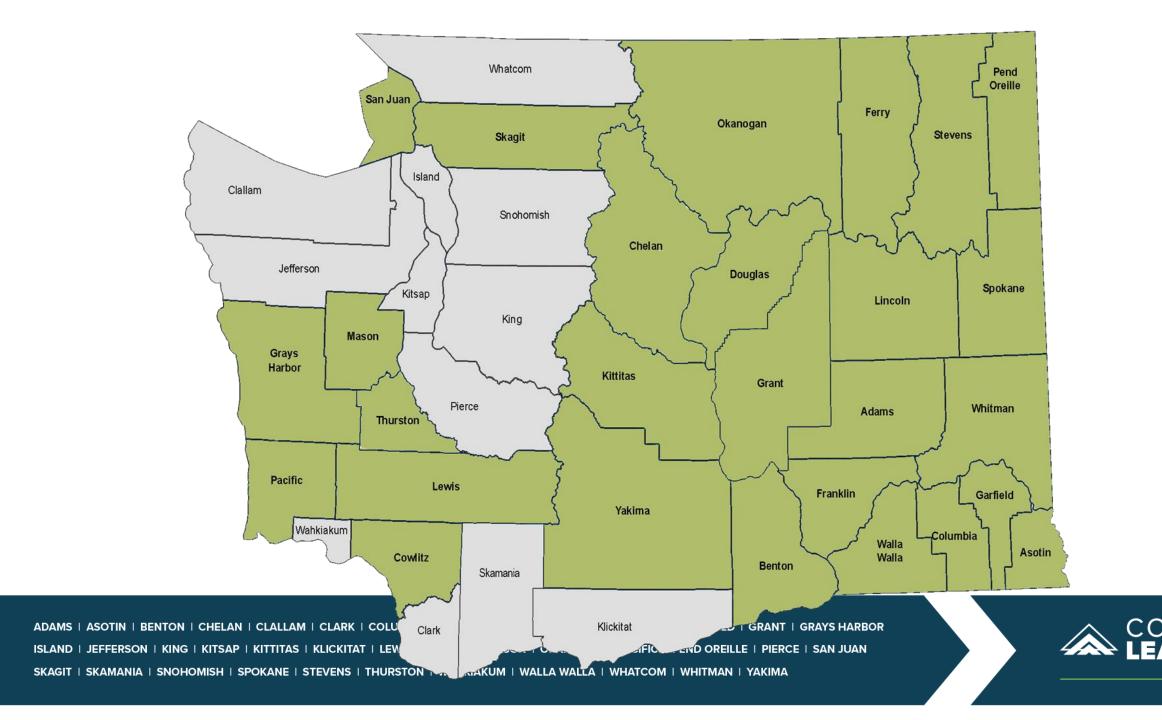
- Encourage & foster a spirit of cooperation & partnership among county, tribal, environmental & agricultural interests
- Rely on voluntary stewardship practices as the primary method of protecting critical areas & not require the cessation of agricultural activities
- Promote plans to protect & enhance critical areas where agricultural activities occur, while maintaining & improving the viability of agriculture
- Focus and maximize voluntary incentive programs as an alternative to critical area protection
- Leverage existing resources



County Options

- Counties were given two options:
 - Opt-in to the VSP, or
 - Continue under existing law in GMA to protect critical areas on agricultural lands.
- Counties had 6 months from the effective date to select if they wanted to opt-in to the program.
- By the opt-in date of January 21, 2012 28 of 39 counties opted-in; one dropped out before receiving funds. 27 remain in.





