

THE VOLUNTARY STEWARDSHIP PROGRAM

AN ALTERNATIVE APPROACH TO THE GROWTH MANAGEMENT ACT
& CRITICAL AREA ORDINANCES



Bill Eller, VSP Coordinator
State Conservation Commission
2019 Salmon Recovery Conference
Tacoma
April 9, 2019

AGENDA

- Objective: Summarize & describe current Voluntary Stewardship Program (VSP) implementation
 - Background of VSP
 - VSP work plan
 - VSP budget
 - Roles during implementation
 - Reporting
 - Participation



BACKGROUND

BACKGROUND

- Under the Growth Management Act (GMA), all counties must adopt a Critical Areas Ordinance (CAO) protecting critical areas



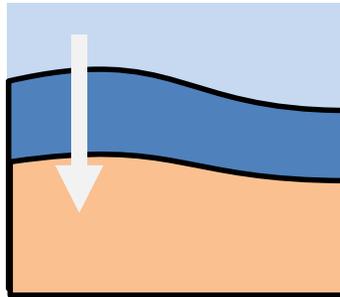
CRITICAL AREAS



Wetlands



Frequently flooded areas



Critical aquifer recharge areas



Geologically hazardous areas



Fish and wildlife habitat conservation areas

BACKGROUND

- Several counties exempted agriculture from the CAO
- But, subsequent court cases made clear that agriculture couldn't be exempt



CONCERNS



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

CREATION



- The Voluntary Stewardship Program (VSP) is created July 22, 2011 & codified in RCW Chapter 36.70A
- Alternative to GMA regulation
- Focused on *agricultural activities* rather than agricultural land designations
- Administered by the State Conservation Commission (SCC)

“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;

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



PURPOSES OF VSP

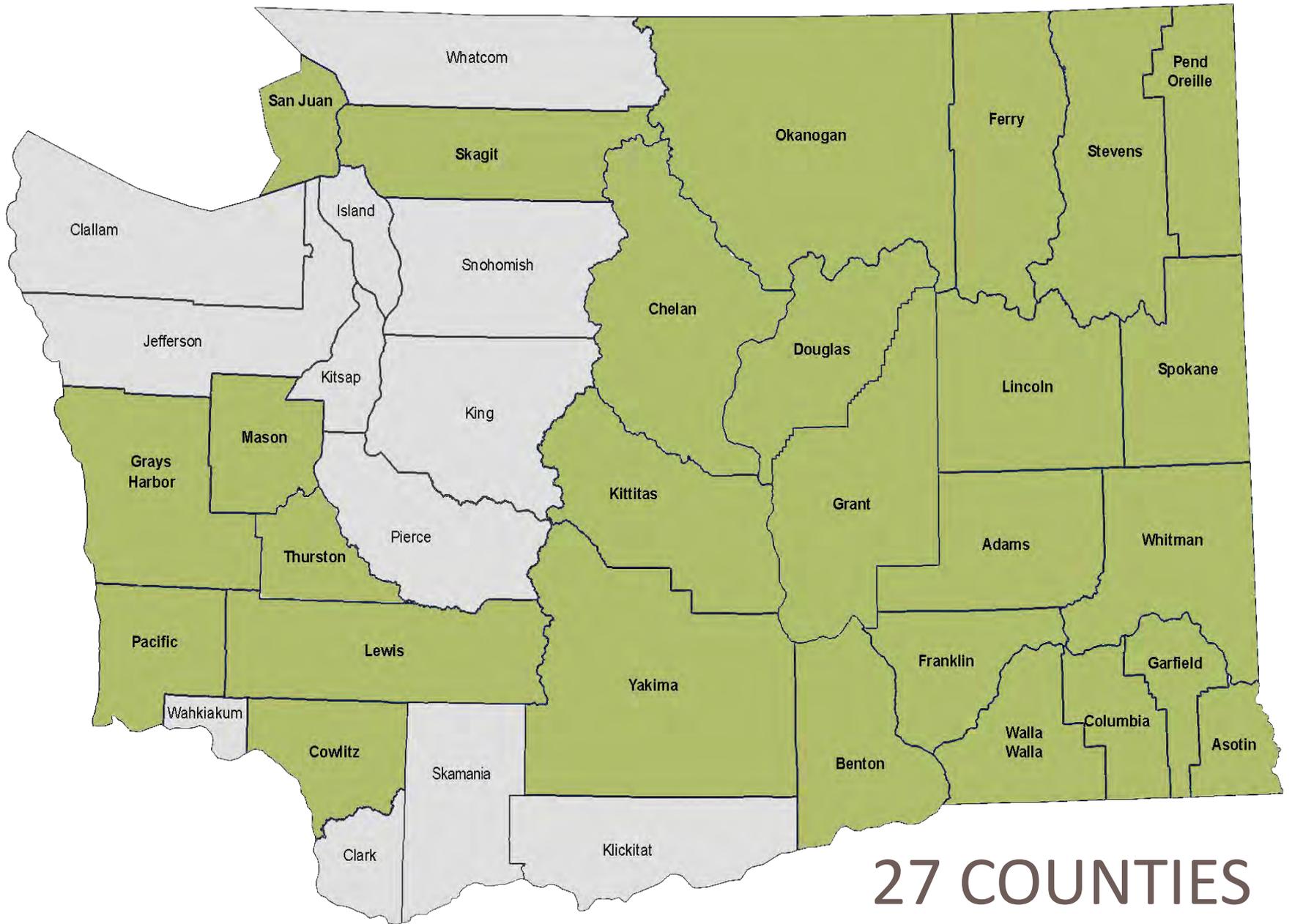


- Promote plans to protection & enhance critical areas where agricultural activities occur, while maintaining & improving the viability of agriculture
- Focus and maximize voluntary incentive programs as an alternative to critical area protection
- **Leverage existing resources**

COUNTY RESPONSIBILITIES

- Must “opt-in” to VSP
 - 28 counties initially did, 1 quickly dropped out = 27
- Adopt an ordinance
 - Confer with tribes, environmental & agricultural interests
 - Provide notice to property owners and others
 - Identify watersheds in the county that will participate





27 COUNTIES

COUNTY RESPONSIBILITIES

- Counties that chose not to participate:
 - 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

- Designate who will administer funds
- Acknowledge receipt of funds
- Created a watershed work group
 - Plan, implement and guide VSP in their county
 - Made up of a broad representation of local stakeholders
 - Agriculture
 - Environment
 - Tribes, if they want to participate



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.



WORK PLAN

VSP WORK PLAN

- *Protect critical areas while maintaining agricultural viability*
 - Must be 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



VSP WORK PLAN ELEMENTS

- Review and incorporate applicable water quality, watershed management, farmland protection, and species recovery data and plans;
- 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;
- Ensure outreach and technical assistance is provided to agricultural operators in the watershed;
- 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;



VSP WORK PLAN ELEMENTS

- Designate the entity that will provide technical assistance;
- Work with the entity providing technical assistance to ensure individual stewardship plans contribute to the goals and benchmarks of the work plan;
- Incorporate into the work plan existing development regulations relied upon to achieve the goals and benchmarks for protection;
- 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;