#CL2019

Counties not in VSP

- Have an existing CAO listed in the VSP statute: Clallam, Clark, Whatcom and King
- Have a separate program: For example: Snohomish County is implementing its Sustainable Lands Strategy to enhance agricultural land and restore habitat for threatened salmon
- Have chosen to follow the traditional path provided for in GMA: For example:
 Kitsap County has limited agriculture and will be using its existing CAO, reviewing
 and revising as necessary



County Responsibilities in VSP

- Designate who will administer funds
- Acknowledge receipt of funds
- Create a watershed work group plan, implement and guide VSP in their county

County Staffing Models for VSP

- In-house approach use present staff
- Consultant approach hire consultants to facilitate meetings, prepare, write and implement the plan
- Ask another local agency Conservation Districts, others
- Which does your county use?



County Work Group Timeline

- 1. Create a VSP work plan
- 2. Implement the work plan

Initial funding of counties – 2015 / 2016

- + 3 years work plan in place, begin implementation
- + 5 years review & evaluate the work plan, continue implementation
- + 10 years review & evaluate, etc.



County Watershed Work Group

Designation of Work Group by County

- 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.



County Work Group Purpose

- The watershed group must develop a work plan to protect critical areas while maintaining the viability of agriculture in the watershed.
- Watershed group remains responsible for the implementation of the work plan, and for reporting requirements to the Commission.
- Work group meets as needed to
 - Accomplish the goals of the work plan
 - Adaptively manage the work plan



County Watershed Work Group's VSP Work Plan

VSP Work Plan Overview

- Protect critical areas while maintaining agricultural viability
 - Approved by the Technical Panel
 - Periodic evaluation of that work plan once approved
 - Monitoring & adaptive management of the work plan
- Elements
 - Identify critical areas, agricultural activities, agriculture viability
 - Outreach and assistance to landowners
 - Goals & benchmarks



Work Plan Development

- Watershed work groups had 2 years 9 months from receipt of funds to prepare and submit a work plan.
- All counties completed the work plan and submitted it to the Commission for approval.
- The State Technical Panel reviewed each work plan, worked closely with each county on corrections or changes, and approved the work plans with comments.
- All 27 VSP counties have approved work plans.



Topics Addressed in the Work Plan

Within the County, each work plan must identify:

- Critical areas and agricultural activities
- Economic viability of agriculture
- Outreach plan for landowner contact
- Who will provide landowner assistance through the VSP
- Measurable programmatic and implementation goals and benchmarks



- 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;
- 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;
- 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 an 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
- I) Satisfy any other reporting requirements of the program.



VSP Work Plan Goals

- 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 agriculture being protected and enhanced
- Each county work group must ensure the work plan goals and the statutory goals are being met



Work Plan Approval Process

- Completed work plan submitted to Commission Executive Director for approval.
- The Technical Panel had 90 days to review and make a recommendation to the Director.
 Director worked with the local work group and Statewide Advisory Committee (SAC) for revisions.
- Once final approval, must implement.
- Every 2 years, work group provides a status report to the county and Commission.
- Every 5 years, work group provides a report on progress that is reviewed and evaluated by the Technical Panel, SAC, and Commission.
- If not making progress, must correct or be kicked back into "traditional GMA approach."



The VSP Technical Panel

"Technical panel" means the directors or director designees of the following agencies:

WDFW WSDA

Ecology Commission

- 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 watershed group the reasons for the disapproval.



The VSP Statewide Advisory Committee

- Two persons each -
 - County government
 - Agricultural organizations
 - Environmental organizations
- The Commission, in conjunction with the Governor's Office, shall also invite two tribal representatives
- The Commission director is required to appoint & in certain circumstances, consult with the SAC



Landowner Participation in VSP

Primarily through Individual Stewardship Plans (ISP)

- Landowner participants engage with the VSP through ISP's which detail which
 management practices will be installed that will meet critical area protection needs
 identified in the work plan while maintaining agriculture viability.
- VSP participation by landowners is voluntary the "V" in VSP.



What is VSP's Relationship to the GMA?

How does VSP fit with 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 agricultural activities is done through the VSP work plan not the county's critical area ordinance (CAO).
- A landowner in a VSP county not doing an ISP is not subject to the county's CAO.
- But other laws and regulations do still apply. State water quality laws, local clearing and grading ordinances, etc.