VSP WORK PLAN ELEMENTS

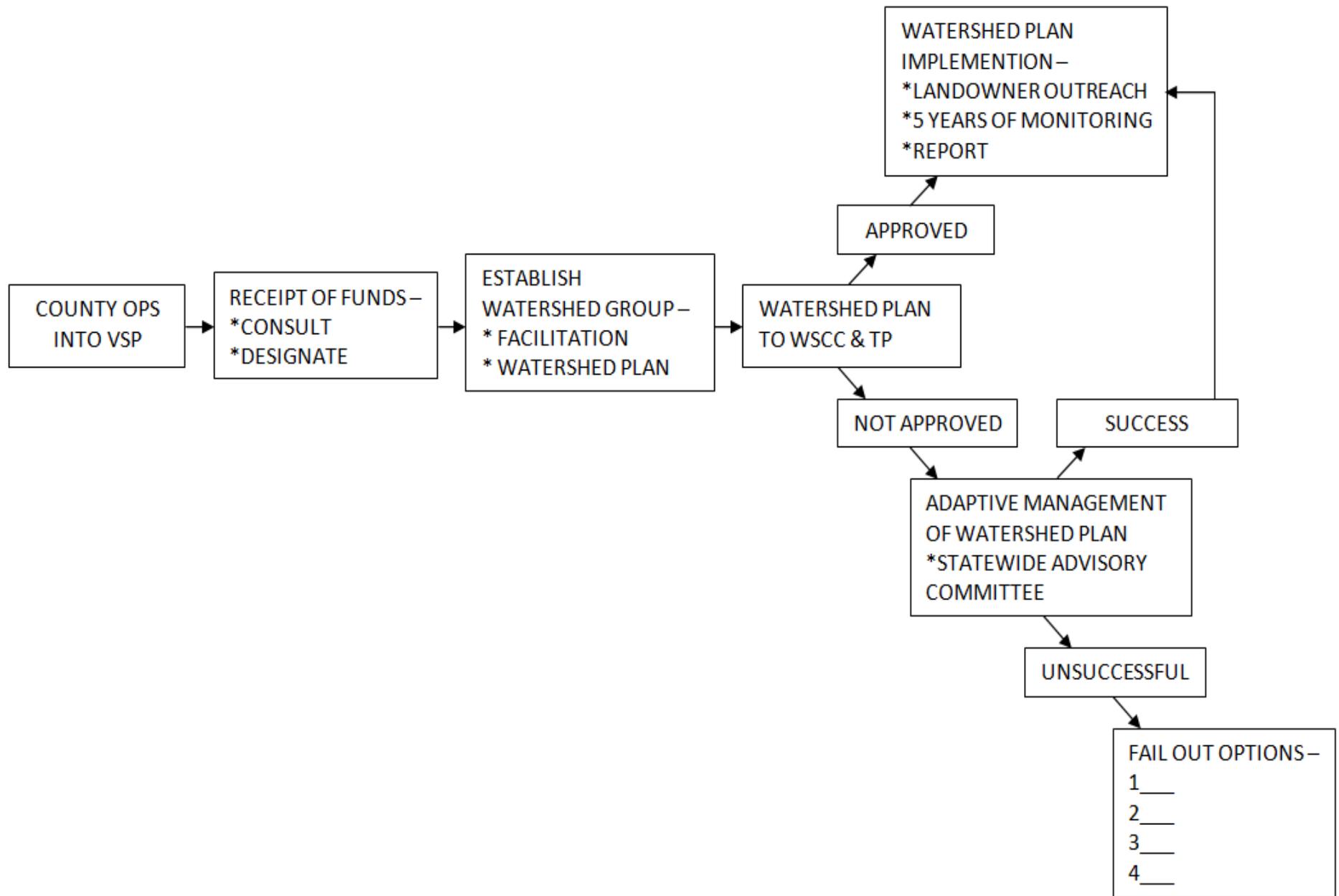
- Conduct periodic evaluations, institute adaptive management, and provide a written report of the status of plans and accomplishments to the county and the Commission within 60 days after the end of each biennium;
- Assist state agencies in their monitoring programs; and
- Satisfy any other reporting 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





BUDGET

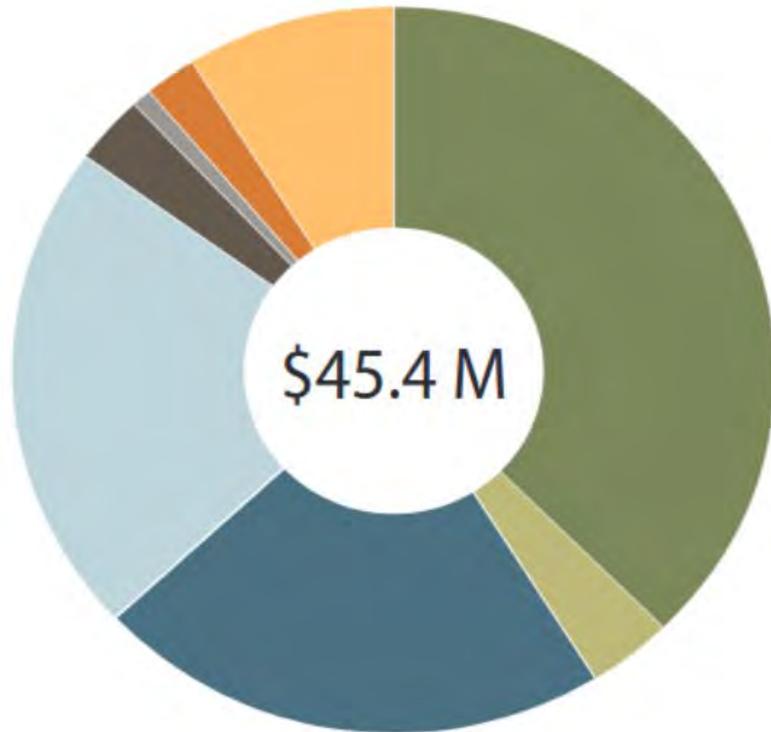
BUDGET



- Legislature → State Conservation Commission (SCC) → Counties
- State fiscal year (FY) cycle – every 2 years, beginning on July 1, ending two years later on June 30
 - FY 15-17
 - \$270,000 per county (\$135,000 per year)
 - FY 17-19
 - \$220,000 per county (\$110,000 per year)
- SCC seeking \$250,000 per county for FY 19-21



2019-21 Biennium Operating Budget Request



VOLUNTARY STEWARDSHIP PROGRAM (VSP) - \$9,925,000

What it does: Ensures the successful implementation of county VSP work plans, including monitoring and reporting on the results of this work. Funded activities will protect critical areas and the viability of Washington's agriculture. It also includes funding for 12 non-VSP counties to implement similar programs that protect critical areas.

If unfunded, what are the impacts?

- VSP work groups likely will be unable to fully implement their approved work plans.
- Negotiated solutions to voluntarily meet goals and objectives in accordance with the Growth Management Act will fail, and previous state investments in these efforts will be lost.

VSP OPERATING BUDGET

- \$6.75M (\$250K x 27 counties)
 - 1 FTE for implementation -
 - Staff work group
 - Outreach & education
 - Monitoring
 - Recording & processing data
 - 2 year & 5 year reporting
 - **Seek project funding**
 - Ensure statutory compliance



VSP OPERATING BUDGET

- \$500K SCC VSP administration
 - 1 FTE + % of 4 other FTE's
 - Tech Panel – staff serve
 - Statewide Advisory Committee
 - Administration, policy, procedure
 - Outreach & education
 - Reporting
 - VSP web page



VSP OPERATING BUDGET

- \$600K Other Agencies (WDFW, WSDA, ECY)
 - % of 3 FTE's
 - Tech Panel
 - Staff serve
 - Review & evaluate work plans
 - Monitoring in the field



VSP OPERATING BUDGET

- \$1.5M (\$250K x 6 counties)
 - 1 FTE for non-VSP county voluntary BMP implementation -
 - Outreach & education
 - Monitoring
 - Recording & processing data
 - Seek project funding
 - Ensure county compliance with GMA



VSP OPERATING BUDGET

- \$757K WDFW High Resolution Change Detection ([HRCD](#))
 - 0.5 FTE & data analysis
 - Based on average cost to develop the data (\$18,5K per county)
 - Outreach & education to VSP groups



ROLES DURING IMPLEMENTATION

CONSERVATION COMMISSION

- Review & evaluate program success & effectiveness
 - Technical Panel
 - Statewide Advisory Committee
- Make appropriate changes to policies & procedures for implementation
- Review & evaluate 2 & 5 year reports
- Report to the Legislature