VSP compared to GMA

- "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(1).



The Work Group must account for Loss

- If the watershed group 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 implement the revised practices on a voluntary basis and is eligible for funding to revise the practices. RCW 36.70A.750(2).
- 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. RCW 36.70A.760.
- The watershed group must account for any loss of protection resulting from withdrawals when establishing goals and benchmarks for protection and a work plan. RCW 36.70A.760.



VSP works at the Watershed Scale

Key distinction between "traditional GMA" approach to protection of critical areas, and VSP approach:

- "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 <u>watershed scale</u>. Demonstrate progress on work plan goals every 5 years. Focus is on critical area function rather than per parcel.



VSP Requires Reporting

Reporting: another key distinction between "traditional GMA" approach to protection of critical areas, and the VSP approach:

- 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 watershed group.
- Watershed group, and thus the county, may be kicked out of VSP if not achieving or adaptively management to get to goals.



Roles During Implementation

Many have a role to play in VSP Implementation

- Conservation Commission
- Technical Panel
- Statewide Advisory Committee
- State Agencies (WDFW, WSDA, Ecology, Commerce)
- Local county watershed group
- County Commissioners
- County staff
- VSP Technical Service Providers
- Local landowners



County Commissioners' Role

- Ensure that they understand the background, history, & reason for VSP in their county
- Provide the proper guidance & oversight to the county staff responsible for administration & fiscal requirements
- Provide information & education to the public & their constituents on VSP
- Ensure that the county watershed workgroup has the resources necessary to meet their obligations under the plan



County Staff

- Coordinate with county financial staff
- Ensure all deliverables are being met -
 - Identify needed resources
 - Designate staff to implement
 - Designate staff to interact with the work group & TSP
- Ensure new county staff & work group members have VSP training
- Read & understand the work plan



Reporting and Evaluation



Review and Evaluation at the County Level

- VSP includes several elements for review and evaluation of the implementation of a work plan.
- VSP also includes consequences when progress is not being make towards the goals and benchmarks.
- Under the VSP, watershed groups are required to, in their work plan, establish baseline monitoring for:
 - Participation activities and implementation of the voluntary stewardship plans and projects;
 - Stewardship activities; and
 - The effects on critical areas and agriculture relevant to the protection and enhancement benchmarks developed for the watershed.



2 Year Status Reports

Within 60 days of the end of each biennium (August 30), the work group must -

- Conduct periodic evaluations, institute adaptive management, and
- provide a written report of the status of plans & accomplishments to the <u>county</u> & to the <u>Commission</u>



5 Year Review and Evaluation Reports

- County work group must report to the <u>Commission</u> and the <u>county</u> on whether the work plan's protection and enhancement goals and benchmarks have been met
 - RCW 36.70A.720 (2) (b) & (c)
- Commission evaluates progress and may disagree with the watershed group
- The watershed group, and thus the county, may be kicked out of VSP if not reaching goals or successfully adaptively managing to achieve goals



5 Year Report Due Dates

COUNTY	RECEIPT OF FUNDING DATE	5 YEAR	10 YEAR
Chelan*	January 20, 2014	7.20.19	7.20.24
Thurston*	January 20, 2014	7.20.19	7.20.24
Kittitas	November 17, 2015	11.17.20	11.17.25
Mason	November 24, 2015	11.24.20	11.24.25
Garfield	November 30, 2015	11.30.20	11.30.25
Asotin	December 14, 2015	12.14.20	12.14.25
Grant	December 14, 2015	12.14.20	12.14.25
San Juan	December 21, 2015	12.21.20	12.21.25
Cowlitz	December 22, 2015	12.22.20	12.22.25
Pacific	December 22, 2015	12.22.20	12.22.25
Okanogan	December 28, 2015	12.28.20	12.28.25