VSP TECHNICAL PANEL



- Four state agency representatives:
 - WDFW – Keith Folkerts
 - WSDA – Kelly McLain
 - ECY – Lauren Driscoll, Heather Bush
 - SCC – Brian Cochrane
- Approved VSP work plans
- Review & evaluate work plan performance
- Review & evaluate 5 year status reports

STATEWIDE ADVISORY COMMITTEE



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

VSP TECHNICAL PANEL & SAC

- Work plan approval process – April 2017 - November 2018
 - 18 months
 - 38 meetings
 - 5,330 work plan pages
 - Excluding appendices & etc.
~7,000 pages
 - 51 meetings going back to September 2016 (26 months)



OTHER STATE AGENCIES



- Four state agency representatives on the Technical Panel (WDFW, WSDA, ECY, SCC)
- *“Cooperate & collaborate to implement the program”*
- Assist work groups with monitoring
 - New monitoring must focus on the goals & benchmarks of the plan
- Department of Commerce
 - WAC Chapter 365-191

WATERSHED WORK GROUP

- Oversees implementation
- Provides leadership at the local level
- Meets regularly
- Participates in outreach efforts
- Fosters & builds partnerships with other natural resource entities
- Provides direction & oversight to the VSP Technical Service Provider (TSP)
- Establishes a succession plan
- Continue to seek broad representation of key watershed stakeholders to serve



WATERSHED WORK GROUP



- Budget coordination with the other entities implementing VSP
- Every 2 years, periodically evaluates (programmatic, economic, and resource) & reports on the VSP
- Adaptively manage implementation if not meeting the established goals & benchmarks
- Every 5 years, report to the Commission & the County on whether the work plan's protection & enhancement goals & benchmarks have been met

WATERSHED WORK GROUP



- Success depends on on-going communication, cooperation, understanding, & drive to achieve the goals & objectives of the VSP by all the participants -
 - Productive, supportive & clear relationships
 - Contracts or agreements covering all deliverables or requirements
 - Clear, continuous, regular and meaningful communication
 - County, Watershed work group, TSP & County staff

INDIVIDUAL GROUP MEMBERS

- Be familiar with the county's work plan
- Obtain training on VSP -
 - Background
 - History
 - Watershed work group functions & governance
- Ensure that the duties & timelines of the work plan & VSP are being met either by
 - Their own actions
 - The actions of the County
 - The actions of the TSP



COUNTY COMMISSIONERS

- 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 – SCC CONTRACT



- 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

COUNTY FINANCIAL STAFF – SCC CONTRACT



- Obtain & review the County-SCC contract
 - Extract deliverables
 - Create timetables & reminders
- Obtain ancillary agreements from others working to implement (TSP, consultants, etc.) – provide to SCC
- Coordinate with the TSP on the implementation budget
- Coordinate with SCC financial staff (Karla Heinitz (kheinitz@scc.wa.gov, 360-407-6212))

TECHNICAL SERVICE PROVIDER

- Designated in the work plan
- Read the plan, extract -
 - Deliverables
 - Timelines
 - Project management pieces
- Create a project management plan
- Coordinate with county financial staff on the implementation budget
- If acting as the responsible party for implementation on behalf of the county, assume all the duties of the county financial staff & SCC contract



REPORTING

2 YEAR REPORTS

- Within 60 days of the end of each biennium (August 30)
 - *Conduct periodic evaluations, institute adaptive management, & provide a written report of the status of plans & accomplishments to the county & to the commission*



5 YEAR REPORTS



- *Report to the SCC and the county on whether the work plan's protection and enhancement goals and benchmarks have been met*
- State agency evaluation of progress may disagree with the watershed group
- The watershed group, & thus the county, may be kicked out of VSP if not achieving 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

Chelan & Thurston - July 20, 2019

Kittitas - November 17, 2020
Mason - November 24, 2020
Garfield - November 30, 2020

Asotin & Grant - December 14, 2020
San Juan - December 21, 2020
Cowlitz & Pacific - December 22, 2020
Okanogan - December 28, 2020

Benton - January 12, 2021
Skagit & Whitman - January 19, 2021
Columbia - January 20, 2021
Yakima - January 21, 2021
Douglas - January 22, 2021

Pend Oreille - February 2, 2021
Franklin - February 24, 2021

Walla Walla - March 7, 2021
Stevens - March 10, 2021
Ferry - March 14, 2021
Grays Harbor & Lincoln - March 21, 2021

Lewis - April 18, 2021
Spokane - April 22, 2021

Adams - May 23, 2021

LANDOWNER PARTICIPATION

WHY PARTICIPATE?



- “Traditional GMA” uses a regulatory approach – required buffers on each parcel with critical areas
- VSP is different – it uses a voluntary approach –
 - Individual Stewardship Plans and voluntary incentive programs
 - Best management practices
 - Those 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

WHY PARTICIPATE?



- “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
- 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
 - Agricultural viability to be maintained – new!
 - Baseline is July 22, 2011 – captures work done since then to protect critical areas
 - Demonstrate regulation not the only solution

VOLUNTARY IMPLEMENTATION



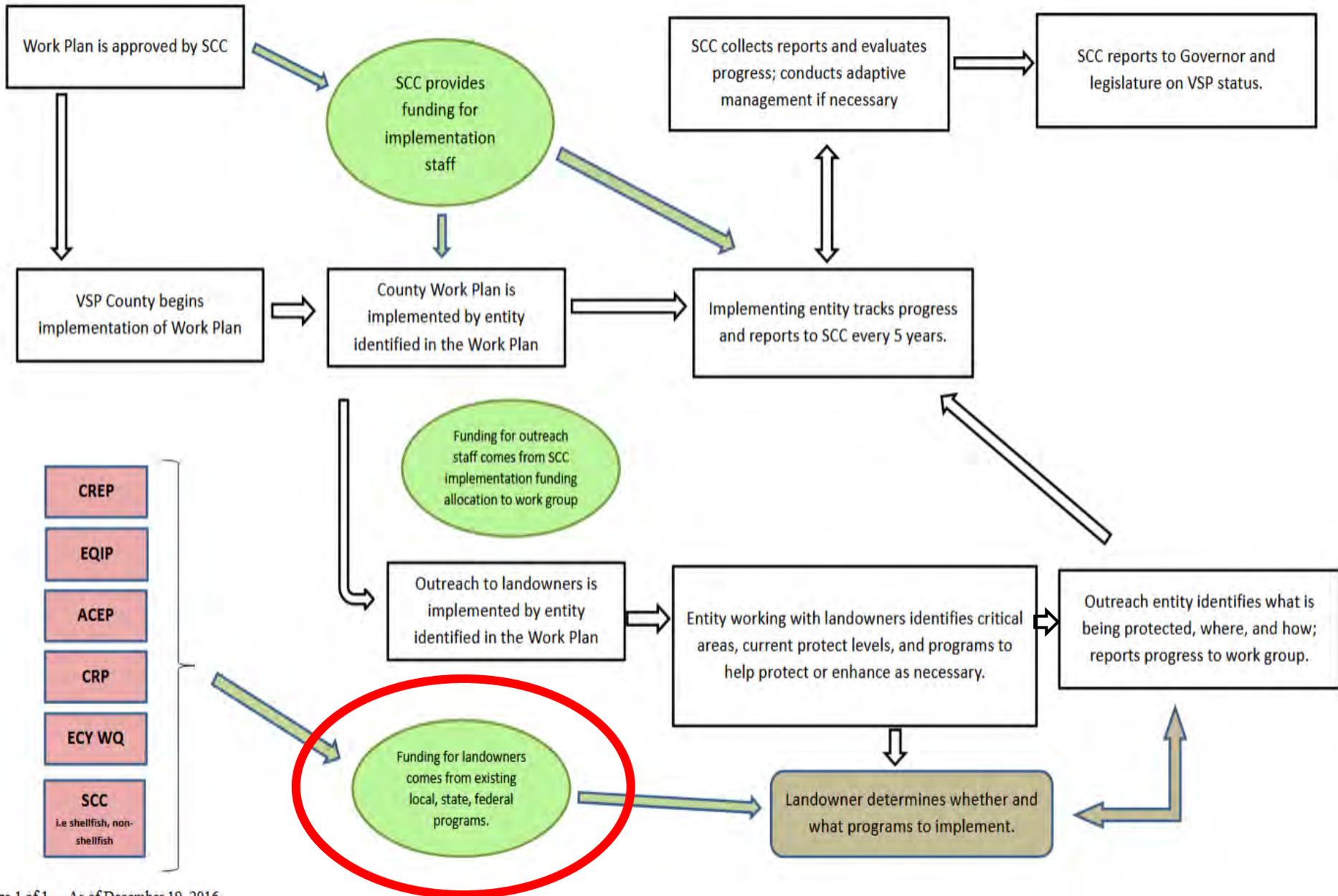
- If the Watershed work group determines that additional or different practices are needed to achieve the Work plan's goals & benchmarks, the agricultural operator
 - Is not required to implement those practices, but may choose to
 - An agricultural operator participating in the program may withdraw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