5 Year Report Due Dates

COUNTY	RECEIPT OF FUNDING DATE	5 YEAR	10 YEAR
Benton	January 12, 2016	1.12.21	1.12.26
Skagit	January 19, 2016	1.19.21	1.19.26
Whitman	January 19, 2016	1.19.21	1.19.26
Columbia	January 20, 2016	1.20.21	1.20.26
Yakima	January 21, 2016	1.21.21	1.21.26
Douglas	January 22, 2016	1.22.21	1.22.26
Pend Oreille	February 2, 2016	2.2.21	2.2.26
Franklin	February 24, 2016	2.24.21	2.24.26
Walla Walla	March 7, 2016	3.7.21	3.7.26
Stevens	March 10, 2016	3.10.21	3.10.26
Ferry	March 14, 2016	3.14.21	3.14.26
Grays Harbor	March 21, 2016	3.21.21	3.21.26
Lincoln	March 21, 2016	3.21.21	3.21.26
Lewis	April 18, 2016	4.18.21	4.18.26
Spokane	April 22, 2016	4.22.21	4.22.26
Adams	May 23, 2016	5.23.21	5.23.26





Review and Evaluation at the State Level

The Commission is to review and evaluate the program's success and effectiveness and make appropriate changes to policies and procedures for implementing the program, in consultation with the SAC and other affected agencies.

The Commission is also to:

- Report to the legislature on the general status of program implementation;
- Conduct a review of the program, in conjunction with the SAC, beginning in 2017 and every five years thereafter, and report its findings to the legislature by December 1st; and
- Report to the appropriate committees of the legislature as required.



VSP Budget





The Voluntary Stewardship Program

Taxpayer → Legislature → Commission → Counties → Technical Service Provider

Per county (state fiscal year (FY)):

- FY 2015-17: \$270,000 per county (\$135,000 per year)
- FY 2017-19: \$220,000 per county (\$110,000 per year)
- FY 2019-21: \$240,000 per county (\$120,000 per year)



VSP Budget for Counties

\$6,485,000 (\$240,000 x 27 counties) - 1 FTE for implementation -

- Staff the county work group
- Outreach and education to the public, landowners, and others about VSP
- Monitoring
- Recording and processing data
- 2 year & 5 year reporting
- Seek project funding
- Ensure statutory compliance



2019-21 FY VSP Budget – All Others

- Commission \$700,000
- Other State Agencies (WDFW, WSDA, Ecology) \$600,000
- WDFW High Resolution Change Detection (HRCD) \$550,000



Failure of the County Work Plan

The Voluntary Stewardship Program

- Fail-out
 - When the goals & benchmarks of the work plan are not being met & the watershed group fails to adaptively manage
- Insufficient funding
 - Commission's determination
 - "Not received adequate funding to implement"
 - Applies to county, departments & watershed



County Work Plan – Failing Out of VSP

- Commission director concludes the plan isn't meetings its goals
 - Director works with county work group on adaptive management plan
- If, after 6 months, still no progress, county & watershed group notified of work plan failure
- After notice, county has 18 months to take action county, not watershed group must act



County Work Plan Fail Out Actions

County has 18 months to choose one of the following –

- 1. Develop, adopt & implement a work plan approved by Commerce
- 2. Adopt development regulations previously adopted by another (Clallam, Clark, King, Whatcom)
- 3. Adopt development regulations certified by Commerce
- 4. Review & if necessary, revise development regulations adopted under this chapter



Appeals of VSP Decisions

- One of the key principles in the original negotiations leading to the creation of the VSP was the desire of the counties to address the burden of appeals of county GMA decisions.
- VSP legislation accomplishes this by shifting the decision points for appeal from the county to the Commission.
- This is done by function of the point at which final decisions are made in approving the work plan.
- Also, a final decision that a work group is meeting the requirements in the five-year review.



Available On-Line VSP Resources

VSP Web Page



ABOUT US PROGRAMS AND SERVICES

CONTACT US

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Voluntary Stewardship Program (VSP)

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, incentive-based process to protect critical areas, promote viable agriculture, and encourage cooperation among diverse stakeholders. Learn more background about VSP.

What's new?

- · VSP Regional Meetings December 4th in Chehalis or December 11th in Moses Lake
 - Agenda
 - Presentations
 - Speaker and Presenter contact list
- . Spokane County's VSP work plan was approved by the Technical Panel on Friday, November 30, 2018. Congratulations to Spokane County's work group! All 27 VSP counties now have approved work plans.
- Read the December 2018 VSP Newsletter
- Policy Advisory 03-18 Roles and Responsibilities during VSP implementation Amended
- Policy Advisory 05-18 VSP Implementation Reporting 2 year and 5 Year Reports

COUNTIES **USING VSP**

Click on one of the 27 counties participating in VSP (in green) for local program information.

As of December 2018, all county VSP work plans have been approved by the state.







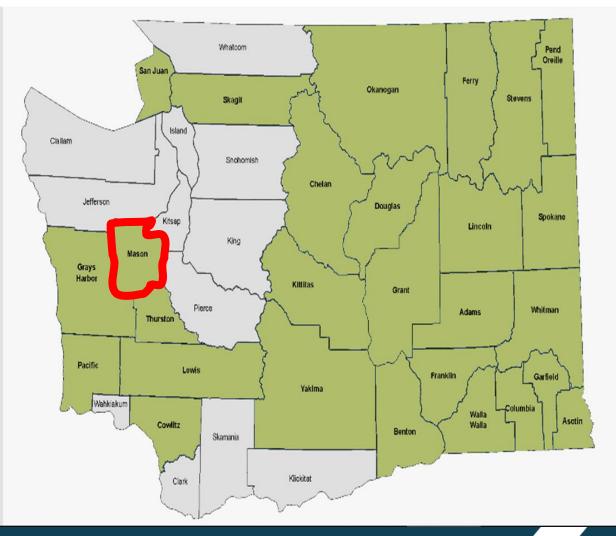


How to Find a VSP County Work Plan

COUNTIES USING VSP

Click on one of the 27 counties participating in VSP (in green) for local program information.

As of December 2018, all county VSP work plans have been approved by the state.



ADAMS | ASOTIN | BENTON | CHE ISLAND | JEFFERSON | KING | KITS



VSP Web Page – Mason County Example

MASON

VSP Work Plan:

- Mason County work plan
- approved June 20, 2018
- Reports

Contacts and information:

- Mason County VSP website
- Contact: Barbara Adkins,
 Mason Conservation
 District, 360-427-9436, ext.
 104
- VSP Resolution 07-12







The VSP Newsletter





October 2018 VSP Newsletter

his is the monthly installment of a Voluntary Stewardship Program (VSP) newsletter. Please sign up to receive the newsletter here.

Feedback is welcome – please direct it to Bill Eller.

VSP OUTREACH TOUR – STEVENS COUNTY: On Saturday, September 8, 2018, the Stevens County VSP work group, together with the Stevens County Conservation District, sponsored a
VSP outreach and education tour.

The tour focused on the kinds of voluntary practices that could be installed through the VSP to protect critical areas while maintain agricultural viability.

The tour had over 20 participants and included many new agriculturalists who had no previous contact with the conservation district or voluntary stewardship.

Congratulations to Stevens County and their Conservation District for a highly successful outreach event!



Stevens County VSP Project Outreach Tour, September 8, 2018 - Streambank Stabilization and Fencing



Stevens County VSP Project Outreach Tour, September 8, 2018 - Riparian Planting and Streambank Stabilization

- Monthly, statewide
- Sign up on SCC's VSP web page
- Make sure to choose "Voluntary Stewardship Program (VSP)" under the Programs and Policy tab



Questions?

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