“LEVERAGE EXISTING RESOURCES”



- Existing incentive programs are available to fund BMP's identified in landowner stewardship plans & work plans (examples):
 - **State**
 - CREP – Conservation Reserve Enhancement Program
 - Conservation District programs
 - Ecology water quality grants
 - **Federal**
 - EQIP – Environmental Quality Incentive Program
 - CSP – Conservation Stewardship Program

Flow Diagram for VSP Funding After Work Plan Approval



PARTICIPATION



- Primarily through Individual Stewardship Plans (ISP's)
 - Landowner participants engage with the VSP through ISP's which detail which best management practices (BMP's) 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.

PARTICIPATION

- Contact your county
- Each county is implementing VSP differently
- All use Technical Service Providers (TSP's) to implement VSP, but those TSP's could be conservation districts, private consultants, county staff, Extension, or others



**FAILURE
OF THE WORK PLAN**

WORK PLAN FAILURE

- Fail-out –
 - When the goals & benchmarks of the work plan are not being met & the watershed group fails to adaptively management to get back on track
- Insufficient funding –
 - *Commission's determination*
 - *“Not received adequate funding to implement”*
 - *Applies to county, departments & watershed*



WORK PLAN FAIL-OUT



- When the Director of the SCC concludes failure to meet goals & failure to develop adaptive management plan –
 - Work with stakeholder group
- If, after 6 months, 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*

WORK PLAN FAIL-OUT ACTIONS

- County has 18 months to -
 - Develop, adopt & implement a work plan approved by Commerce
 - Adopt development regulations previously adopted by another (Clallam, Clark, King, Whatcom)
 - Adopt development regulations certified by Commerce
 - Review & if necessary, revise development regulations adopted under this chapter



APPEALS OF VSP DECISIONS

- Administrative Procedures Act
 - For SCC action of approval of the work plan
 - Appeal to superior court
- Growth Management Hearings Board – fail-out scenarios -
 - Commerce approval of a work plan not in compliance
 - Commerce regs not regionally applicable
 - Commerce certification erroneous



**AVAILABLE ON-LINE
RESOURCES**

VSP WEB PAGE



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.



[Program Background](#)

[Resources for VSP Administrators:](#)

[Implementation](#)

[Newsletters](#)

[Statewide Advisory Committee](#)

[Technical Panel](#)

Contact:

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State Conservation Commission
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CONSERVATION DISTRICTS
OF WASHINGTON STATE

your window to healthy lands

VSP WEB PAGE

YAKIMA

VSP Work Plan:

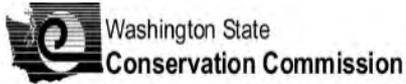
- [Yakima County work plan](#) - approved October 27, 2017.

Contacts and information:

- [Yakima County VSP website](#)
- Contact: [Lynn Deitrick](#), Planning Division, 509-574-2300
- [VSP Resolution 14-201-2](#)



VSP NEWSLETTER



October 2018 VSP Newsletter

This 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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Washington State
Conservation Commission